



2017

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

**Commission Against Corruption
Macao Special Administrative Region**

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The Commissioner Against Corruption, Cheong Weng Chon, submitting the *2017 Annual Report of the CCAC of Macao* to the Chief Executive, Chui Sai On

FOREWORD

The 6th Legislative Assembly Elections were smoothly conducted in 2017, where members of the new-term Legislative Assembly were elected according to the law. The CCAC conscientiously implemented the duty to combat electoral corruption and proactively promoted electoral probity in strict compliance with the law. With the mutual cooperation between law-enforcement departments and the full support from all walks of life, there was an improvement of the situations of electoral bribery and other related offences compared to the previous elections. The awareness of electoral integrity has been rising and the election culture is becoming fairer, more impartial and cleaner.

In 2017, the Court of Final Appeal adjudicated the corruption case allegedly committed by the former leader of the Public Prosecutions Office. The investigators of the CCAC gave their testimonies and cooperated with the court in the relevant prosecution work. The verdict of guilty has demonstrated the truth that “no offender can escape the long arm of the law”. Among the criminal cases detected by the CCAC last year, some involved exploitation of power for personal gain, abuse of power and high-value fraud. There were also some cases where document forgery and fraud of public funds were committed during government departments’ approval of applications for “major investment immigration” and granting of subsidies and public service contracts. All of these have shown that the departments did not have in place stringent approval procedures as well as sound and adequate supervisory mechanisms. Therefore, it requires greater attention of the SAR Government and the public departments.

In March 2017, the CCAC released an investigation report, where it pointed out that the Cultural Affairs Bureau violated the legislation pertaining to the open recruitment process and the central recruitment system by evading the superior’s

assessment and supervision and hiring a number of workers under the acquisition of services contract for a long time. The problems included not publicising job openings, lax screening, alleged violation of the recusal system and nepotism. The CCAC released another investigation report in October 2017, where it pointed out that the typhoon forecasting of the Meteorological and Geophysical Bureau highly relied on the personal decisions of the Director. As the procedures were not standardised and the criteria were not transparent, they gave rise to a certain degree of arbitrariness. There were many problems in terms of personnel and equipment management, and therefore the leaders of the bureau should bear unshirkable responsibilities.

The SAR Government attached great importance to the problems revealed in the CCAC's investigation reports, and disciplinary procedures were also initiated against the leaders of the Cultural Affairs Bureau and the Meteorological and Geophysical Bureau. The relevant incidents show that the awareness of "administration according to the law" and the ability of "making scientific decisions" among some leaders of public departments have yet to improve. In addition, to ensure that "power comes with responsibility", the SAR government should review the legislation pertaining to disciplinary mechanisms for public servants and promptly improve the accountability systems for leadership and senior management officers.

At the 19th National Congress of the Communist Party of China, General Secretary Xi Jinping stated that remarkable outcomes have been achieved in ensuring full and strict governance over the Party in the past five years. The goal of creating a deterrent against corruption has been initially attained; the cage of institutions that prevents corruption has been strengthened; and moral defenses against corruption are in the making. The anti-corruption campaign has built into a crushing tide, and is being consolidated and developed. Although the social environment and legal systems are different between Macao and the Chinese mainland, the strong determination and monumental achievements of the Chinese mainland in the fight against corruption will definitely have far-reaching impacts on the long-term peace

and stability of Macao. As a designated anti-graft agency of the SAR, the CCAC will proactively draw on the successful experience of the Chinese mainland in corruption fighting, strictly implement its statutory duties as a graft fighter and ombudsman and strive to improve mechanism building that upholds integrity.

March 2018

The Commissioner Against Corruption
Cheong Weng Chon

PART I

CASE PROCESSING SUMMARY



PART I

CASE PROCESSING SUMMARY

In 2017, the Commission Against Corruption (CCAC) received a total of 1,264 complaints and reports, of which 545 were handled by the Anti-Corruption Bureau and 719 were handled by the Ombudsman Bureau.

Statistics on caseload (2013-2017)

Year	2013	2014	2015	2016	2017
Caseload	896	865	793	910	1,264

Among all the cases received, 19 were uncovered by the CCAC through proactive approaches, 12 were investigated at the request of overseas authorities, 48 were referred by other public bodies and the remaining came from citizens' complaints and reports, of which 500 cases were lodged by identified complainants or those willing to provide personal data and 685 were anonymous or requested anonymity.

**Statistics on cases recorded from 2015 to 2017
(classified by source of case)**

Source of case		2015		2016		2017	
		Number	Percentage	Number	Percentage	Number	Percentage
Complaints or reports received from citizens	Complaints lodged by identified complainants or those willing to provide personal data	407	51.3%	428	47.0%	500	39.6%
	Anonymous complaints or those requesting anonymity	357	45%	411	45.2%	685	54.2%
Cases uncovered by CCAC through proactive approaches		10	1.3%	29	3.2%	19	1.5%
Cases investigated at the request of overseas authorities		4	0.5%	19	2.1%	12	0.9%
Cases referred by other public bodies		15	1.9%	23	2.5%	48	3.8%
Total		793	100%	910	100%	1,264	100%

In 2017, the complaints and reports were mainly received by the CCAC online, by mail and by phone. There were 306, 304 and 222 cases lodged by these three channels respectively, representing 24.2%, 24% and 17.6% of the total number of cases received in the whole year. The numbers of complaints or reports lodged by e-mail and in person reached 198 and 188 respectively, representing 15.7% and 14.9% of all cases received throughout the year.

**Statistics on cases recorded from 2015 to 2017
(classified by reporting method)**

Reporting method	2015		2016		2017	
	Number	Percentage	Number	Percentage	Number	Percentage
Letter	263	33.2%	260	28.6%	304	24%
Phone	153	19.3%	142	15.6%	222	17.6%
In person	199	25.1%	176	19.3%	188	14.9%
E-mail	125	15.8%	127	14.0%	198	15.7%
Online	41	5.2%	176	19.3%	306	24.2%
Fax	2	0.2%	0	0%	27	2.1%
Proactive approaches adopted by CCAC	10	1.2%	29	3.2%	19	1.5%
Total	793	100%	910	100%	1,264	100%

By the end of the year, the CCAC concluded 983 cases, including 537 criminal cases referred to the Public Prosecutions Office or archived upon completion of investigation and 446 administrative complaints archived after complete processing.

In 2017, the CCAC received 1,429 counts of enquiries of different natures, of which 793 counts were about criminal matters and 636 were related to administrative matters.

PART II

**6TH LEGISLATIVE ASSEMBLY
ELECTIONS**



PART II

6TH LEGISLATIVE ASSEMBLY ELECTIONS

On 17th September 2017, the 6th Legislative Assembly Elections ran smoothly and 14 directly-elected and 12 indirectly-elected seats were filled. In the process of the Legislative Assembly Elections which took nearly half a year, the CCAC not only performed its duty to combat electoral corruption in strict compliance with the law but also progressively carried out promotion on clean elections in cooperation with various sectors in society.

I. Supervision and law-enforcement against illegal acts related to elections

For the competence to combat electoral corruption and other illegal acts related to elections, the CCAC not only carried out investigation of the crimes of corruption in relation to the elections under Article 3 of the *Organic Law of the Commission Against Corruption* but also joined hands with the Management Committee of Legislative Assembly Elections (CAEAL) and the Public Security Police Forces to handle the cases of slight violations related to the elections in accordance with Article 184 of the *Electoral Law of the Legislative Assembly*.

In order to effectively perform the duty to combat electoral corruption, the Anti-Corruption Bureau of the CCAC started making the relevant plan in the latter half of 2016. Based on the experience in the law-enforcement in the previous elections and the amendments about the competence of the CCAC in the *Electoral Law of the Legislative Assembly* made in late 2016, the supervision against electoral corruption and the law-enforcement actions in relation to the Legislative Assembly Elections 2017 were carefully prepared.

On 13th March 2017, the Chief Executive promulgated an administrative order to determine 17th September 2017 as the Election Day, which marked the start of the

process of the 6th Legislative Assembly Elections. At the same time, the individuals or groups that intended to stand for the elections commenced their preparation and the CCAC also commenced the law-enforcement actions to prevent and combat electoral corruption and other illicit acts related to the elections.

In recent years, the situations of buying votes with money no longer existed. However, during the election period, there were a large number of activities organised by the associations intended to run for the elections under the name of anniversary, financial aid to students, caring for the elderly and festival celebration where free meals, trips or cash coupons and gifts were offered and, sometimes, propaganda activities were carried out, which might constitute electoral bribery. Through the promotion of clean elections, the CCAC enabled the public to clearly understand that the bottom line of the law is that “offering of advantages shall not have any relation with the elections”. Meanwhile, the CCAC also strengthened the law enforcement and supervision.

Between March and September 2017, the CCAC carried out the supervision against electoral corruption in accordance with its plan. A total of 5,089 checks against electoral bribery were conducted, including 2,907 in restaurants and venues for feast, 1,850 in venues for activities, such as anniversary celebrations, held by civil associations and 332 on activities including the distribution of allowances and trips. The checks conducted by the CCAC’s law-enforcement staff had a significant effect on the prevention and suppression of the corrupt acts which might have occurred at the events.

