



PART III

OMBUDSMAN ACTIONS

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I. Introduction

In order to encourage residents to lodge real-name complaints or reports and strengthen their awareness of lodging complaints or reports in a responsible manner, the CCAC took a series of concrete measures in its promotion and education work and the application of information technology to its complaint system. The CCAC has, via different channels, reiterated that real-name complaints or reports will be protected by its confidentiality mechanism and has also taken new measures to give face-to-face notifications and explanations to residents about the cases – all in a bid to highlight the pros of real-name complaints for direct communication and interaction.

In 2021, the CCAC remained its down-to-earth spirit and impartially verified the facts of each case in an objective and careful manner. Moreover, rather than only solve the apparent problems, it attached more importance to carrying out in-depth investigations into their causes, particularly the inadequacies of the administrative systems, the legality and rationality of the related administrative acts and other deep-rooted problems. Therefore, a few cases with the same or similar objectives were consolidated and handled together by the CCAC when conditions permitted and the comprehensive investigation mechanism was actively adopted. As a result, there was a tremendous decrease in the case backlogs and the CCAC was also able to collate the administrative phenomena found in some cases and analyse them in a centralised manner, which enabled it to give its opinions to the departments or administrative bodies concerned in a unified way so that they may follow up and handle them effectively. The CCAC consolidated 28 inquiry files involving illegal works into a comprehensive investigation file and issued opinions on holistic improvement to the former Land, Public Works and Transport Bureau (currently the Land and Urban Construction Bureau) so as to urge the relevant authority to effectively exercise its powers and responsibilities vested by the *Legal Regime of Urban Construction*. As regards the comprehensive investigation targeting the Education Development Fund, the CCAC first dispatched staff from both the Anti-Corruption Bureau and the Ombudsman Bureau to carry out on-site investigative action, which aimed to enhance the efficiency and the level of precision of investigation through internal information exchange.

In 2021, the CCAC paid particular attention to the idea of “shaping the mindset and setting the record straight”. In quite many cases under inquiries, it was found that residents’ understanding and recognition of administrative bodies and their acts could have been enhanced through communication and instruction, thus avoiding incomprehension, misunderstanding and dissatisfaction. To put it simply, transparency may increase residents’ confidence and trust in administrative bodies. Therefore, in many of its cases under inquiries, in

addition to carrying out investigation and analysis upon request, the CCAC also tried to identify the crux of the problems according to its powers and functions so as to minimise residents' misunderstanding and grievance and reflected its opinions to the relevant departments or administrative bodies. It suggested that they should strengthen communication with the residents and make verifications to them as the problem-solving direction.

It is commendable that the relevant departments or administrative bodies readily accepted the CCAC's opinions and that some of them even positively initiated interdepartmental cooperation and communication mechanisms. In response to the replies of the departments, the CCAC did not hesitate to include them in the list of "retrospective review" so as to track the relevant improvements in the future.

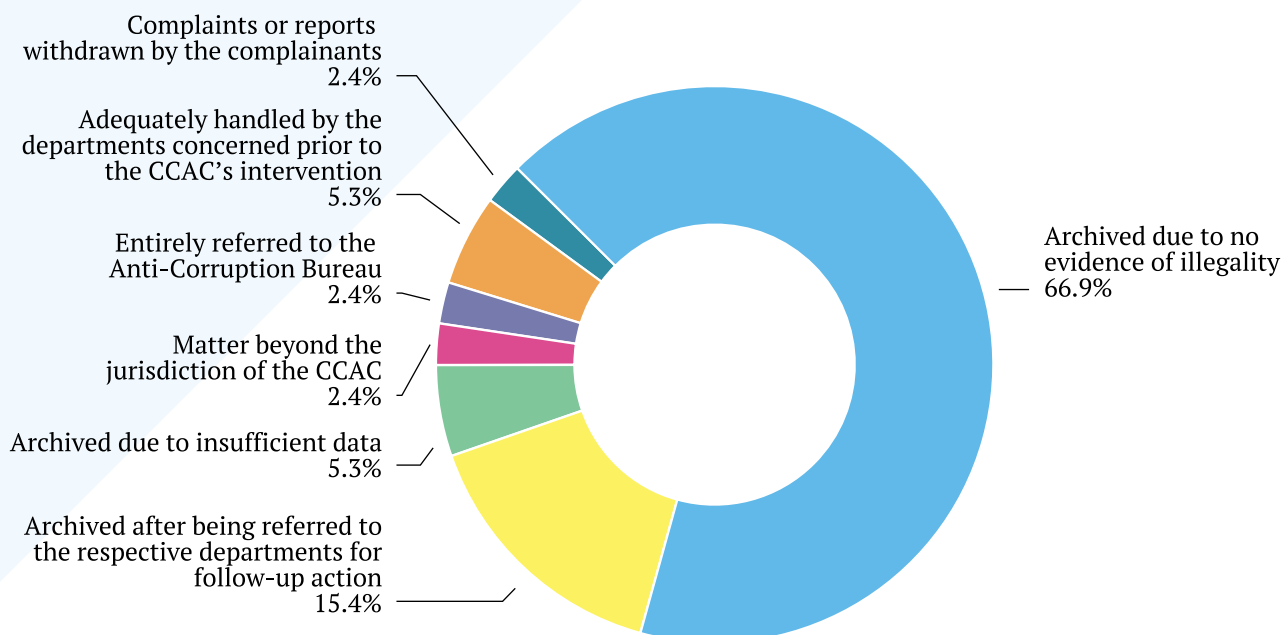
While the CCAC encourages residents to lodge responsible complaints and reports, it condemns those proved to be groundless or involve misuse of the complaint mechanisms. Those cases with content proved to be unfounded had wasted considerable resources of the CCAC on investigation and those of the relevant departments on response making. Such irresponsible complaints turned out to have simply increased the burdens of the departments, particularly when all departments are diligently devoted to anti-pandemic work at the moment. Therefore, the CCAC again had to urge that complaints should be made in a responsible manner and based on facts. The CCAC also, as always, publicly urges residents to keep the principle of confidentiality in mind regardless of what acts have been performed in the course of lodging complaints or reports to the CCAC and that their public remarks should be made in a responsible manner.

Up to 31st December 2021, a total of 226 cases were placed on file by the Ombudsman Bureau of the CCAC, of which 221 were under inquiries and five were under comprehensive investigations.

Along with the cases carried forward from the previous year, the Ombudsman Bureau concluded a total of 169 cases, of which 166 were under inquiries. There was a decrease in concluded cases in the year compared to 2020, which was mainly attributed to the fact that the CCAC rendered full support to the work to ensure clean elections in 2021 and that a few comprehensive investigation case files were opened at one time. The CCAC already completed investigations of three of such cases and published reports on them.

Among the 169 cases archived, there were four entirely referred to the Anti-Corruption Bureau for handling, four archived due to withdrawal of complaints or reports by the complainants, nine archived due to insufficient data, four archived due to their not falling within the jurisdiction of the CCAC, 113 archived due to no evidence of administrative illegality or irregularity, 26 archived after the respective departments had been requested to handle them and the opinions given had been accepted or promises of handling them had been made and nine adequately handled by the departments concerned prior to the CCAC's intervention. Six of the aforesaid cases, albeit archived, were included in the list of "retrospective review" for 2021.

Cases concluded by the Ombudsman Bureau in 2021



II. Comprehensive investigation summaries

(I)

“Investigation report on the fire shutters of Edifício do Bairro da Ilha Verde”

Between the end of 2018 and the beginning of 2019, the fire shutters at the underground car park and the podium of the economic housing complex “Edifício do Bairro da Ilha Verde” failed to meet the relevant requirements and thus did not pass the inspection and acceptance. Upon interdepartmental working meetings, it was decided that 100 fire shutters would be replaced. The cost of the relevant works amounted to over MOP12 million. The incident widely aroused social concerns and sparked queries as to whether illicit acts were involved. The CCAC was therefore very concerned about it and started to receive complaints and opinions from residents and different groups consecutively. In response, the CCAC placed the case on file for an inquiry and even commenced a comprehensive investigation at a later time so as to carry out a profound investigation.

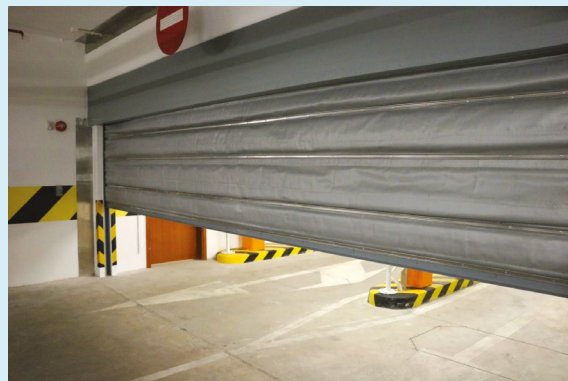
According to the *Fire Safety Regulation*, the fire shutters used in buildings should have fire and thermal insulation functions. From the vetting and approval process for the construction plan for Edifício do Bairro da Ilha Verde and the documents such as quotation of the materials of the fire shutters, opinions raised by the former Infrastructure Development Office (GDI) or the Fire Services Bureau (CB) against the fire shutters to be used were not seen. In the construction process, the CB never clearly indicated any opinions regarding thermal insulation in the Opinions on fire safety it made. In fact, the CB and the former Land, Public Works and Transport Bureau (currently the Land and Urban Construction Bureau, hereinafter referred to as the former DSSOPT) did not bring up the relevant problem until the completion of installation of all the fire shutters approved to be used as well as the construction works. As a result, the fire shutters at the underground car park and the podium of the housing complex failed to meet the relevant requirements and thus did not pass the inspection and acceptance.

According to the comprehensive analysis made by the CCAC based on the market survey it had conducted, it could not be concluded that there was administrative illegality or irregularity in the direct award of the fire shutter replacement works contract to the original contractor. Also, it was not found that the prices quoted by the contractor clearly deviated from the market prices.

However, according to the investigation, the CB considered that it was unlikely that thermal energy may cause chances of catching fire through fire shutters or fire doors. The former DSSOPT also compared the relevant regulations of Hong Kong, the United Kingdom and Portugal, where it found that it is generally acceptable that fire shutters or fire doors have only fire insulation function but no thermal insulation

function. Nevertheless, given that the aforesaid facts did not hinder Macao from adopting more strict standards, the two bureaux, in as early as February 2017, reached a consensus that the requirement for thermal insulation of the fire shutters could be satisfied through an alternative plan on condition that the conditions of escape and inhibition of the spread of fire were not poorer than the original ones. However, the Urbanisation Department of the former DSSOPT had not given any concrete guidelines to realise the said consensus for a protracted period of time.

It even did not notify the Public Construction Department, another department of the former DSSOPT, to standardise the practices adopted by the bureau. As a result, the standard of fire resistance class of fire shutters was not applied to some of the public construction projects. Neither did the former DSSOPT update other public departments including the former GDI on the standard. The DSSOPT and the CB allowed the sector to adopt alternative measures in practice, but they still required the GDI to replace the fire shutters of the Edifício do Bairro da Ilha Verde. Therefore, despite that the GDI's decision, that is, replacing the fire shutters for the purpose of making the Edifício do Bairro da Ilha Verde construction project comply with the *Fire Safety Regulation*, adhered to the principle of legality, the rationality of the decision was inevitably in doubt.



The incident of replacing the fire shutters of Edifício do Bairro da Ilha Verde aroused public concern

The CCAC also considered that the IH and the former GDI were not clear about their respective competences and functions regarding construction of economic housing buildings. The *Economic Housing Law* empowers the IH to supervise and coordinate the construction of economic housing buildings, which means that the bureau's role and function have been transformed from that of a user or the representative of users into the one who promotes economic housing construction. However, in the entire process of the construction of Edifício do Bairro da Ilha Verde, neither the IH nor the former GDI proactively took any action or measures to cooperate with each other. The personnel of the two bureaux only treated the IH as a user. In fact, the former GDI took all the responsibilities of inspection, supervision and coordination of the works.

According to the law, in the course of constructing economic housing buildings, Opinions from the CB or the CB's inspection report including the fire resistance test of fire shutters must be obtained. However, the CB had all along believed that its Opinions were not binding, and that the implementation of the regulations of fire resistance class of fire shutters should fall within the powers of the former DSSOPT and the CB itself should only facilitate the implementation. Therefore, it never expressly gave its opinions in its Opinions or inspection reports. In this case, in the reply to the former GDI concerning the Opinion on the fire resistance

test report on the materials of the fire shutters of Edifício do Bairro da Ilha Verde and in the inspection report concerning the inspection of the social facilities at the podium of that building, the CB only indicated such opinions on the materials of fire resistance class respectively: “therefore the DSSOPT’s opinion is necessary” and “therefore the competent department’s opinion is necessary”. As a result, the staff of the former DSSOPT interpreted the aforesaid indications as “the fire shutters were without the function of thermal insulation”. They then, in the meeting held on 7th November 2018, indicated that the fire shutters in the building could not pass the inspection and acceptance because they lacked thermal insulation function and requested the former GDI to replace them all.

The CCAC believed that the CB’s interpretation of the provisions of the *Fire Safety Regulation*, particularly on whether the fire shutters conformed to the legal requirements, was certainly authoritative. Despite there is not any stipulation in the legislation in force that the opinions given by the CB are binding, pursuant to Paragraph 7 of Article 7 of the regulation, according to the general law, appeal could be lodged against the decision of issuance of licence by the former DSSOPT which was based on the opinions of the CB. It could be seen that such opinions were not completely without binding or external effect. In addition, the *Fire Safety Regulation* does not compulsorily require car parks to be divided into fire compartments and to install fire shutters. It was the public works and fire safety departments that had reached a consensus on applying stricter requirements. Since the competent authorities decided to adopt stricter standards for the purpose of protecting life and property of residents, they should have communicated well and shared information with all the departments or parties involved for the issues they had reached consensus on so as to avoid the situations of “information islands” due to lack of communication among the departments. However, the said situation had caused that the fire resistance performance of the fire shutters in question was brought up as late as when Edifício do Bairro da Ilha Verde was subject to the building inspection and completion inspection.

Upon completion of the investigation, the CCAC, according to the law, submitted the report with improvement suggestions to the Chief Executive, where it suggested that all departments or at least their senior management personnel should pay due regard to the legislation of their departments or authorities and even consider adopting appropriate measures to carry out law popularisation and training internally. Also, to comply with the principles and spirit of protecting life and property of residents enshrined in the *Fire Safety Regulation*, the CB should recognise its own professional authority, act as a tight gatekeeper by fully looking into the fire safety issues in building construction and give opinions on fire safety to the relevant departments clearly and accurately. With regard to law enforcement standards and change of handling methods related to construction works, the former DSSOPT should effectively notify the sector or the departments involved of the relevant information so as to increase the transparency and maintain the consistence of law enforcement.

With regard to the handling of fire resistance classes of fire shutters, the former DSSOPT and the CB should announce it internally and to the public after reaching a consensus. It should strengthen communication with its subordinate departments and must regularly share information with the sector and other departments or authorities involved in construction works. The SAR Government should also draw on the experience from the situations reflected in the case and cultivate the awareness of interdepartmental coordination and cooperation.

All the departments concerned publicly expressed that they attached great importance to the aforesaid recommendations and suggestions of the CCAC. The CB promised that, in order to effectively perform their statutory functions with professional skills, they would seriously review their existing operation pattern and conduct internal training so that personnel may have thorough understanding of the provisions of the *Fire Safety Regulation* and would also strengthen communication and cooperation with the departments with the relevant responsibilities. According to the former DSSOPT, they would seriously follow up the issues and opinions mentioned in the report, address the inadequacies and maintain close liaison with the relevant departments and sectors in order to ensure that the fire protection facilities of buildings conform to the provisions of the existing legislation. The IH also said they would perform its statutory role in economic housing projects in a proper manner, including effectively coordinating and supervising the economic housing projects and, as both a project developer and a user, carrying out coordination and division of work among all the departments and bodies involved so as to make best use of resources to increase the effectiveness of economic housing construction.