On the Election Day on 17th September, the CCAC strengthened its supervision and law-enforcement. Apart from the polling stations, the places where the voters were picked up and the restaurants were also included in the list of the sites to be checked. The CCAC conducted a total of 1,900 checks, including 1,235 in cars picking up voters and public places where groups of people gathered and 665 in

restaurants and venues for feast, and followed up the illegal acts found in the checks right away.

Throughout the election period, the CCAC closely cooperated with the CAEAL to organise symposia about the *Electoral Law of the Legislative Assembly* for candidate lists and voters and launch a hotline and an online platform for “complaints and reports about Legislative Assembly Elections” in order to receive citizens’ complaints and reports over illegalities related to the elections. Between 18th March and 17th September 2017, a total of 206 complaints and reports and 252 requests for help and consultation were received through the hotline and the online platform.

Compared with the previous elections, the number of candidates running for the directly elected seats was the largest in the 6th Legislative Assembly Elections and thus the competition was the fiercest. However, the number of reports received by the CCAC and works of supervision and law enforcement reflected that there has been an improvement of the situations of alleged electoral bribery and other related illegal acts. The public’s awareness of electoral integrity has constantly enhanced and the electoral environment has developed into a fairer, cleaner and more just one.

II. Promotion of clean elections

In March 2017, with reference to the illegal acts such as illegal canvassing and alleged electoral bribery detected in the previous Legislative Assembly Elections and the related stipulations in the newly amended *Electoral Law of the Legislative Assembly*, the CCAC commenced the promotion of clean elections through multiple channels in a holistic manner so that the candidate lists and the citizens would understand and abide by the law, run for the elections and exercise their civil rights in accordance with the law and the quality of the elections would be further enhanced.

In order to enable all strata of society to understand the process of the Legislative Assembly Elections and the stipulations about the illegal acts related to the elections

such as electoral bribery, starting from April 2017, the CCAC and the CAEAL co-organised 4 sessions of the “Symposium on the *Electoral Law of the Legislative Assembly*”. Meanwhile, at the request of some tertiary education institutions and civil associations, the CCAC organised 11 seminars about the *Electoral Law of the Legislative Assembly* for over 2,000 people.

The CCAC widely disseminated the information about clean elections and the complaint and report hotline and online platform through advertisements on newspapers, outdoor spaces and buses, newspaper columns, radio channels and TV programmes. Moreover, specific promotion for different groups were carried out through various kinds of publications including posters, brochures and comics and a series of TV and radio advertisements with different episodes including “student”, “teacher” and “athlete”.

Between March and June 2017, the CCAC held the itinerant theatre tour entitled “More about Clean Elections” at different schools, which enabled secondary students to understand the importance of the safeguard of clean elections through drama. The event was so popular among the students that a total of 18 schools joined the event. There were 28 sessions with over 4,000 students in total.

Due to citizens’, especially young people’s habit of obtaining information through application of the new media, in June 2017, the CCAC opened an account on Wechat, on which the representative samples of illegal acts related to elections such as electoral bribery were uploaded so that the information, with both texts and pictures, would be directly disseminated among the citizens through social network and enable them to understand and abide the law.

In order to foster the value of electoral probity in teenagers, the CCAC recruited 83 students from Form 3 to Form 6 as members of the “Volunteer Team for Clean Elections 2017” in June 2017. The volunteers not only assisted the CCAC with the

organisation of the event “Tour on Clean Elections 2017” and distribution of the leaflets promoting clean elections but also spread the message to their families, classmates and friends.

III. Improvement of legal regime to combat electoral corruption

For the 6th Legislative Assembly Elections, both the candidate lists and the government departments responsible for organisation of the elections have had an analysis and review of their experiences. As the law-enforcement entity responsible for the fight against electoral corruption, the CCAC has conducted an in-depth analysis and review of the *Electoral Law of the Legislative Assembly*, other stipulations related to prevention, supervision and suppression of electoral corruption and the effect of the law enforcement and considers that there is room for improvement of some of the contents.

The amendments of the *Electoral Law of the Legislative Assembly* made in 2016 have improved the legal regime related to the suppression of electoral corruption and have been tested in the elections this time. For example, the stipulations that the relevant criminal acts that occur outside the territory of Macao including electoral bribery are also punishable and that the law-enforcement staff of the CCAC are empowered to enter specific private places for supervision have provided more effective protection for the CCAC to conduct supervision of the elections and related activities.

The new amendments of the *Electoral Law of the Legislative Assembly* have introduced the system of declaration of activities where advantages were given away during the election period, which requires that when the association in which the candidate holds a position organises an activity involving advantage offering or when the candidate takes part in such an activity, he shall make a declaration. From the law-enforcement actions, the CCAC found that in the period designated by the

law for the declaration, there was a significant decrease in the events such as feasts, trips, entertainment and distribution of advantages organised by the associations running for the elections compared with the previous elections.

It was first time that the declaration system was applied to elections. Despite the existence of various problems, the implementation has demonstrated that through the mechanism of declaration and public disclosure, the situations of influencing voter's decision through advantage offering may decrease without affecting the regular activities of civil associations. The CCAC has the following suggestions for improving the declaration system based on the current situations:

- According to the *Electoral Law of the Legislative Assembly*, the period for civil associations and candidates to declare the activities involving advantage offering starts on the 15th last day before the Election Day and ends on the Election Day. Since the period is relatively short, some associations held the activities in advance in order not to make the declaration. Therefore, the CCAC suggests lengthening the period for declaration of organisation or participation of the activities to a proper extent without affecting normal social events.
- The *Electoral Law of the Legislative Assembly* provides that the “blackout period” and the Election Day fall within the period for civil associations and candidates to declare the activities involving advantage offering. The CCAC suggests stronger restriction on the activities held on these two days in order to prevent violation of the stipulations banning propaganda activities or electoral bribery and enhance electoral integrity.
- According to the *Electoral Law of the Legislative Assembly*, the activities that the associations and candidates shall declare include feast, trip, entertainment and distribution of allowances or gifts, but it does not regulate the number of participants, the amount of money involved and the scale of the activities. Since the purpose of electoral bribery will only be achieved when a certain number of voters are involved, the CCAC suggests regulating the number of participants and amount of money involved in the activities involving advantage offering. When they exceed the upper limit, declaration is required.

- The *Electoral Law of the Legislative Assembly* requires declaration of the activity involving advantage offering held by the legal person which has special relation with the candidate and his participation in such an activity. If the candidate participates in one held by the legal person which does not have any special relation with him, declaration is not required. In order to prevent evasion of the declaration system, the CCAC suggests requiring the candidates to declare all the activities involving advantage offering they participate in with participants and amount of money involved exceeding the statutory limit.

According to the *Electoral Law of the Legislative Assembly*, the act of offering or promising to offer advantage so that the voter votes or not to vote for a certain candidate list constitutes electoral bribery. The advantage may be goods, employment or opportunity of promotion. The law provides that the constitution of a crime of electoral bribery requires two elements, namely “offering of advantage” and “influencing voter’s decision by the advantage”.

Although the “value of advantage” is not provided for in the law, there shall be a causal relationship between “offering of advantage” and “influencing voter’s decision by the advantage”. During the election period, the candidates often canvass by distributing souvenirs to voters. Since the value of the souvenirs is too low or insignificant to influence voters’ decision, such act does not constitute electoral bribery.

For the “breakfast incident” occurred on the Election Day, although the law-enforcement standard of the CCAC never changed, it has caused controversy in society. The CCAC believes that the public’s attention to and opinions on the “breakfast incident” have shown the “zero tolerance” to electoral corruption in society and will facilitate the enhancement of the fairness, justice and integrity of the Legislative Assembly Elections.

In addition, the “breakfast incident” has reflected the necessity to clearer define the “value of advantage” that constitutes electoral bribery in the law. The CCAC believes that it is possible to take the legislative experiences of other regions as reference and consider legislating for the minimum value of the advantage that constitutes electoral bribery, or, through binding instructions issued by the CAEAL, to regulate the ways of distribution of souvenirs or other things during the election period and the types and value of them.

PART III

ANTI-CORRUPTION



PART III

ANTI-CORRUPTION

I. Introduction

2017 was a crucial year for the CCAC in the fight against corruption. In the first half of the year, the CCAC proactively facilitated the adducing of evidence for the major case relating to a former leader of the Public Prosecutions Office. As the case covered a long timespan and involved a great number of persons and complicated information, after the Public Prosecutions Office initiated an investigation and referred it to the CCAC for an inquiry in February 2015, the personnel of the CCAC overcame various challenges before the case could be concluded. Eventually, strong evidence was presented to the court after the strenuous efforts made by the CCAC's personnel and the team from the Public Prosecutions Office. In July 2017, the Court of Final Appeal reached a verdict of guilty against the former Prosecutor-General Ho Chio Meng for 1,092 charges and sentenced him to 21 years in jail. The conclusion of the case not only ensured that justice was done but also demonstrated the determination and capabilities of the Macao SAR Government in the fight against corruption.

In the second half of the year, the main focus of the CCAC shifted to the monitoring work of the 6th Legislative Assembly Elections of Macao. While heavily engaged in the monitoring work, the CCAC's personnel strictly and unremittingly fulfilled the statutory duty to fight against corruption as always. Due to the Legislative Assembly Elections, 2017 saw a significant year-on-year increase in the corruption-related cases investigated or concluded. Judging from the cases investigated by the CCAC in the year, the following characteristics may be found:

First, the CCAC had zero tolerance to corruption crimes of different severity. In addition to its successful testimonies against the former Prosecutor-General, the

CCAC also detected some fraud cases and duty crimes that were less severe, where document forgery, embezzlement and provision of “inaccurate data” under the *Legal Regime of Declaration of Assets and Interests* were committed. The CCAC also investigated for the first time some minor violations of the new provisions about declaration under the *Electoral Law of the Legislative Assembly*.

Second, the CCAC carried out in-depth and persistent investigations. After detecting a case in the end of 2016 where subsidies granted by the Environmental Protection and Energy Conservation Fund were deceived, the CCAC continued to carry out in-depth investigations and detected some similar fraud cases in 2017. Likewise, after detecting a case where document forgery was committed to deceive temporary residency under the category of “major investment plan”, the CCAC continued to investigate and handle a few other similar cases. In addition, when probing into a case where a racer deceived subsidies and a case where an inspector of the Civic and Municipal Affairs Bureau (IACM) abused power, the CCAC discovered that some others were involved in similar cases.

Third, the CCAC attached importance to both punishment and prevention so as to plug corruption loopholes. During the fight against corruption, the CCAC found that while crimes stem from wrongdoings, the existence of loopholes in the supervisory mechanisms often plays a major part. Therefore, after uncovering a case where a functional head of the IACM allegedly committed embezzlement and a case where racers allegedly deceived subsidies from the Macao Foundation, the CCAC promptly notified the relevant functional departments of the situations and requested them to take proper steps to prevent similar cases from happening, hoping that the whole society of Macao would work together to promote integrity building.

II. Criminal reports and cases filed for investigation

In 2017, the CCAC received a total of 1,264 complaints and reports, of which 545 were handled by the Anti-Corruption Bureau. By the end of December 2017, the CCAC completed the investigations of a total of 537 criminal cases and they were archived or referred to the Public Prosecutions Office.

Statistics on caseloads (2013-2017)

Item	2013	2014	2015	2016	2017
Total number of cases received	896	865	793	910	1,264
Number of cases handled by the Anti-Corruption Bureau	264	266	262	252	545
Number of cases with investigation completed	236	492	256	182	537

III. Summaries of some of the cases concluded

Case 1

In January 2017, the CCAC uncovered a case where a functional head of the Civic and Municipal Affairs Bureau (IACM) allegedly committed abuse of power and embezzlement.

It was found after investigation that, between mid-2015 and early 2016, the aforesaid functional head took advantage of his position and power by asking a subordinate working in the carpentry room to make wood furniture for him for seven times from the materials procured by the IACM during working hours. Afterwards the functional head had the finished furniture items delivered to his home for personal use.

The acts of the functional head allegedly constituted abuse of power and embezzlement provided for in the *Penal Code*. The case was referred to the Public Prosecutions Office.

The CCAC already notified the IACM of the incident and requested the latter to take proper measures so that similar cases would not happen again.

Case 2

In March 2017, the CCAC uncovered a case where a constable of the Public Security Police Force (CPSP) allegedly committed fraud.

It was found after investigation that a Mainland Chinese who allegedly committed aggravated larceny was detained by the CPSP and sent to the Public Prosecutions Office for preliminary investigations. During this period, a constable made a false claim to the friend of the Mainland Chinese that he was able to release him from detention with the help of the staff from the Public Prosecutions Office. To gain the confidence of the friend of the Mainland Chinese, not only did the constable arrange someone pretending to be a staff member of the Public Prosecutions Office to contact the friend, but he also provided the friend with the data relating to the case still subject to judicial secrecy. In the end, the involved constable deceived some HKD200,000.

The acts of the constable allegedly constituted high-value fraud and violation of judicial secrecy provided for in the *Penal Code*. The case was referred to the Public Prosecutions Office.

Case 3

In June 2017, the CCAC uncovered a case where an applicant of “major investment immigration” allegedly committed document forgery to obtain residency in Macao.

A Mainland Chinese, in the name of a shareholder of some souvenir shop in Macao, obtained temporary residency under the category of “Major Investment/Investment Plan” of the Macao Trade and Investment Promotion Institute. However, it was discovered after investigation that the investment plan was fabricated by the applicant, who had never made actual investment or been involved in the business operations of the shop. He did not have any connection with the capital, bank deposits and inventories of the shop either. He was not an administrative management member and did not take up any position or receive any remuneration from it. In order to obtain the statutory documents required for the temporary residency application, the person even forged the signature of the managing director of the souvenir shop on a statement helpful towards the application and submitted a forged academic certificate.

The acts of the aforesaid person allegedly constituted document forgery provided for in Law no. 6/2004 (*Illegal Immigration and Expulsion*). The case was referred to the Public Prosecutions Office.

Case 4

In July 2017, the CCAC uncovered a case where an examinee allegedly attempted to bribe an examiner of the Transport Bureau during a test for a light vehicle licence.

It was found in the investigation that the examinee had failed the driving test twice previously. During his test, he took out MOP2,000 from his pocket and offered it to the examiner in an attempt to pass it through bribery. However, the examiner

refused to accept it immediately and made a report to the CCAC straight away. During the investigation, some confessed having attempted to offer the pecuniary advantage to the examiner.

The act of the examinee allegedly constituted active corruption provided for in the *Penal Code*. The case was referred to the Public Prosecutions Office.

Case 5

In September 2017, the CCAC uncovered cases where two local racers allegedly obtained subsidies from the Macao Foundation through document forgery.

It was found after investigation that a local racer, who was a serving deputy superintendent of the Public Security Police Force, allegedly submitted the racing results of his teammates in two races to the Macao Foundation in an attempt to deceive subsidies. It came to light that he himself did not take part in the two races in the Chinese mainland but used the said racing results as proof of his participation and successfully obtained approval from the Macao Foundation for his “Application for subsidies for local racers participating in races abroad for 2012”. At a later time, the deputy superintendent allegedly obtained subsidies from the Macao Foundation again for the year of 2013 using untrue information.

During the investigation, it came to light that another local racer successfully deceived subsidies from the Macao Foundation by the same means in 2012.

The two aforesaid racers deceived a total of some MOP130,000 from the Macao Foundation and their acts allegedly constituted document forgery and fraud provided for in the *Penal Code*. The cases were referred to the Public Prosecutions Office.

The CCAC already notified the Macao Foundation of the relevant situations so that the latter would take proper measures to immediately plug the loopholes by improving the relevant operation and monitoring mechanism.

Case 6

In September 2017, the CCAC uncovered another case where an applicant of “major investment immigration” allegedly committed document forgery to obtain residency in Macao.

It was found in the investigation that three Mainland Chinese entrusted a former employee of the Macao Trade and Investment Promotion Institute (IPIM) as intermediary. With the help of a family member of this intermediary, the three persons established companies or purchased tenements in Macao. Based on such investments they applied to the IPIM for temporary residency under the category of “major investment plan” and the applications were approved.

Later, when applying for renewal of temporary residency or making extension application of family members, the aforesaid three applicants submitted to the IPIM “documents proving their investments” through the intermediary and his family member, including Social Security Fund contributions, “Salaries Tax – Income Declaration” and financial statements. They also claimed the addresses of the relevant tenements as their company addresses, which made themselves and their family members successfully obtain Macao Resident Identity Cards (BIR).

However, all of the aforesaid companies were found to be shell companies and there were no actual business operations or employees. The tenements claimed to be where the companies were located had been leased out to others all along.

The acts of the aforesaid persons allegedly constituted document forgery provided for in Law no. 6/2004 (*Illegal Immigration and Expulsion*). The case was referred to the Public Prosecutions Office.

Case 7

In October 2017, the CCAC uncovered a case where an inspector of the Labour Affairs Bureau (DSAL) allegedly solicited bribes.

The case was referred to the CCAC by the DSAL. After the CCAC's investigation it was confirmed that, when carrying out an inspection on a target company, the inspector found that the non-local employees of the company might be carrying out duties not stated on the blue cards and that the owner did not pay accommodation allowances to them according to the regulations. Afterwards, the inspector, through a third person, invited the owner to meet up at a concealed place in the Chinese mainland and asked for a bribe of MOP50,000 from the owner so the irregularities of his company would be settled. The company owner however rejected the request on the spot.

After his attempt to solicit a bribe was futile, the inspector violated the law knowingly when handling the case file of the involved company - he did not truthfully reflect the irregularities of the companies in the file and even concealed a few documents evidencing the relevant irregularities. The intention was to hide the incident from his superior and settle the problems.