With the publication of the *Legal Regime of Urban Construction* and the *Legal Regime for Fire Safety in Buildings and Premises* by the Government on 16th August 2021, the CCAC will continue to keep an eye on the implementation of the new legislation by the competent bodies.

(II)

"Comprehensive investigation on illegal works"

The CCAC has all along been attaching great importance and paying close attention to residents' appeals against the competent bodies for their inadequate handling, low efficiency and ineffective combat efforts in terms of dealing with illegal works.

In the past, as regards issues related to illegal works, the CCAC conducted inspections on the systems and operation of the public work authorities. It also put forward some improvement suggestions at the legislation level and on practical and operational aspects. In response, the authorities concerned promised that they would take steps to improve the implementation and amendment of legislation and to enhance promotion of law-abiding awareness.



As regards illegal work issues, the CCAC conducted various inspections on the authorities

Afterwards, the former Land, Public Works and Transport Bureau (DSSOPT) (currently the Land and Urban Construction Bureau) rolled out a few different measures, such as establishing an "interdepartmental group for demolishing illegal works", introducing an evaluation system used to handle cases based on the "grading, classification, and priority", handling new illegal works detected at about the same time at new buildings "in batches", publishing the *Guidelines on Anti-theft and Safety Facilities for Buildings* and the *Guidelines on the Demolition of Illegal Works*. It hoped that these measures would gradually be able to solve the problems relating to illegal works and serve the purpose of freezing the current status and curbing the increase of new unauthorised building works or refurbishment of such building works.

Nevertheless, since the implementation of the aforesaid measures, the CCAC has still been receiving complaints or reports against the authorities for ineffective handling of illegal works, which demonstrates that illegal works are still being handled inefficiently.

Beyond doubt, the operational problems of handling illegal works are partly attributed to the inadequacies of the legal systems. As such, the CCAC has all along been giving sufficient time and space for the former DSSOPT to solve and improve the problems as well as to submit the relevant draft law. It has also been paying close attention to the amendment progress of the relevant law.

As the *Legal Regime of Urban Construction* and the *Legal Regime for Fire Safety in Buildings and Premises* published on 16th August 2021 will come into effect after one year from their publication, it is foreseeable that they should be able to prevent the problems arising from those inadequacies and loopholes of the legal systems. In particular, the relevant competent departments will be vested with more clear and definite law enforcement powers.

As the problems in the legal aspect were getting improved, the CCAC consolidated 28 cases involving illegal works being processed and completed the first phase of investigation work in the form of comprehensive investigation. After comprehensively collating the progresses of the relevant administrative procedures carried out by the former DSSOPT, the CCAC, through official letters, reflected the problems and issued opinions to the competent bodies collectively, where it urged the authorities to seriously look at and review the operational problems. They are also urged to adjust their strategies and lay down new law enforcement proposals based on the new legislation, where they should pay particular attention to ways and methods, so as to increase the administrative efficiency and transparency of handling illegal works and to effectively respond to the aspirations of the community on properly solving the problems concerning illegal works.

Therefore, not only should the authorities increase the efficiency of handling new cases, they should also expedite the handling of case backlogs. The CCAC also clearly notified the authorities that the cases involving illegal works had been included in the list of “retrospective review” and will be subject to review in a timely and appropriate manner.

(III)

“Comprehensive investigation report on the granting of subsidy for School Development Plan by the Education Development Fund”



The CCAC urged the authorities to take remedy measures to plug the loopholes existing in application for Subsidy for School Development Plan

In September 2020, there was a criminal case involving the former principal and the former vice-principal of a school in the Macao district who allegedly embezzled the subsidy from the “School Development Plan” applied by the school to the Education Development Fund (hereinafter “FDE”). The Commissioner Against Corruption, according to the Chief Executive’s instructions, immediately ordered the Anti-Corruption Bureau and the Ombudsman Bureau to carry out a joint investigation. It was the first time the staff of the two Bureaux concurrently stationed at the department for on-site inspection in order to investigate the

case of grant of subsidy by the FDE and even the operation systems such as the vetting and approval from different perspectives and in different approaches. The Ombudsman Bureau launched a comprehensive investigation to review the situations of the granting of the subsidies for the “School Development Plan” by the FDE to more than 70 non-profit and non-tertiary private schools (over 100 sections) in Macao over the past academic years and examine the loopholes and inadequacies concerning the mechanism of inspection and granting of subsidies in order to verify if there were administrative illegalities or improprieties.

It was found in the investigation that there were various loopholes in the rules and regulations of the “School Development Plan” Subsidy Application established by the FDE. In the phases of analysis of subsidy granting, vetting and approval, issuance of subsidy and supervision, there was a certain degree of vagueness over the knowledge and acts of the FDE. Even after some of the problems were revealed by the Commission of Audit in the performance audit report entitled “The Supervision on Financial Subsidy for Private Schools” in 2015, the improvement work of the FDE still did not appear to be holistic and satisfactorily done, giving rise to many irregular situations that were foreseeable or preventable.

Concerning the vetting and approval of applications, the FDE neither strictly complied with the rules and regulations of the subsidy applications that it prepared to approve subsidies nor strictly followed the requirement of submission deadline and other specific requirements for the documents for vetting and

approval. Also, it did not pay sufficient attention to the rationality of duplicated application for subsidies for the same matters. Regarding the supervision of the reporting stage, the FDE failed to execute the stipulation under the *Regulations of the Education Development Fund on Granting Financial Assistance*, which required the schools to submit interim reports on the technical execution and financial situations of the subsidised projects or activities. The supervisory works were merely based on the reports and documentary proofs submitted by the schools in the reporting stage. Regarding the subsidised projects under the “medium/long term plan”, the supervision carried out by the FDE was feeble and loose, as it barely required the schools to submit proofs such as numbered invoices or receipts. Instead, it simply accepted the data such as rough reports and tables.

The CCAC also discovered that the on-site inspection in the schools carried out by the staff of the FDE twice a year was merely a formality. The FDE did not strictly follow up the matters about the equipment and durable goods and therefore it failed to have a full picture of which assets were indeed procured with the subsidy. Moreover, the FDE even let the applicants place, collect, remove and destruct the construction works and assets procured with public money in an arbitrary manner. Waste of public assets and money was commonly seen. In comparison with other funds, the FDE was much weaker in requiring the schools to implement an assets management mechanism for the purpose of supervision. The FDE also had no idea of how to supervise the contractors. Neither there was express provision that required the grantees to strictly supervise the contractors nor a mechanism to directly supervise such private entities.

In addition, the FDE permitted the applicants to manage and “reallocate” the granted subsidy according to their will. Even for expenditure of an urgent nature such as ad hoc projects involving repair, insurance, water and electricity which did not have prior applications, some of the staff also permitted the applicants to flexibly allocate the subsidy among different expenditures on their own. As long as the subsidy amount was within the total application limit amount requested and granted, the staff of the FDE would also accept it.

As far as the knowledge and application of law is concerned, the CCAC found that the FDE had forgotten the applicable refund mechanism provided by the law, which constituted administrative illegality without doubt. When it came to the execution of the mechanism of concurrent receiving of financial support, the FDE’s attitude seemed to be neglectful, as it never, by any means, requested or reminded the applicants to comply with the statutory regime of the concurrent receiving. In addition, the FDE took a passive attitude toward the inter-departmental inspection of concurrent receiving of subsidies. As it did not take the initiative to act in accordance with the law, administrative impropriety really existed.

It was also found in the investigation that although the information management system was not refined, the FDE still hastily went for paperless, which has caused serious deficiencies in the completeness of the case files of vetting and approval of the subsidy applications.