The acts of the inspector allegedly constituted "receiving bribes to commit illegal acts", document forgery and abuse of power committed by public servants provided for in the *Penal Code*. The case was referred to the Public Prosecutions Office.

Case 8

In December 2017, the CCAC detected a case where the shareholders of some car park management companies allegedly committed fraud and abuse of power.

It was found in the investigation that the shareholders of three car park management companies allegedly exaggerated the maintenance costs for 13 local public car parks and submitted false documents to the Transport Bureau (DSAT) in an attempt to deceive public funds. The three shareholders of the involved companies, after obtaining the contracts for managing the public car parks, should have requested reimbursements from the DSAT for the purchased maintenance services for the car parks on an accountable basis. However, they deliberately overstated the costs in order to obtain illicit advantage.

The investigation also found that four shareholders of different car park management companies allegedly abused their power as the managing bodies by helping their relatives and friends to “jump the queue” for the renting of public parking lots with an allowed monthly-pass mechanism, which undermined the interests of residents who were queuing up for these parking lots according to the normal procedures.

The acts of the aforesaid persons allegedly constituted fraud, document forgery and abuse of power provided for in the *Penal Code*. The cases were referred to the Public Prosecutions Office.

IV. Mutual case assistance in cross-border investigation

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

There is a slight decrease in the requests for case assistance to CCAC from law enforcement agencies outside the Region from 19 cases in 2016 to 12 cases in 2017. Among the cases, eight were from anti-graft agencies of the Chinese mainland and four were from the Independent Commission Against Corruption (ICAC) of Hong Kong. Five of them have been completed while the remaining seven are still being processed.

(2) CCAC's requests for case assistance to law enforcement agencies outside the Region

There is also a slight decrease in the requests for assistance to law enforcement agencies outside the Region from nine cases in 2016 to six in 2017. Among the cases, five were requests for assistance to anti-graft agencies of the Chinese mainland and the remaining one was made to the ICAC of Hong Kong. Three of them have been completed while the remaining three are still being processed.

(3) Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao

The “13th Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao” took place in Chaozhou, Guangdong between 13th and 15th December 2017. The mutual case assistance team attended the seminar, during which all parties summarised and affirmed the results and achievements of mutual case assistance over the years. Due to the reform of the procuratorates and anti-corruption agencies in the Chinese mainland, they stressed that no matter how the reform would be, the partnership of mutual case assistance between the anti-corruption agencies of the three places would go on. In addition, they also explored the new cooperation methods following the reform with an aim to expand the regional cooperation on mutual case assistance and the exchange of intelligence.

V. Court verdicts

In 2017, a total of 20 cases processed by the CCAC were tried and sentenced by the court, while some of them are in the appeal process. A total of 46 people were involved in the adjudicated cases, including the former Prosecutor-General, who was sentenced to a 21-year imprisonment for 1,092 charges by the Court of Final Appeal.

The summaries of relevant verdicts are as follows:

No.	Court	Suspect	Charge	Result of adjudication
1	Court of First Instance	Chan XX	Fraud Document forgery	<ul style="list-style-type: none"> - Due to lack of effective criminal complaint against 42 counts of fraud, termination of the criminal proceedings was declared. - 1 - y e a r - a n d - 3 - m o n t h imprisonment for 5 counts of document forgery, with the execution of the sentence suspended for 2 years. A compensation of MOP111,600 plus interest shall be paid to the Financial Services Bureau.
2	Court of First Instance Court of Second Instance	Lio XX	Computing forgery Power abuse	<p>Court of First Instance: 2-year imprisonment for 2 counts of computing forgery and 1 count of power abuse.</p> <p>The Court of Second Instance upheld the original judgment.</p>
3	Court of First Instance Court of Second Instance	Lou XX Pun X Chan XX Chan XX Leong XX Ian XX	Passive corruption to perform illicit acts Breach of secrecy Unlawful economic advantage Money laundering Power abuse Untrue declaration Unexplained wealth Active corruption	<p>Court of First Instance:</p> <ul style="list-style-type: none"> - Lou XX: 12-year-and-6-month imprisonment and a fine of MOP36,000 for 42 counts of passive corruption to perform illicit acts, 10 counts of breach of secrecy, 12 counts of unlawful economic advantage, 1 count of money laundering, 2 counts of power abuse, 2 counts of untrue declaration and 1 count of unexplained wealth; - Pun X: 7-year-and-9-month imprisonment for 42 counts of passive corruption to perform illicit acts, 10 counts of breach of secrecy and 12 counts of unlawful economic advantage;

				<ul style="list-style-type: none"> - Chan XX: 6-year-and-3-month imprisonment for 12 counts of unlawful economic advantage and 28 counts of active corruption; - Chan XX: 4-year-and-6-month imprisonment for 28 counts of active corruption; - Leong XX: 4-year imprisonment for 12 counts of unlawful economic advantage; - Ian XX: 4-year-and-3-month imprisonment for 14 counts of active bribery. <p>Court of Second Instance:</p> <ul style="list-style-type: none"> - In response to Lou XX's appeal, Lou was acquitted of the charge of untrue declaration. The term of imprisonment was mitigated by 3 months and Lou was sentenced to a 12-year-and-3-month imprisonment and a fine of MOP36,000. <p>Other suspects' appeals were rejected and the original sentences were upheld.</p>
4	Court of First Instance	Ngai XX Tou XX	Fraud Document forgery	<ul style="list-style-type: none"> - Ngai XX: 2-year-and-6-month imprisonment for 4 counts of fraud and 2 counts of document forgery, with the execution of the sentence suspended for 3 years under the condition of donating MOP20,000 to the Macao SAR; A compensation of MOP70,909.2 for loss of property shall be paid to the Macao SAR Government; (appeal still being processed) - Tou XX: 8-month imprisonment for 1 count of document forgery, with the execution of the sentence suspended for 2 years under the condition of donating MOP10,000 to the Macao SAR;

				- Moreover, both of them shall pay MOP1,000 respectively to the Coffe of Justice of Macao as the fund of compensation for victims in criminal cases.
5	Court of First Instance	Lou XX Pun XX	Active corruption	- Lou XX: acquitted; - Pun XX: 1-year imprisonment for 2 counts of active corruption, with the execution of the sentence suspended for 2 years under the condition of donating MOP5,000 to the Macao SAR.
6	Court of First Instance	Kuok XX	Misappropriation	4-month imprisonment with the execution of the sentence suspended for 1 year and 6 months under the condition of donating MOP500 to the Macao SAR.
7	Court of First Instance	Kuong XX	Forgery of technical mark	5-month imprisonment with the execution of the sentence suspended for 1 year under the condition of donating MOP15,000 to the Macao SAR.
8	Court of First Instance	Lo XX	Document forgery	6-month imprisonment with the execution of the sentence suspended for 1 year under the condition of donating MOP30,000 to the Macao SAR.
9	Court of First Instance	Lei XX Wong XX	False testimony	They were sentenced to a 150-day and a 120-day fine at MOP100 per day respectively.
10	Court of Final Appeal	Ho XX	Embezzlement Misappropriation Destruction of object subject to public authority Aggravated fraud over considerably high value Aggravated fraud over high value	The Court of Final Appeal found him guilty of the following charges: - 9 counts of embezzlement, 1 count of misappropriation, 1 count of destruction of object subject to public authority, 23 counts of aggravated fraud over considerably high value, 65 counts of aggravated fraud over high value, 450 counts of fraud, 490 counts of unlawful economic advantage, 1 count of promotion and establishment of criminal organisation, 49 counts

			<p>Fraud</p> <p>Unlawful economic advantage</p> <p>Promotion and establishment of criminal organisation</p> <p>Aggravated money laundering</p> <p>Inaccurate data of declaration of assets and interests</p> <p>Unexplained wealth</p>	<p>of aggravated money laundering, 2 counts of inaccurate data of declaration of assets and interests and 1 count of unexplained wealth.</p> <p>He was subject to a concurrent sentence of 21-year imprisonment for the offences listed above.</p> <p>Moreover, he shall pay the following compensations:</p> <ul style="list-style-type: none"> - Own payment of MOP18,367,439.64 to the Office of the Prosecutor-General; - Own or joint payment of MOP4,323,629.40 with Wong XX to the Office of the Prosecutor-General; - Own or joint payment of MOP3,327,804.00 with Wong XX, Mak XX, Ho XX and Lei XX to the Office of the Prosecutor-General; - Own or joint payment of MOP49,902,265.40 with Lai XX, Chan XX, Wong XX, Mak XX, Ho XX, Lei XX and Lam XX to the Office of the Prosecutor-General.
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VI. Declaration of assets and interests

Since its entry into force in 1998, the regime of declaration of assets and interests applicable to public servants in Macao has been implemented for nearly two decades. The effective system provided for in the *Legal Regime of Declaration of Assets and Interests* has become one of the foundations of an efficient and clean government of Macao.