Admittedly, after the Commission of Audit publicised the audit report in 2015, the FDE has taken actions for improvement. Also, the FDE has been showing cooperative attitude to the CCAC's investigation and has reviewed and updated part of the rules and regulations of the "School Development Plan" Subsidy Application for academic year 2021/2022. For example, the revisions included cancellation of projects under the "medium/long term plan" and introduction of the projects not to be subsidised and stipulation that repeated purchase of equipment or materials was not supported. Moreover, in March 2021, the Education and Youth Development Bureau (hereinafter referred to as the DSEDJ) formed a specific internal auditing group and made an internal review report. However, the CCAC considered that some of the suggestions in the report were rather too general and there was still lack of concrete and practical solutions to many of the problems. Especially, when it comes to the supervision of the construction works involving subsidy with a considerably huge amount, it did not seem that the FDE had any specific consideration and prevention actions in order to preclude the occurrence of irregularities. Regarding more serious illegal situations such as failure to apply the regime of refund and the overlooking of the statutory regime of the concurrent receiving of financial support, the FDE mentioned nothing in said report. Therefore, the CCAC has highlighted the issues and publicly rendered recommendation that the FDE should act in accordance with the law. At the same time, the CCAC also suggested various measures for ensuring the rationality of operation and further improve the vetting and approval and the issuance of the relevant subsidies and the supervision.

Regarding the suggestions mentioned above, the DSEDJ, which is in charge of the FDE, gave a positive response and publicly stated that it would adopt measures for improvement, including enhancement of the supervisory mechanism, implementation of the refund mechanism in accordance with the law, compliance with the principle of earmarking, improvement of every step of the subsidising procedure and establishment of clear guidelines. The bureau will also gradually request the schools submit financial reports of the projects involving subsidies of huge amounts verified by accountants, strengthen the recusal system applicable to its personnel and take remedial measures to deal with the cases where irregularities existed pointed out by the CCAC in the relevant report.

III. Inquiry case summaries

(I)

Explicit information is conducive to making accurate declarations

According to a complainant, in the course of getting his electric motorbike transported out of Macao for engine replacement, he filled in Format A of the Import and Export Declaration through the electronic Customs Declaration Services System run by Transferência Electrónica de Dados – Macau EDI VAN S.A. (TEDMEV) (currently run by the Economic and Technological Development Bureau) but did not find any columns in the form for filling in the brand, model and engine number of a vehicle. As a result, when his vehicle was re-imported to Macao, the relevant registration process was hampered due to the fact that the number of the replaced engine was at odds with that shown on the original import document. Doubting if there was administrative illegality or irregularity, he requested the CCAC to intervene and follow up the matter.

Upon investigation, it was found that the aforesaid problem stemmed from the use of a wrong declaration form filled in by the complainant. As the complainant only intended to have his vehicle transported out of Macao for a repair and re-imported back to the region afterwards, it should fall into the category of “temporary export” according to the law and he should have made the customs declaration with Format B (intended for temporary export) of the Import and Export Declaration, rather than Format A which is intended for “export”. The reason is that Format B allows one to fill in particulars of a vehicle, such as brand, model, VIN and engine number. As such, when it is re-imported back to Macao, it will not be identified as a different vehicle. Given the above situation, the CCAC did not find any administrative illegality or irregularity in this case.

However, the CCAC agreed that members of the general public are not necessarily clear about the customs declaration procedures of goods intended for export, import and transit, particularly when vehicles needing repairs are to be exported temporarily and re-imported, which falls into one of the “special categories” in customs clearance. As document formats of the electronic Customs Declaration Services System of the TEDMEV (currently run by the Economic and Technological Development Bureau) are provided by the respective departments or bodies, the CCAC gave its opinions to the Macao Customs Service directly and suggested that it consider strengthening promotion and education in the relevant aspect so declarants are clear about what type of declaration forms or licences to be submitted when going through customs declaration formalities via filling in paper forms or electronic means. This will help reduce the chance of filling in wrong declaration which could affect the subsequent handling procedures.

The Macao Customs Service said in a reply that it agreed with the CCAC on the aforesaid suggestions and pledged that it would positively make improvements, including providing supplementary information on exportation and re-importation of vehicles on its website and instructing frontline customs officers to remind people of using correct custom declaration documents when their vehicles needing repairs are to be exported temporarily and re-imported, which falls into one of the “special categories” in customs clearance. It will also have discussions with the sector on the existing customs declaration and clearance procedures as well as the room for improvement.

(II)

Make improvement positively and enhance supervision

A report claimed that some beneficiaries of the “Support Programme for the Production of Feature Films” launched by the Cultural Affairs Bureau (IC) failed to abide by the rules that require them to complete the production of the films within one year. It was doubted if the supervision of the IC was ineffective, and the CCAC was therefore requested to look into the matter.

According to the agreement signed between the IC and beneficiaries of the support programme, the latter should submit the initial-edition copy to the former within 12 months from the day of signing the agreement. If the beneficiary is unable to submit it by the specified deadline, he should request an extension in writing with justification one month in advance of the deadline. An extension of a maximum of six months is allowed only after the IC’s consent.

After the investigation, the CCAC found that the relevant beneficiaries already made applications for an extension by the deadlines for the submission of the initial-edition copies according to the rules of the programme. However, as the IC was not able to follow them up in time, the whole programme schedule got delayed. Later on, due to an outbreak of the novel coronavirus, the beneficiaries were not able to continue the shooting. After evaluating the actual situations of the beneficiaries, the IC extended the relevant submission deadline to the end of March 2021. In the end, all the beneficiaries were able to submit the initial-edition copies by the aforesaid deadline. The situations mentioned above were mainly attributed to manpower shortage, staff deployment, work arrangement and the pandemic. Administrative illegality or irregularity was not found.

During the investigation, the IC carried out reviews and learnt from the experience in a timely manner. It made some improvements on the content and procedures of the following round of the support programme by specifying the work and execution period for each phase and giving a designated execution timetable to

each beneficiary, which allows the personnel of the bureau to monitor the execution and record each item of work from the signing of the agreements to the end of subsidy granting. The responsible personnel will be required to periodically report to the superiors on the work progress and the problems encountered so as to strengthen the supervision on the work of the personnel.

The CCAC believed that the aforesaid proactive measures adopted by the IC would facilitate the bureau to supervise the execution of the programme, which not only may ensure that the programme can be completed on time and smoothly but may also prevent the similar problems from happening again.

(III)

Pandemic compensation is not for all

A report claimed that the personnel serving as secretaries of the Director-General of the Macao Customs Service also received compensation for the service they provided during the period when public servants were exempted from work due to an outbreak of the pandemic. The complainant believed there was administrative illegality and therefore requested the CCAC to intervene into and investigate the matter.

According to the *Organisation and Operation of the Customs Service*, the secretary of the Director-General receives a remuneration corresponding to 485 points of the salary index of the public service and may not receive any compensation for overtime work.

Regarding “whether or not a secretary may receive compensation for the service she has provided during the period when public servants are exempted from work due to an outbreak of the pandemic”, the Public Administration and Civil Service Bureau (SAFP) once gave its opinion to quite many departments. In its opinion, a personnel whose position is secretary has the obligation to return to work anytime whenever requested and may not receive any compensation when asked to provide service outside normal working hours. Therefore, if a personnel whose position is secretary is requested to provide service on a weekly rest day or a public holiday, she may not receive compensation for the overtime work as specified in the *Statute of Personnel of the Public Administration of Macao*. Likewise, for the situation where a personnel whose position is secretary has provided service during the period when public servants are exempted from work, the SAFP maintained that the method of handling such cases should be the same, despite that the compensation for providing service during the exemption from work for public servants is based on Article 199 of the *Statute of Personnel of the Public Administration of Macao* rather than the overtime work system provided for in Articles 79-H, 197 and 198 of the *Statute*.

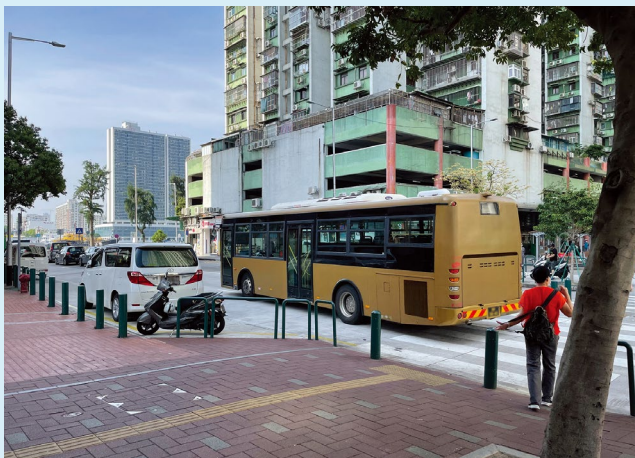
After investigation the CCAC ascertained that the involved secretaries of the Director-General of the Macao Customs Service provided service between 3rd February and 11th February 2020, which fell within the period when public servants were exempted from work due to the pandemic. The personnel involved were then included in the list of personnel entitled to compensation and did receive the compensation by deduction of the corresponding number of normal working hours afterwards. It is obvious that the handling of the situation by the Macao Customs Service contravened the aforesaid provisions and ran counter to the SAFP's opinion. As such, the CCAC reflected its opinion to the Macao Customs Service.

In its reply the Macao Custom Service said it agreed on the CCAC's opinion and immediately took measures to correct the relevant situation by revoking the content and effect relating to the secretary in the list of personnel entitled to compensation. It also, according to the wishes expressed by the secretaries, deducted the compensated working hours from their annual leave for 2021.

(IV)

Buses confuse residents as they cannot be easily recognised

A report claimed that some public bus company did not, according to the Concession Contract of Collective Passenger Road Transport Service (hereinafter referred to the "bus contract"), take measures to differentiate vehicles for operation from those for hire. As such, the complainant doubted if there was ineffective control and administrative irregularity by the Transport Bureau (DSAT) and requested the CCAC to intervene into and investigation the matter.



The colour of the buses for hire was changed successively so that the public may identify them

After investigation it was found that although the relevant bus company already, according to the rules of the contracts, submitted an application to the DSAT for measures to be taken to differentiate its vehicles by colour prior to the coming into effect of the contract, the DSAT had all along not approved it even after the contract already became effective. The DSAT even allowed the involved bus company not to differentiate its buses by colour for reasons of public interest, with the justification that the relevant buses for hire were used to carry casino employees to and from work - if the service was suspended, a great number of

casino employees would be affected, so would the public bus service. As a result, the colour of the buses for hire of the involved bus company used to carry casino workers was totally identical to that of its public buses. Therefore, the CCAC decided that the bus company involved clearly violated the relevant rules of the bus contract and this was caused by the acts and decisions of the DSAT. As the CCAC believed there might have been administrative illegality in this matter, it gave its opinion to the authorities in a serious manner and kept a close eye on it.

The DSAT finally completed the approval of the application of involved bus company for vehicle recognition methods in the first half of 2021. Afterwards, the colour of the relevant buses for hire was changed successively. The aforesaid chaos no longer exists.

(V)

Social responsibilities of nurseries should be communicated to the public and should be supervised

According to a complainant, in May 2021, his nursery received a phone call from a staff member of the Social Welfare Bureau (SWB) requesting that the child care service in his nursery should not be suspended during the summer holidays and interest classes should not be provided instead, despite that his nursery did not make such an application. The complainant doubted if the Bureau had treated him in a biased and unfair manner and therefore requested the CCAC to intervene into the matter.

Decree-Law no. 90/88/M (*Establishment of the general conditions to which social facilities for children, young people, the elderly, the disabled or general public are subject*) is intended to establish, in general terms, the conditions with which the creation and operation of social facilities intended to support children, young people, the disabled and the elderly must comply, no matter whether they are established by private entities for the purpose of social solidarity or for profit. The objective is to guarantee the quality of the services provided while the social ends pursued and the improvement of residents' social welfare are considered. As such, the SWB is vested with the power to supervise the facilities of nurseries and their activities. Therefore, a nursery must get approval from the SWB before it may suspend its child care service and organise interest classes during summer holidays.

It was found in the investigation that, due to the novel coronavirus in 2020, the SWB once took the initiatives to request nurseries to suspend their child care services. As the pandemic eased a little, some nurseries came to know that education centres may resume operation a bit earlier, so many of them immediately applied to the SWB for providing interest classes instead during the period when their child care

services had to be suspended. The applications were all approved by the SWB at that time. In April 2021, the SWB received inquiries from some nurseries about providing interest classes instead during the period of having to suspend their child care services. Taking into account that the pandemic situation had changed, the authorities had no intention to approve those applications and they therefore took the initiatives to contact the nurseries that made the relevant applications in 2020 and reminded that they should not suspend their child care services during the summer holidays and that they would not be approved to organise interest classes instead even though they suspended child care services.

Considering that the SWB only exercised the supervisory power vested in it by Decree-Law no. 90/88/M, the CCAC believed that there was no administrative illegality or irregularity and biases or unfairness. However, to achieve administrative transparency and sound governance, the CCAC issued an opinion to the SWB, where it suggested that its staff should particularly explain to the persons in charge of nurseries about the basic knowledge of the aforesaid decree-law about public interest of establishing nurseries, the operation norms and the supervisory power of the authorities, so that residents may have better understanding of the relevant law, realise their social responsibilities of establishing nurseries and have more confidence in the Government.

Later on, in the course of the follow-up work, the CCAC confirmed that the authorities had accepted the aforesaid opinion and put it into action.

(VI)

Information relating to approval of economic housing issues should be made available to public

According to a complaint made by an economic housing applicant, the Housing Bureau (IH) disqualified him as a selected buyer on the ground that his wife was once a household member of another economic housing unit before she died almost a decade ago. The bureau also announced that the administrative act of approving him to select a flat and sign a pre-contract agreement for the selected flat was invalid. Believing that there was a wrong application of law by the IH, the complainant requested the CCAC to intervene into the matter.

During the investigation, the IH reviewed again the case of the complainant and decided that his situation should not have been classified as that described in Subparagraph 5) of Paragraph 5 of Article 14 of the *Economic Housing Law*. It therefore reconfirmed the complainant's eligibility and followed up the subsequent key distribution procedures.



During the investigation, the IH rectified the problem relevant to application of law on its own initiative

Later on, as the complainant had not been arranged to sign a property transaction deed for the allocated flat for a protracted period of time, which he believed was caused by the IH's inefficient arrangement and handling of the economic housing issues, he requested the CCAC's intervention again.

Afterwards, it was verified that the horizontal property registration information of the relevant economic housing building was only provisional, and therefore the conditions of entering into a property transaction deed had yet to be met. In October 2019, the horizontal property ownership registration of the relevant economic housing building became definite. The IH issued a letter of authorisation in December in the same year and started to allow the signing of property transaction deeds for the relevant economic housing units. The complainant successfully entered into a property transaction deed for the relevant economic housing unit with the IH in the following year.

Due to the fact the IH rectified the problem relevant to application of law on its own initiative and that the signing of the deeds did not simply depend on its administrative acts or decisions, administrative illegality or irregularity could not be found in this case. However, it seemed that the complaint was also closely relevant to the communication between the administrative bodies and residents as well as the transparency of information.

(VII)

Unlawful absence found in exercise of competence

According to a report, there were various illegal and irregular situations existing in the administrative management of the Macao Polytechnic Institute (currently the Macao Polytechnic University). Therefore, the CCAC was requested to investigate the matters.

Following the investigation, it was unable to substantiate the facts being reported. However, in exercise of its competence, the CCAC found that there were administrative improprieties in the management of attendance of the personnel of the Macao Polytechnic Institute (currently the Macao Polytechnic University). In particular, teaching staff's unjustified absence was commonly seen. As to the situations where the

authenticity of the medical certificates submitted was doubtful, the Macao Polytechnic Institute (currently the Macao Polytechnic University) neither handled them appropriately in accordance with the law or the relevant stipulations under the *Statutes of Personnel of Macao Polytechnic Institute* nor initiated disciplinary procedures against the relevant personnel. Subsequently, the CCAC raised its opinions to the Macao Polytechnic Institute (currently the Macao Polytechnic University) and suggested taking measures for rectification and improvement as soon as possible.