Over the previous year, the CCAC cracked down three cases involving the offences of “inaccurate data” of assets and interests declaration in strict accordance with the *Legal Regime of Declaration of Assets and Interests* and the cases have already been referred to the Public Prosecutions Office. In addition, among the cases adjudicated by the court in 2017, the defendants in one case of “inaccurate data” and two cases of “unexplained wealth” were found guilty. These cases have reminded public servants to provide true information when declaring their assets and interests and carry out their duties with integrity, observance, and self-discipline.

Ever since the implementation of the legal regime, the CCAC has been following up the matters related to declaration of assets and interests in an orderly way. Both the declarants and their spouses/co-habiting partners cooperate fully with the CCAC and fulfil their obligation in accordance with the law. As a result, the works of handling the declarations runs smoothly. In 2017, the CCAC collected the declaration forms from a total of 15,061 public servants. The details are listed below:

Statistics of declaration of assets and interests in 2017

Reasons for submitting declaration	Total
Appointment	2,750
Alternation of position	5,605
Termination of position	2,218
5-year renewal	2,163
Renewal with that of spouse	557
Pursuit of data-provision duty	1,547
Voluntary renewal	221
Total	15,061

As to external promotion, the CCAC received several visits in 2017 and introduced the operation of the assets and interests declaration system of Macao SAR to the visitors. Both sides also exchanged and shared their views and experiences. Meanwhile, at the request of some public departments, the CCAC continued to organise briefing sessions on declaration of assets and interests for many new recruits, whose questions were answered right away through the interaction during the sessions. Moreover, in order to effectively promote the *Legal Regime of Declaration of Assets and Interests*, apart from publishing the guidelines to fill in the declaration forms, the CCAC also introduced the content of the law on the internet in order to enable public servants and citizens to understand the significance of the declaration system through diversified channels and strengthen their attention and understanding of the legal regime.

In response to the implementation of e-government by the Macao SAR Government and the demands related to practical works, the CCAC developed the “notification processing system of declaration of assets and interests” in 2012 and launched it in the following year. Up to 31st December 2017, a total of 59 public departments and entities have adopted the system to deliver the notifications. In fact, the system not only facilitates the departments and entities’ fulfilment of the obligation of notification but also makes the operation of the declaration system ran by the CCAC more effective, thus improving the administrative procedures and enhancing the administrative efficiency.

PART IV

OMBUDSMAN



PART IV

OMBUDSMAN

I. Introduction

The CCAC strictly and fully exerts its power provided by the *Organic Law of the Commission Against Corruption* as always to closely monitor whether there are administrative illegalities and irregularities existing in the decisions made by public departments and entities and the related procedures, to carry out investigation from a problem-oriented and holistic perspective and to render relevant suggestions and recommendations for correction when illegalities and irregularities are found.

In 2017, the CCAC received a total of 1,264 complaints and reports, of which 719 fell within the area of ombudsman. In addition, the CCAC also received 637 requests for help and consultation in the same area. Compared with the statistics in the past, there is an increase in the complaints, reports as well as requests for help and consultation because it is possible that the citizens have encountered more injustices and their awareness of protection of their rights has strengthened. Meanwhile, the CCAC also believes that this shows the citizens' accreditation of our performances over the past few years and they think that our investigation will be efficacious.

When it comes to inquiries, last year the CCAC released the "Investigation report on the employment of workers through acquisition of services by the Cultural Affairs Bureau", which revealed the sequence of how the Cultural Affairs Bureau (ICM) recruited workers through acquisition of services and an thorough analysis of how the relevant practices contradicted the current laws of employment of public service personnel. In the report, the CCAC urged the ICM and its supervisory entity to adopt measures to ensure the fairness of recruitment procedures and the realisation of the policy of "streamlining administration".

The CCAC also publicised the “Investigation report on the typhoon forecasting procedures and internal management of the Meteorological and Geophysical Bureau”, which revealed that the former Director of the Meteorological and Geophysical Bureau (SMG) merely relied on his own judgments and decisions when making typhoon forecasts and decided whether or not to issue a typhoon warning signal through “decisions made at home” and “remote instruction”. At the same time, there was a lack of a mechanism for discussions and meetings on typhoon forecasting issues, while the leaders, supervisors and staff members had different interpretations of the standards of issuance of typhoon warning signals. Moreover, there were a series of problems concerning the internal management of personnel and equipment.

In addition, for the case in which the Housing Bureau (IH) rejected the applications from appointed buyers of economical housing for not including their spouses as household members and thus resulting in their disqualification from purchasing economical housing for the reason that their spouses owned a residence, the CCAC conducted an in-depth investigation and analysis and revealed the details of the sequence of events and made a conclusion in the report. Following the analysis, the CCAC believed that there was a lack of adequate legal and factual basis for the practices of the IH and therefore it should approve the relevant applications. The CCAC also suggested the IH issuing letters of authorisation to applicants for establishing property transaction deeds provided that the relevant legal requirements were met.

Apart from the inquiries, the CCAC also carried out investigations of the complaints over different public departments. Since some of the cases are considerably representative, they have been chosen to be revealed in the annual report. We believe that revealing the cases in the report enables not only the public to understand the cases and the CCAC’s works but also other public departments and entities to review whether they have similar problems or not in order to prevent similar cases from occurring again.

From the summary of the selected cases, one can see that the leaders and supervisors of some departments lacked basic understanding of the regulations of personnel management, leading to some staff members' lax awareness of discipline, which affected the work culture of the department. Despite the CCAC's notification that the decisions they made were not grounded by legal basis and seriously affected citizens' legitimate rights and interests, some departments still did not promptly conduct a comprehensive review of the relevant illegalities and actively make a correction. Instead, they did not take any actions until the CCAC reiterated its stance. Such attitude contradicts the policies of "legal administration" and "people-oriented governance". These problems deserve every public department's attention.

II. Inquiries

(1) **"Investigation report on the employment of workers through acquisition of services by the Cultural Affairs Bureau"**

The CCAC revealed in the report that over recent years, the Cultural Affairs Bureau (ICM) violated the law of open recruitment and central recruitment system, evaded the superior's assessment and supervision by hiring a lot of workers through acquisition of services. In particular, the problems concerning not publicising job openings, lax screening and alleged violation of the recusal system were the worst.

The CCAC found in the investigation that the ICM has been hiring a large number of workers illegally through the method of acquisition of services provided for in Decree Law no.122/84/M in recent years. Although some public departments were also found to have employed workers through acquisition of services according to the same Decree Law in the past, with the CCAC and the Commission of Audit continuously pointing out the mistakes of such practice in their reports, recommendations and guidelines, most of them have avoided hiring workers in this way in recent years.

However, the ICM had been all along employing workers through acquisition of services. The number of workers employed through such method even increased to as many as 112 in 2014, taking up almost one sixth of all its employees. Even in 2016, when the CCAC commenced the relevant investigative work, there were still 94 workers employed through such method.

The CCAC pointed out the following problems concerning the employment of workers through acquisition of services by the ICM.

1. Overstepping superior's personnel management authority

The ICM stated that the massive increase in the workloads in recent years and the inadequate manpower made them unable to cope with a multitude of additional projects, not to mention that it took too long to hire workers under the central recruitment system and that the superior authority would not approve the exemption from initiating an open recruitment process. Therefore, it decided to employ workers on its own through acquisition of services. Nevertheless, according to the legal systems governing public servants of Macao, a department at the Bureau level does not have the power to hire workers on its own, as such power belongs to the Chief Executive or the relevant Secretary.

The law provides that only in duly justified cases, and with the authorisation of the Chief Executive or the relevant Secretary, a public department in urgent need of recruits due to special reasons may be exempted from initiating the open recruitment process and allowed to hire contractual workers. In addition, only with the authorisation of the Chief Executive or the relevant Secretary, the open recruitment process initiated to hire a contractual worker may only involve document review, which simply requires resume analysis and an interview and a knowledge examination is exempted in this case.

However, without the approval of exemption by the Secretary for Social Affairs and Culture, the ICM hired a lot of workers through acquisition of services and by methods irrelevant to the required open recruitment process. Moreover, the selection of candidates by the ICM was only based on resume analyses and interviews. The knowledge examinations were exempted without the approval of the Secretary for Social Affairs and Culture. Without doubt, the ICM has overstepped the superior's personnel management authority.

2. Evading the recruitment systems of the Macao SAR Government

With the coming into force of Law no. 14/2009 on *Regime of Public Service Positions* and the supplementary legislations, all public departments must initiate open recruitment processes when recruiting ordinary and special posts referred to in this law. Moreover, the recruitment of senior officers and assistant officers must be subject to the central recruitment system. When initiating an open recruitment process, public departments must publish the notices in the *Official Gazette of the Macao SAR* and at least two newspapers. To enter the public services, applicants must undergo and pass the open recruitment process that consists of a knowledge examination, an interview and resume analysis.

However, during the investigation, the CCAC found that when recruiting workers through acquisition of services, the ICM failed to publicise to the society about the recruitment news and ask for registered job seekers' information from the Public Administration and Civil Service Bureau (SAFP). Instead it passed the recruitment news to colleagues and friends or by word of mouth in specific areas. These acts were against the principle of openness in the recruitment procedures of public servants.

With regard to the selection of applicants, the ICM would neither conduct written tests nor other professional skill tests. Instead it just depended on resume analysis and interviews to confirm the "best candidate". However, the knowledge

and experience of the recruited workers did not have any obvious association with their positions and such criteria for selection was in doubt.

The CCAC found that when the ICM recruited workers through acquisition of services, its recruitment procedures were neither open nor transparent. Also, the recruitment criteria were neither clear nor regulated. Moreover, there were circumstances that the relatives of some leaders and chiefs were able to be recruited by the ICM through acquisition of services. Such acts were against the public service recruitment policies of the Macao SAR Government that propose openness, fairness and justice.

3. Workers employed through acquisition of services enjoy certain advantages in the open recruitment

During the investigation, the CCAC found that in the recruitment of officer or assistant officer of the ICM through open recruitment process, among the people who were finally appointed, a considerable portion of them used to work in the ICM through acquisition of services. The ICM recruited 60 2nd grade officers in various areas in 2014 and 2015 through open recruitment, among the final 60 candidates that were recruited, 22 of them used to work in the ICM through acquisition of services.

In 2011, the ICM initiated an open recruitment process to recruit 2nd grade assistant officers. Among the 31 appointees, 13 of them used to be workers employed through acquisition of services; in 2012, open recruitment was conducted again for the recruitment of 2nd grade assistant officers and three of the four appointees used to be workers employed through acquisition of services. Subsequently, the ICM applied to the supervisory body in December 2013 for an additional appointment of nine assistant officers based on the final assessment list of the aforementioned open recruitment, of which six of them were working in the ICM through acquisition of services at that time.

The CCAC found that in the knowledge examinations of the ICM, there were often practical questions relating to the operation of the department and such questions amounted to a relatively high percentage of scores. Therefore, those candidates with related working experience had a certain advantage; in the resume analysis stage, one of the criteria was whether or not the candidate had working experience in the relevant area as well.

During the random inspection of the files of open recruitments of the ICM, the CCAC found that the jury panel did not set the questions of the knowledge examination until they viewed the resume and realised the identity of the candidates. In addition, the scoring criteria for interview and resume analysis were not formulated until the scores of knowledge examination of the candidates were calculated. Such practice was not consistent with the usual procedures for open recruitments of the public sector.

4. Creating false front to cover up the actual labour employment relationship

The “service provision agreement” entered between the ICM and the new recruits specified such content as job duties, working hours, and methods for calculating absence leave. Whether it be the form or the content, these agreements were just like typical employment contracts. Furthermore, these recruits were in fact not different from the regular employees of the ICM – they had to follow the starting and finishing times of work applicable to the regular employees, obey orders of their superiors, complete the assigned tasks and receive the corresponding remuneration.

In order to package the employment of workers through acquisition of services as procurement of services described in Decree Law No. 122/84/M and thus cover up the actual labour employment relationship, the ICM required the person to be hired to submit a “quotation” for procurement of services, in which the content of “service provided” and “service fee” was exactly the same as that in the employment

proposal; another example is that the ICM deliberately arranged the department heads to manually record the arrival and leaving time of the workers through acquisition of services, instead of recording their attendance (i.e. “punching of attendance card”) together with the regular employees.

What is more absurd is that in order not to sign long-term agreements with many typical labour terms with the workers, the ICM, in general, entered into so-called “work agreements” with the workers employed through acquisition of services when the “service provision agreements” had been signed for one year and requested them to submit an application of commencement of work as freelance worker to the Financial Services Bureau by filling in and submitting salaries tax form M1.

The “work agreements” signed between the ICM and these workers neither indicated any terms about the working hours and the quantity and methods of the works nor mentioned anything about the attendance system, giving a false impression that they were “freelance workers” providing services instead of full-time staff members. Many of the terms in the “work agreements” were too simple, making the supervision difficult.

5. Evading the legal regime of declaration of public servants’ assets and interests

Law no. 11/2003 stipulates that holders of public positions and people linked to the public departments with subordinate relation are obliged to submit declarations of their assets and interests. The workers who had signed the “service provision contracts” with the ICM had submitted declaration of assets and interests. However, after they signed the “work agreements”, they did not submit the declarations to the CCAC again with the excuse that there was no subordinate relation between the ICM and them.

The workers employed by the ICM under “work agreement” were distributed among many subordinate departments. Since there was no obvious difference between these workers and the regular employees of the ICM in the aspect of performance of duties, they had access to and even had the chance to take part in the planning or administrative assessment procedures of the projects and events involving significant economic interests. However, they did not fulfil the obligation to declare their assets and interests. This would not only open a loophole in the supervision of integrity of the public service but also bring about risks of corruption.

In addition to the issues mentioned above, the CCAC pointed out the following two issues also deserve attention of the bureau and its supervisory body:

1) Fairness of public service personnel recruitment procedures shall be ensured

The ICM employed workers through the dissemination of the news about the recruitment of workers through acquisition of services among the “insiders” or among relatives and friends, which resulted in the lack of elimination and competition of knowledge examinations in the selection process. Some of them even made use of the working experiences in the ICM and enjoyed the advantage of “proximity” in the open recruitment, which would inevitably cause questions about the impartiality of the ICM in the employment process of workers through acquisition of services.

The CCAC considered that in the recruitment process, public department must comply with the requirements of the Macao SAR Government and abide by the provisions of the laws concerning open recruitment, central recruitment and standardised recruitment to ensure that the recruitment procedures are open, fair and impartial and safeguard the equal opportunities that Macao residents can enjoy in acquiring public posts.

2) The policy of “streamlining administration” promoted by the Macao SAR Government should strictly be implemented

Over recent years, the ICM has been organising more and more activities. If the existing manpower of the ICM was indeed unable to handle additional work, it is understandable that the ICM appropriately recruited more workers. However, the ICM should conduct the recruitment process in accordance with the statutory procedures and have corresponding budget. The ICM used the budget of the Cultural Fund which was originally allocated for holding cultural activities to recruit a large number of workers through acquisition of services. Moreover, the leaders failed to set the upper limit of the number of recruited workers and the fees of the services. Such acts did not conform to the due requirement of public finance management.

The CCAC stressed that the spirit that the public departments work proactively to achieve good results should be recognised, but they should consider the cost and adhere to the principles to “keep the expenditure within the limits of revenues” and “manage its finance in a prudent manner”. When public departments strive for achievement, they should not disregard the overall recruitment plan of the Macao SAR Government and should not only think about their own benefits and disregard the overall situation. Otherwise, there will be a danger that the size of the civil service and the expenses of public finance of the Macao SAR Government will be out of control.

(2) Investigation report on the typhoon forecasting procedures and internal management of the Meteorological and Geophysical Bureau

The CCAC pointed out in the investigation report that when making typhoon forecasts and issuing warning signals for tropical cyclones, the Meteorological and Geophysical Bureau (hereinafter “SMG”) relied on the personal judgments and decisions of the former Director. There was no discussion in advance and explanation after the typhoons. It was also found that the bureau lacked an internal mechanism

for meetings and discussions. When the Signal No. 3 or 8 might be issued for a typhoon taking place during non-working hours, the leader would only stay at home and make decisions through phone calls and the internet. Even the personnel of the bureau were not clear about the criteria for the issuance of typhoon warning signals. As there were many problems in the SMG in terms of personnel and equipment management, it believed that the leaders of the bureau should bear major and unshirkable responsibilities.

After typhoons “Nida” and “Hato” hit Macao in 2016 and 2017 respectively, some citizens thought that the SMG released the forecasting updates too late and even made incorrect forecasts. They even suspected that the SMG might have deliberately delayed the issuance of the Signal No. 8 in the interests of gaming companies and therefore requested the CCAC to carry out an investigation. The Commissioner Against Corruption issued two orders at different times to initiate investigations into the typhoon forecasting procedures and internal management of the SMG.

After the investigations the CCAC found that there were many problems in the SMG in terms of its typhoon forecasting procedures as well as personnel and equipment management.

Regarding the decision making for typhoon forecasting, in his replies to some written inquiries from the legislative members, Fong Soi Kun, the former Director of the SMG, pointed out that, whenever a tropical cyclone warning signal was to be raised, the leadership, the relevant chiefs and meteorological technicians would have meetings together, adding that all decisions were made after detailed discussions. However, the CCAC found that the SMG did not establish a mechanism for discussions and meetings on typhoon forecasting issues. Instead, it simply relied on the personal judgments and decision making by the former Director. The forecasters had no idea whether and when a warning signal to be raised before the instructions were received from the Director.

The “discussion meetings” mentioned by the former Director were in fact summoned by him when the issuance of the Signal No. 3 or 8 might be needed during normal working hours. At the meetings held at his own office, the former Director would have discussions with the Deputy Director and the Chief of the Meteorology Division. There was no frontline forecaster involved in the process. When the said warning signals might be issued during non-working hours or on a public holiday, the Deputy Director would report the situations only to the Director by phone, and the latter would, after analysing the relevant data and information on the internet at home, decide whether to raise a typhoon warning signal or not. He would then notify the forecasters on duty at the bureau by phone to publicise the relevant information.