The Macao Polytechnic Institute accepted the CCAC's opinions and promised to solve the problems concerning management of personnel's attendance

The Macao Polytechnic Institute (currently the Macao Polytechnic University) replied that it accepted the CCAC's opinions mentioned above and promised to deal with the cases of unjustified absence it had founded in accordance with the law and adopt appropriate measures in order to effectively manage the attendance record of all teaching personnel and prevent similar situations from reoccurring.

(VIII)

Recruitment requirements shall not go against the law

According to a report, in the open examination of professional or functional competence evaluation under the standardised management regime for three vacancies for Chinese-Portuguese translator-interpreter of 1st rank and 1st class, 3rd grade of translator-interpreter position, the Health Bureau (SSM) required that candidates should be holders of two bachelor's degrees in addition to meeting the general requirements for public service positions, which gave rise to suspicion that this criterion was too harsh since the education background required was higher than the basic education qualification for the relevant position required by law and thus was unlawful. Therefore, the CCAC was requested to intervene into the case.

Following the investigation, it was proved that the recruitment notice involved did not indicate higher education certificates including post-secondary degree or bachelor's degree as required education qualifications in accordance with Paragraph 2 of Article 27 of Law no. 14/2009 (*Regime of Public Service Positions*) amended by Law no. 12/2015 and Law no. 4/2017. Instead, the bureau listed the entry requirement of education qualification which was higher than the one set by the law.

It is understandable that the bureau's action to seek highly educated personnel to serve the SAR Government might be well intentioned. However, the entry requirement concerned has undoubtedly raised the entry barriers to the position, hence lowered the chance for those who have met the basic education background requirement set by the law to get the job. Their legitimate rights to apply for the recruitment exam in accordance with the law have been infringed. Since the action went against the principles of legality, equality and good faith, the bureau could only compromise despite its good intention.

Subsequently, the CCAC raised its opinions to the SSM and pointed out that there were defects in the recruitment process and therefore it should be invalid from the stage of publication of the recruitment notice. The bureau should revoke the recruitment notice, publicise a new one and carry out the following stages afresh in order to ensure the opportunities for potential candidates who have met the basic education background requirement provided by the law and the legality, equality and impartiality of the recruitment process.

The SSM accepted the CCAC's opinions mentioned above. It revoked the recruitment notice involved and all of the following stages and published the new recruitment notice that accorded with the said legal requirement.

(IX)

Interdepartmental collaboration in residency vetting and approval

A report claimed that there were administrative improprieties existing in the issuance of Macao SAR Resident Identity Card by the Identification Services Bureau (DSI) to a Portuguese. Therefore the CCAC was requested to investigate the matter.

In accordance with the *Regulation on Entry, Stay and Residence Permit*, which was still in effect at that time, temporary residence permit might be renewed every two years depending on whether or not it met the prerequisites and requirements set by the law and whether or not the applicant habitually resided in Macao. Change of relevant conditions might lead to cancellation of temporary residence permit. In case of any change of employment relationship during the temporary residence period, the applicant should notify the Public Security Police Force (CPSP) immediately so that it might consider whether the change would lead to invalidity of the residence permit.

It was found in the investigation that the individual involved applied for temporary residency as technical personnel with special qualification and the application and renewal were approved by the DSI. Between 2015 and 2017 and between 2018 and 2019, the individual was notified of the prerequisites and requirements for renewal of the said temporary residency in the notifications of the residence certificate issued by the CPSP. However, the individual did not inform the CPSP that the employment relationship with his employer was terminated in 2017. As a result, the authority was unable to know the change of his situation and consequently did not declare invalidity of his temporary residency. Eventually, the DSI issued Macao SAR Resident Identity Card to him merely based on the residence certificate issued within three months before the submission of his application.

The CCAC considered that the reason why the CPSP failed to timely grasp the latest update of the conditions of the applicant for temporary residency was the lack of mechanism of active verification and supervision. Meanwhile, the reason why the DSI issued the Macao SAR Resident Identity Card based on a residence certificate with untrue data was the lack of mechanism of data exchange between the CPSP and the DSI in the entire vetting and approval process. Therefore, the CCAC rendered recommendations to the two departments respectively. In addition to the request for necessary rectification of the case, the CCAC also gave them various suggestions respectively regarding improvement and perfection of the vetting and approval of the relevant applications. In particular, the CCAC reminded them to establish interdepartmental cooperation mechanism and adopt measures to exchange information in order to prevent similar situations from reoccurring.

Both the CPSP and the DSI accepted the recommendations and suggestions rendered by the CCAC. Subsequently, they had several meetings to discuss the establishment of a cooperation mechanism which would facilitate examination of residence permits. The CPSP even promised to bear the responsibility to verify the duration of applicants' stay in Macao, take the initiative to randomly check whether the applicants' conditions meet the prerequisites for obtaining residence permit in a timely manner, verify whether they have criminal record and whether there are any other situations that lead to invalidity. In addition, the CPSP will also improve the contents shown in the residence certificates. Especially, it will clearly indicate the requirements for the application in order to facilitate front-line staff's knowledge and verification.

(X)**Occupation of official parking spaces shall be subject to disciplinary punishment**

There was a report alleging that a driver of the Legal Affairs Bureau (DSAJ), for a long time, had been occupying official parking spaces by parking private vehicles there, giving rise to suspicion of administrative illegality.

The report was substantiated by the CCAC's investigation. The private vehicles of the driver involved actually occupied the parking spaces of the department. Subsequently, the CCAC reported the case to the DSAJ for follow-up.

The DSAJ accepted the report from the CCAC and initiated a disciplinary procedure. Following the investigation, the preliminary hearing officer considered that the driver involved had culpably violated the duties of impartiality, zeal and obedience provided by the *Statute of Personnel of the Public Administration*. Therefore, a disciplinary complaint was filed against him. Finally, the bureau decided to sentence the driver to a fine.

(XI)**Setting up companies goes against the duty of exclusivity**

There was a report alleging that a customs officer had set up some companies for the purpose of carrying out works contracts awarded by the Macao Customs Service (SA) and the Fire Services Bureau, giving rise to suspicion of administrative illegality.

It was found in the investigation that the customs officer has set up three companies engaging in trade, construction works and transportation respectively since 2015. Subsequently, the CCAC reported the situation to the SA for follow-up.

The SA accepted the report from the CCAC and initiated a disciplinary procedure. Following the investigation, it was proved that the customs officer involved had engaged in those private businesses without any approval and that the departments had never awarded any procurement contracts to the companies. Meanwhile, it was also discovered that the customs officer was absent from meetings with the Committee of Health without justifiable reason and did not take the initiative to notify the SA of the fact that he was put on trial for his involvement in a criminal case during his service. The preliminary hearing officer considered that although the customs officer had already made assets and interests declaration of the said

companies, he had still violated the specific duty prescribed in Subparagraph b) of Article 16 of the *Statute of Militarised Personnel of the Public Security Forces of Macao* as well as other general duties of militarised personnel. Finally, the authority sentenced the officer to dismissal from service.

(XII)

Cultural heritage protection area should be expanded

According to a complaint, after a building at Travessa da Paixão was vandalised with graffiti, the Cultural Affairs Bureau (ICM) did not punish the offender in accordance with the *Cultural Heritage Protection Law* and therefore it neglected the duty to preserve the architectural heritage. The CCAC was requested to investigate the matter.

Following an investigation, it was discovered that only the houses at no. 5 to no. 15 of Travessa da Paixão were classified as architectural heritage, the remaining area (which covers the said vandalised building) was classified as the buffer zone. The *Cultural Heritage Protection Law* prohibits vandalising classified immovable properties and stipulates the relevant punishment rules. However, the law does not provide any stipulations regarding graffiti on the buildings in buffer zone.