In the CCAC’s opinion, the weather conditions during a typhoon are ever-changing. Therefore, with only the reports by the chiefs and the use of a computer to monitor and make judgments, it was hardly possible for the former Director to catch up on the updates about the typhoon in a holistic and timely manner. As typhoon forecasting necessitates the compilation and analysis of a great deal of information in a short period of time, it can by no means solely rely on the wisdom and professionalism of one or only a few people.

When a typhoon was approaching Macao, the SMG leader did not stay in or go back to the office but stayed at home instead and made the decision of issuing the Signal No. 3 or No. 8 via phone and internet. If power shortage, internet failure or telephone line disconnection occurred, the leader would not have access to the meteorological data and could not give any orders to issue warning signals from home. In this case, the typhoon forecasting system of Macao would stop running and lead to delayed or incorrect typhoon forecasts.

According to the report, the leader of the SMG went back to office in the early morning of 23rd August 2017 when typhoon “Hato” hit Macao. Nevertheless, making typhoon forecasts through “decisions made at home” and “remote instructions”

were absolutely not the working methods that public departments should adopt to deal with severe natural disasters. Such practices were hugely different from that of the counterparts of the surrounding regions and citizens' expected scenarios of making typhoon forecasts. If there were any accidents, the safety of citizens' lives and properties would be seriously threatened.

For the criteria of issuing typhoon warning signals, the former Director told the CCAC that the typhoon forecasts should not only be based on the *Instructions on Tropical Cyclone Situations* approved by Administrative Order no. 16/2000. The three elements including prevalence, representativeness and continuity should be taken into account also. In August 2016, the former Director told the media that when “Nida” hit Macao, although some meteorological monitoring centres recorded the wind speed that reached the lower limit of the statutory range, since the overall wind speed was slower, the criteria of prevalence and continuity of typhoons necessitating issuance of the Signal No. 8 were not met.

Before the CCAC intervened and made suggestions, the SMG did not release any document to define or explain what prevalence, representativeness and continuity meant, neither did it publish any internal guidelines on how to make typhoon forecasts according to these “three elements”. Regarding this issue, the former Director said that all of their personnel had clear understanding of what the “three elements” were, adding that they had “a pretty clear idea” and “there should not be any ambiguity”.

However, the CCAC found that the leaders and chiefs of the SMG had their own different interpretations of the definitions and standards of the “three elements”. In this sense, when the Deputy Director substituted for the former Director, the standards adopted by the Deputy Director to make a decision of issuance of typhoon warning signals might be different. Moreover, the staff members knew little or even never heard about prevalence, representativeness and continuity and they also never heard that the “three elements” should be considered when it came to whether or not to issue typhoon warning signals.

The CCAC believed that the factors and standards for issuance of typhoon warning signals did not only matter for the leaders of the SMG. They were even not “confidential” or “concealed” information. If the forecasters of the SMG are also not clear about them, it is even impossible for the public to have any idea of them. Therefore, it is inevitable that the public would raise doubts on the accuracy of the forecasts and whether they were delayed or incorrect.

The CCAC also found that there was a string of problems in the internal management of the SMG. When it comes to personnel management, the CCAC found that there were forecasters that were repeatedly redeployed to other affiliated units. Some forecaster was even redeployed for six times within a year. This situation affected the stability of the operations. Holding that some operations were already automated and computerised, the leadership reduced the number of personnel on duty at the Meteorological Monitoring Centre. This caused the forecasters not to be able to cope with the monitoring work and inquiries at the same time when there was a typhoon coming. The former Director did not find it necessary to increase manpower just for answering phone calls, as he thought that the forecasters should finish the work on weather forecasting first and answer the calls only when they had time. Therefore, during the passage of typhoon “Hato”, he insisted that there should only be two personnel on duty at the bureau when the Signal No. 3 was in force. It was not until the morning of 23rd August that two more forecasters were deployed.

Regarding the rumours on the internet about the religious belief of the Deputy Director, it was difficult for the CCAC to verify whether they were true or hearsay. Nevertheless, according to the personnel the CCAC got in touch with, the rumours were widely circulated in the bureau and everyone heard of them. The rumours, along with some of her behaviour, would really make others feel uneasy, especially those who needed to work on the overnight shift.

In the CCAC's opinion, the freedom of religious belief is a fundamental right of the residents. Nevertheless, personal religious belief and public entity management should not be mixed up. Public servants should not bring their religious practices or activities to work, otherwise they might pose psychological stress to the colleagues and affect the operations of their departments. The former Director stated that he had never read the posts and information on the internet and therefore did not try to find out if the rumours were true or not. In response, the CCAC points out in the report that, as the highest authority of the SMG, the Director should not turn a blind eye to rumours that affect the operations of the bureau, as avoiding the problem will greatly undermine the professional image and credibility of the bureau.

The CCAC also noticed the problems concerning the equipment management of the SMG. For example, the internet connection failed frequently and while it was off it was impossible to collect any meteorological data. The X-band meteorological radar purchased in 2009 no longer functioned since 2013 due to failure and the SMG needed to monitor weather conditions through the S-band meteorological radar shared with Zhuhai. The LIDAR (Light Detection and Ranging) was purchased in early 2017 to monitor the data of air pollution. After installation, it was found that its laser light source did not function and it was left unrepaired. After power outage occurred at noon of 23rd August 2017, the generator did not function immediately due to failure of battery. With the backup power supplied by the UPS, the forecasting work of the Meteorological Observance Centre was not seriously affected. The meteorological monitoring stations in some places in Macao could not function normally due to failure of backup batteries. Due to lack of anti-flood facilities, the equipment of the water level monitoring stations and tide stations might fail as it was soaked by rainwater when there was heavy rain or strong tide.

For the problems concerning the maintenance and management of the equipment of SMG, the former Director said he did not know about them because the chiefs or staff members did not tell him. The CCAC believed that when some

problems occurred repeatedly but were not solved promptly, or when some problems were big enough to have serious effect on the department's operation, the top leader of the department should intervene into the matters and follow up and solve the problems promptly and should not keep himself aloof from the problems for the reason that the relevant powers had been delegated to his subordinates or that it was the subordinates' duty to solve the problems.

In the opinion of the CCAC, the SMG's power of decision making on typhoon forecasting was highly centralised. As the procedures were not standardised and the criteria were not transparent, they gave rise to a certain degree of arbitrariness. When making decisions on the issuance of tropical cyclone warning signals, the leadership ignored the views of the frontline meteorological technicians. Such practices have not only demonstrated autocracy and the disregard for the opinions of the personnel, but has also revealed the egotistical attitude and professional arrogance in its decision making processes. As different people within the bureau had different interpretations of the criteria for typhoon forecasting, it was even more impossible for the public to know what the SMG had based on and considered when it comes to the issuance of typhoon warning signals. Each time when there were public queries on the forecasts after the passage of typhoons, the SMG's leaders failed to make clear the relevant details and take their responsibilities.

Following the investigation into the incident of typhoon "Nida", the leaders of the SMG eventually accepted the CCAC's suggestion and formulated internal guidelines of the criteria about "prevalence" and "continuity", but it was not until the afternoon of 22nd August 2017 that the guidelines were passed to the forecasters on duty and the guidelines were uploaded to the intranet of the SMG that night.

In response to media's interview after the passage of typhoon "Nida", the former Director also pointed out that the current definitions of the typhoon warning signals had been in force for many years and only minor revisions had been made, so it

was necessary to make a comprehensive review promptly and revise the definitions in response to citizens' demands. However, when the CCAC asked him about the progress of the revision during the investigations, he denied the statement about the intention to revise the relevant administrative order and asserted that he did not see anything that required revision in the administrative order.

In the report, the CCAC suggested the SMG taking the initiative in revising the *Instructions on Tropical Cyclone Situations* in order to perfect the stipulations about typhoon forecasting and typhoon warning signal issuance, setting up a specific mechanism of discussion meetings which the meteorological staff are allowed to join and a rotation system for the leaders, chiefs, forecasting staff and other staff members to stand by in the office when a typhoon warning signal is issued, and perfecting the management of personnel and equipment.

(3) Investigation of Housing Bureau's rejection of applications for not including spouses of economical housing applicants as household members

1. Background of the incident

In the first half of 2017, the CCAC received a number of complaints from appointed buyers of economical housing and the office of legislator Lei Cheng I, claiming that the Housing Bureau (IH) rejected the applications from appointed buyers of economical housing for not including their spouses as household members, which not only violated the related provisions under Law no. 10/2011, *Economical Housing Law*, but also contradicted the guidelines initially provided for economical housing applicants. Therefore, the complainants requested the CCAC's intervention.

All the complainants were the so-called applicants for "19,000 economical housing flats". Between 2003 and 2005, they submitted the applications under the old *Economical Housing Law* and were later admitted to the waiting list. In around 2012, economical housing flats were allocated to them and the pre-contract agreements

were signed. Subsequently, they moved into the respective flats.