The CCAC suggested attaching importance to the conservation of the surrounding scenery of cultural heritage when reviewing the regulations in effect

Since the building involved was private and was not a classified property, the ICM could only suggest the owner to deal with it on his own. The CCAC considered that although there was no administrative illegality or impropriety in the situation, the laissez-faire approach to such situation would be unfavourable to the conservation of the scenery and environment surrounding cultural heritage. Therefore, the CCAC raised its opinions to the ICM and suggested the latter paying attention to the issue when reviewing the existing regulations of cultural heritage protection. At the same time, the ICM should also strengthen the relevant promotion and education in order to enable citizens to understand the importance of the buffer zone to the conservation of cultural heritage and its surrounding scenery and environment.

IV. Retrospective review

In 2021, the CCAC followed up the cases on the list of the “retrospective review” in 2020. For instance, it exercised the competence provided by Subparagraph 7) of Article 4 of the *Organic Law of the Commission Against Corruption* to follow up on the reporting works in disciplinary procedures of the Macao Government Tourism Office. At the same time, the CCAC has put the cases that concern the public on the list of the “retrospective review” so as to implement the general principle of people-oriented governance, effectively exercise the supervisory function conferred by the law and constantly promote good governance of public departments or entities.

(I)

Seeking truth from facts and practical supervision

An informant told the CCAC that he had filed several complaints to the Municipal Affairs Bureau (IAM) over poor hygiene of an eatery located at Rua da Praia do Manduco that did not properly cover up the food and therefore he worried that the food would be contaminated by the rain during rainy days. However, the IAM only rendered recommendation instead of issuing ticket. Therefore, the informant suspected that the IAM failed to conduct due supervision and requested the CCAC to investigate the matter.

Following the investigation, it was found that after receiving the complaints, the IAM dispatched personnel to carry out at least 25 non-scheduled on-site inspections and made at least 10 formal on-site inspection reports. During the inspections, the personnel directly gave hygiene guidelines to the license holder and the staff of the eatery and even requested them to improve the hygiene and food storage conditions in written form or else charges would be laid against it. Documental data of the IAM shows that the eatery involved was able to make relevant improvements as required by the IAM within the designated periods. In particular, it has stored the food for display in a transparent storage and covered the food for selling with food wrap.

In order to verify if the IAM had done the supervision works, the CCAC dispatched personnel to carry out on-site inspections openly and secretly during different times of day. It was found that the situation of the eatery involved accorded with the data provided by the IAM. Therefore, the CCAC considered that the IAM had effectively carried out inspection and supervision as required by the law. Whether it was still necessary to punish the eatery despite the gradual improvement made after the IAM rendered the recommendations was actually at the discretion of the supervisory entity, the IAM, while the CCAC did not see any evident administrative illegalities or improprieties such as lack of supervision.

Nevertheless, in the course of the investigation, the CCAC found that there was room for further improvement in the contents of some of the documents of the IAM. The CCAC has raised its opinions to the IAM and suggested formulating guidelines on food storage in eateries and clearly indicating in the notification the legal basis for prosecution and punishment and the statutory amount of the fine as a deterrent. The CCAC also recommended that regarding repeated violations despite repeated warnings or response in a perfunctory manner, the IAM might consider whether the relevant recommendations are strong enough and it should punish whoever deserves punishment. Only by taking these steps can the legislative intent of the relevant legal regime be demonstrated. Finally, the CCAC clearly notified the IAM that the case had been put on the list of the “retrospective review” and it would carry out review in a proper and timely manner.

(II)

Special subsidy should be publicised in accordance with law

A citizen complained that his application for subsidy under the “Scheme for Inclusion and Harmony in the Community” was rejected by the Social Welfare Bureau (SWB) for the reason that the complainant’s underage daughter studied in the Chinese mainland, which made him fail to meet the requirements. Moreover, the complainant pointed out that the notification from the SWB did not indicate the reason for the rejection, giving rise to suspicion that the decision was not made lawfully. Therefore, the CCAC was requested to follow up the matter.

The “Scheme for Inclusion and Harmony in the Community” provides a one-off subsidy to families that are financially impoverished or in near poverty situation, especially three types of vulnerable families, namely single-parent families, families with patients of chronic illness and families with disabled members. In addition, under the scheme, activities and care and support plans are carried out to encourage these vulnerable families to take part in community activities. Therefore, one of the vetting requirements is that the beneficiary’s domicile is located in Macao.

Following the investigation, it was found that the main reasons of the rejection not only included the fact that the complainant’s daughter studied in the Chinese mainland (although he claimed that his daughter always came back to Macao to participate in activities) but also that the complainant permanently resided in the Chinese mainland and his overall income exceeded the income limit for a two-person family required by the scheme. Therefore, the CCAC could not determine that the decision made by the SWB was unlawful.

Nevertheless, the CCAC agreed that the notification sent by the SWB to the complainant neither clearly indicated the reasons for the rejection nor pointed out the statutory channels for appeal. Moreover,

the CCAC even discovered that the SWB did not publicise the “Scheme for Inclusion and Harmony in the Community” in the *Official Gazette of the Macao Special Administrative Region* in accordance with Article 9 of the *Regime of Granting Subsidy to Individuals and Households in a State of Financial Need*. Therefore, the CCAC raised its opinions to the SWB and rendered suggestions for improvement.

The SWB replied that it agreed on the CCAC’s opinions and suggestions and promised to carry out a holistic review and to perfect the implementation of the “Scheme for Inclusion and Harmony in the Community” as soon as possible, especially to publicise the details of the scheme in the *Official Gazette of the Macao Special Administrative Region* and to improve the notification of application result, in which the reason and the channels for appeal would be indicated in accordance with the law.

The CCAC has put the case on the list of the “retrospective review” in order to carry out timely review of the measures taken by the department for improvement.

(III)

Illegal parking deserves attention and retrospective review



Citizens were concerned about whether the metered parking rates for the parking area for fuel tank trucks located at Ilha Verde were paid

A report alleged that the parking area for fuel tank trucks located at Estrada Marginal da Ilha Verde and Rua Das Camélias had been being occupied by many cars without parking meter payment for a long time, resulting in decrease of revenue received by the Government through the company to which it awarded the contract of management of the metered parking spaces on public roads and giving rise to suspicion of the law enforcement department’s omission and indifference to illegal parking. Therefore, the CCAC was requested to investigate the matter.

Following the investigation, it was discovered that the Transport Bureau had also received the same complaint and had already referred it to the Public Security Police Force (CPSP) for follow up and, especially, asked the latter to strengthen the efforts in prosecution against illegal parking in the relevant area. In addition, it also came to light that between January 2020 and May 2021, the CPSP instituted 151 prosecutions against illegal parking in the area involved. Therefore, the CCAC could not determine that there was administrative illegality or

impropriety or omission existing in the law enforcement by the relevant authority.

Meanwhile, the CCAC also analysed the relevant rules in the contract of management of the relevant metered parking spaces on public roads and verified that the amount of money earned by the company from the meters did not affect that of the revenue received by the Government through the contract.

In view of citizens' concern of the situation, the CCAC has decided to put the case on the list of the "retrospective review" in order to carry out timely review of the effectiveness of the follow-up actions taken by the relevant law enforcement department.

(IV)

Information for enquiries should be accurate

A complainant alleged that when he asked the Public Information Centre under the Public Administration and Civil Service Bureau (SAFP) to which department he could lodge a report against a local newspaper that had published indecent photos, the answer he got was the Municipal Affairs Bureau (IAM). However, the IAM told him that this was beyond its scope of competence. Therefore, the complainant suspected that the relevant departments shifted the responsibility onto each other, which constituted administrative impropriety, and requested the CCAC to investigate the matter.

In accordance with Decree-law no. 47/98/M, the functions of the IAM include issuing administrative license to individuals or entities that intend to operate facilities for selling pornographic materials. However, this public institution is not conferred the power to investigate, handle or prosecute publication of indecent contents in newspapers.



The Public Administration and Civil Service Bureau promised to enhance the communication mechanism between the Government Information Centre and other departments

Following the investigation, the CCAC substantiated that after the relevant operator of the Government Information Centre received the complainant's enquiry, he did not follow the superior's instruction and the internal guidelines to inform the complainant that he might choose to use the case referral service provided by the centre. The staff member even hastily provided such information to the complainant without correctly and clearly understanding the said power conferred by the law on the IAM. As a result, the complainant was not able to receive effective and accurate assistance immediately.

In the course of the investigation, the SAFP took an initiative to review the enquiry system. It reminded all reception staff of the Government Information Centre that they should pay attention to and strictly follow the relevant guidelines. Meanwhile, the SAFP considered that the case referral process is time consuming and passive. The process takes dozens of days from taking written record and opening a case file, sending a letter to the department responsible, waiting for the written reply and transcribing and referring the reply to the citizen. In such a fast changing society, it seems to be old-fashioned. Therefore, the SAFP promised to perfect interdepartmental cooperation and enhance the communication mechanism between the centre and other departments in order to quicker and more accurately provide citizens with the information they need.

In order to follow up the said improvement measures taken by the SAFP determinedly, the CCAC has put the case on the list of the "retrospective review" and it will especially carry out timely review of the progress of the Government Information Centre's establishment of the interdepartmental communication mechanism in the future.

V. Departments or entities with positive attitude

As the CCAC is the supervisory entity, its missions in the area of ombudsmanship include cooperating with competent entities and departments to seek the most appropriate solution with an aim to safeguard legitimate interests of individuals and improve administrative works.

To recognise and correct a mistake is the greatest good. The departments or entities that have responded to the opinions raised or recommendations rendered by the CCAC with positive attitude deserve recognition, affirmation and praise. Indeed, since there are countless issues involved in the functioning of society, it is inevitable that some of them are beyond their grasp. Therefore, citizens' oversight and criticism are necessary. It is not surprising that they always discover shortcomings that need to be monitored and redressed. As long as they have a sense of justice and devotion to public interests, their open-mindedness deserves praise.

The CCAC has summarised the cases that deserve to be disclosed in order to let citizens and public departments and entities know the departments or entities that had made an effort to contribute to public administration as a way of encouragement to them.

Departments or entities	Issues involved	Response to CCAC's opinions	Follow-up by the departments or entities
Former Land, Public Works and Transport Bureau (currently Land and Urban Construction Bureau), Cultural Affairs Bureau	Planning and preservation of Colina da Ilha Verde and the seminary	The departments have accepted the CCAC's recommendations and taken appropriate actions.	They stated publicly and respectively that they would strictly enforce the <i>Urban Planning Law</i> and the <i>Cultural Heritage Protection Law</i> in order to ensure that the planning and preservation of Colina da Ilha Verde and the seminary accord with the laws.
Transport Bureau	Differentiation of buses with colours	The department has accepted the CCAC's opinions and taken appropriate actions.	Taking actions orderly to differentiate buses for public transportation from those for hire with colours and continuously monitor the places in which the advertisements are posted by the bus company.

Departments or entities	Issues involved	Response to CCAC's opinions	Follow-up by the departments or entities
Macao Customs Service	About the fact that secretaries were paid compensation for working during the period of exemption from work	The department has accepted the CCAC's recommendations and taken appropriate actions.	Repealing the decision of paying compensation for working during the period of exemption from work.
Statistics and Census Service	Overtime compensation paid to secretarial staff	The department has accepted the CCAC's recommendations and taken appropriate actions.	The department has notified its subordinate services and instructed them to redress the inappropriate practice of paying overtime compensation to secretarial staff.
Health Bureau	Recruitment notice indicating requirement of education qualification higher than that prescribed in the law	The department has accepted the CCAC's opinions and taken appropriate actions.	Repealing the effect of the unlawful recruitment notice and all the following stages in the process.
Public Security Police Force	Providing traffic offenders with accurate information	The department has accepted the CCAC's opinions and taken appropriate actions.	Strengthening training for front-line police officers, providing traffic offenders with accurate information and improving the procedure of issuing notification of traffic offence.
Identification Services Bureau, Public Security Police Force	Temporary residence permit	The departments have accepted the CCAC's recommendations and taken appropriate actions.	The Identification Services Bureau and the Public Security Police Force established an inter-departmental cooperation and communication mechanism to jointly improve the work of verification of whether or not the applicants have met the statutory requirements for obtaining relevant permits in the process of application for residence permit and permanent ID card.

Departments or entities	Issues involved	Response to CCAC's opinions	Follow-up by the departments or entities
Macao Polytechnic Institute (currently Macao Polytechnic University)	Teaching staff's attendance	The department has accepted the CCAC's opinions and taken appropriate actions.	Strengthening supervision on the teaching staff's attendance and formulating the relevant management regulations.
Environmental Protection and Energy Conservation Funds	Supervision on grant of subsidies	The department has accepted the CCAC's recommendations and taken appropriate actions.	Perfecting the supervision of and evidence gathering for the grant of subsidies of the Environmental Protection and Energy Conservation Funds.
Former Land, Public Works and Transport Bureau (currently Land and Urban Construction Bureau), Fire Services Bureau	Replacement of fire shutters of Edifício do Bairro da Ilha Verde	The departments have accepted the CCAC's recommendations rendered publicly and promised to take appropriate actions.	The competent departments have promised to review and effectively perform their duties and strengthen interdepartmental communication and coordination. They have also perfected the relevant laws and regulations.
Social Welfare Bureau	Scheme for Inclusion and Harmony in the Community	The department has accepted the CCAC's opinions and taken appropriate actions.	Perfecting the contents of the notification to applicants for the Scheme for Inclusion and Harmony in the Community and considering publicising the scheme in the <i>Official Gazette of the Macao SAR</i> .
Sports Bureau	Refund for swimming tickets	The department has taken appropriate actions.	Refunding the complainant the sum paid for the swimming tickets and perfecting the regulations of the use of swimming pool by stipulating the arrangements for refund in case of inclement weather.
Macao Customs Service	Information of electronic form for import/export declaration	The department has accepted the CCAC's recommendations and taken appropriate actions.	Uploading information of re-import of vehicle after export to the website of Macao Customs Service and instructing front-line customs officers to remind applicants to use appropriate document for customs clearance.

Departments or entities	Issues involved	Response to CCAC's opinions	Follow-up by the departments or entities
Transport Bureau	Management of carpark	The department has taken appropriate actions.	The bureau has punished the carpark management company for incomplete surveillance records and stated that it would step up inspection on the operation of carpark surveillance system and request the management company to strictly verify the accuracy of the information provided.
Housing Bureau	Errors in flat number registration	The department has accepted the CCAC's recommendations and taken appropriate actions.	The department has authorised a lawyer to deal with the errors in the registration of the number of flats in the building.
Education Development Fund (Education and Youth Development Bureau)	Subsidies from the School Development Plan	The department has accepted the CCAC's recommendations rendered publicly and promised to take appropriate actions.	Measures will be taken to enhance the supervisory mechanism, execute the refund mechanism in accordance with the law, improve every step of the subsidising procedure and formulate clear guidelines. The department will gradually request the schools to submit the financial reports of the projects involving subsidies of huge amounts verified by accountants and strengthen the recusal system applicable to their staff.
Macao Customs Service	About the fact that a customs officer opened private companies	The department has taken appropriate actions.	The Macao Customs Service has initiated a disciplinary procedure and sentenced the officer to dismissal from service.
Public Security Police Force	About the fact that a police officer slept and played on his phone during his working time	The department has taken appropriate actions.	The Public Security Police Force has initiated a disciplinary procedure and sentenced the officer to a fine.

Departments or entities	Issues involved	Response to CCAC's opinions	Follow-up by the departments or entities
Public Security Police Force	About the fact that an auxiliary worker always left the territory during sick leave	The department has taken appropriate actions.	The Public Security Police Force has initiated a disciplinary procedure and sentenced the worker to a fine.