In April and May 2016, the complainants received a letter from the IH indicating that in order to help them enter into the property transaction deeds, the IH requested them to provide the latest information of their households and their marital status. As the complainants got married during the waiting period, they filled in the “declaration of not being a household member” provided by the IH in order to request for not including their spouses as household members.

In March and April 2017, the complainants received a letter from the IH informing them that according to the *Economical Housing Law*, their applications for not including their spouses as household members were rejected and therefore their spouses must be considered as household members. Since their spouses owned their residences in Macao, when they became the applicants’ household members, the legal requirements for purchase of economical housing would no longer be met and the pre-contract agreement would be terminated.

The complaints thought that the decision made by the IH violated not only the *Economical Housing Law* but also the guidelines that it issued initially. It was because when they were going to get married, they made inquiries to the IH and the reply was that if “separation of assets” was chosen during marriage registration and if their spouses were not to be included as household members, the eligibility for purchasing economical housing flats would not be affected.

The affected individuals worried that the economical housing flats allocated to them would be recovered and some public figures, such as legislators, showed their concern for the case. In response to legislators’ questions during the plenary session of the Legislative Assembly on 21st April 2017, the Chief Executive stated that the Macao SAR Government would, in accordance with the *Economical Housing Law*, objectively and impartially review the legality and rationality of the administrative

decisions made by the competent public department in order to protect citizens' legal rights and interests.

On 26th April 2017, the Secretary for Transport and Public Works issued an order which pointed out that since the legality of the signing of the property transaction deeds was questioned in the letter sent from the IH to the appointed buyers of economical housing, he instructed the IH to immediately inform those appointed buyers that the letter was null and cooperate with the CCAC in the investigation.

2. The change of legal point of view of the IH

With regard to the issue of the economical housing applicants who got married during the waiting period and their spouses owned their residences, the IH formulated an internal guideline on 12th October 2011, indicating that if the applicant chooses “separation of assets” or “sharing of acquired assets” during marriage registration and declares the spouse not to be included as a household member, the applicant's eligibility for the purchase of an economical housing flat will not be affected.

The said internal guideline was distributed to the staff of the IH for reference and execution. The staff would answer the inquiries of the economical housing applicants based on the content of the internal guideline. In addition, the IH issued a press release on the relevant content and elaborated a series of Q&A and uploaded them to its website. Until the beginning of 2017, the IH has been providing clarification and dealing with the relevant issues in accordance with the above internal guideline.

Recently, problems were found in the implementation process of the *Economical Housing Law*, particularly the situation where the economical housing applicants got married during the waiting period and the spouses owned their residences but they were not included as household members. Therefore, the leadership of the IH requested its legal personnel to conduct a study on the relevant provisions of the

Economical Housing Law.

According to the legal opinion report of the IH dated 9th February 2017, all persons who have a kinship and live together with the applicant are considered as household members under the *Economical Housing Law*. Therefore, the applicant of economical housing cannot declare that the family members who live together with him are not included in the list of household members, otherwise it will violate the offence of “false declaration” under Article 50 of the above-mentioned law.

The leadership of the IH agreed with the above-mentioned opinion and instructed the subordinate units to take reference and execute accordingly. Therefore, starting from February 2017, the IH has changed its past stance and practice. As long as there is husband and wife relationship and they live together, the person will automatically become the household member and application for not including the spouse in the household will be rejected, unless the applicant can submit justification such as separation with spouse.

According to the information provided by the IH, a total of 104 requests of not including the spouse in the household were rejected by the IH and the applicants concerned were notified; another 77 cases of applications of not including the spouse in the household were approved but change of decision was under consideration; and 37 cases had yet to be decided. In these 218 applications, there were 183 cases in which the spouses of economical housing applicants had their own housing in Macao.

3. Legal analysis by the CCAC

When an economical housing applicant gets married during the waiting period, the key question lies in whether or not it is possible not to include the spouse of the applicant as a household member. According to the IH’s new legal opinion, the

definition of household provided for in the *Economical Housing Law* is a mandatory rule. Therefore, when the economical housing applicant gets married during the waiting period, his spouse should necessarily be a household member, and it is not possible not to declare this situation.

However, after analysis, the CCAC believes that Paragraph 1 of Article 6 of the current *Economical Housing Law* only defines household from the perspective of eligibility for applying for economical housing flats and does not provide that people who live together because of their kinship must be considered household members.

In 2011, during the discussion on the drafting of the current *Economical Housing Law*, in the draft bill presented to the Legislative Assembly, the Macao SAR Government suggested that as a permanent resident of Macao, the spouse of the economical housing applicant must be included as a household member. However, after the discussion with the Legislative Assembly, this solution was cancelled in the revised draft and in the final version of the passed law.

As reference, the definition of household provided for in Administrative Regulation No. 25/2009 (*Allocation, Leasing and Administration of Social Housing*) is basically the same as that in the *Economical Housing Law*. However, with regard to the requirements for renting social housing flats, the aforesaid Administrative Regulation explicitly stipulates that “Except for spouses who are not Macao residents, the spouses of household members shall be included in the same application form.”

In the process of drafting the *Economical Housing Law*, the solution, which required the spouse of the economical housing applicant to be included as a household member, was not adopted. However, Article 18 of the law provides that it is necessary to declare the monthly incomes and net worth of the applicant’s spouse when he is a Macao resident and is not included as a household member, and these must be counted as part of the incomes and assets of the household. If the incomes

and assets of household members exceed the legally established limits, the applicant will not meet the requirements for applying for an economical housing flat.

In addition, according to Subparagraph 5 of Paragraph 5 of Article 14 of the *Economical Housing Law*, the spouse of an applicant, appointed buyer or owner of an economical housing flat may not apply for the purchase of an economical housing flat, so as to avoid that both of the couple apply for an economical housing flat individually. Obviously, this rule would make no sense if the applicant's spouse must be included as a household member.

The CCAC considers that the current *Economical Housing Law* does not impose that the spouse of an applicant must be included as a household member. And since the entry into force of this law in October 2011, this position has been maintained by the IH in its legal opinions, internal instructions, publicity and practical operations. The IH's submission dated February 2017 had no legal or factual grounds for altering that position. Therefore, the IH should accept the applications of the economical housing applicants who get married during the waiting period for not including their spouses as household members, and should issue letters of authorisation to applicants for establishing property transaction deeds when the other legal conditions are met.

4. Public departments should act according to the law

Since February 2017, the IH has changed its stance and usual practice, rejecting the applications of the economical housing applicants who got married during the waiting period for not including their spouses as household members. The cause was that since some of the applicants' spouses had already owned their residences in Macao, the IH hoped to utilise the valuable public housing resources in a proper way. However, such decision should be made based on specific legal basis and in accordance with the relevant stipulation of the *Economical Housing Law*.

The legal opinion report of the IH dated 9th February 2017 gave a new interpretation of the *Economical Housing Law*, which not only overturned the legal opinion and internal guideline given by the IH on 12th October 2011, but also altered the guidelines and operational practice that have been open to the public by the Bureau over the past many years. Moreover, such decision might also cause those applicants who have followed the guidelines to lose their economical housing flats in which they were living.

The CCAC believed that the public departments should, when performing their duties, handle any problems which may damage the public interests without delay. However, the departments should comply with the law and handle the problems within their scope of competence conferred by the law. They should also seek public interests based on the premises of respecting the rights and the legally protected interests of the citizens.

The facts that the economical housing applicants got married during the waiting period and their spouses who owned their residences were not included as household members indeed affected the rational allocation of public housing resources. However, the resolution to such problems cannot rely on just one legal opinion report and one administrative directive. Instead, the Bureau should amend the relevant regulations in the current *Economical Housing Law*. The CCAC believes that the IH should improve the current legal regime of economical housing in an opportune time in order that the public housing resources can be impartially, rationally and fully utilised.

III. Summaries of cases

Case 1

The CCAC received a report claiming that an inspector of the Civic and Municipal Affairs Bureau (IACM) often failed to record his own attendance and used “forgetting to punch the card” as a justification, while his superior, despite knowing the situation for a long time, still accepted such justification whenever it happened. The superior was suspected to have harboured the misconducts of the inspector and showed favouritism towards him. Therefore, the CCAC was requested to investigate the incident.

According to the investigation of the CCAC, the aforesaid inspector failed to record his attendance for 86 times between January 2015 and November 2016. The situation could happen so frequently that he failed to do so for as many as seven times between 24th and 30th August 2015, each time using the same justification, that is, “forgetting to punch the card”.

As the inspector failed to record his attendance for too many times, it seemed incredible that he simply forgot to punch the card. Therefore, measures should have been taken by the department to find out what had happened. However, according to two heads of the IACM who were responsible for ensuring that the duty of assiduity and the duty of punctuality are fulfilled, as they had trust in the inspector, they did not take any measures to verify his actual attendance times but directly accepted his explanations and allowed the missing attendance records to be added back.

The CCAC believed that there were some indications that the inspector allegedly violated the duty of assiduity and the duty of punctuality and his superiors allegedly violated the duty of supervision. Therefore, it sent a letter to the IACM requesting the latter to deal with the incident properly. The IACM replied that disciplinary procedures had been initiated against the involved persons. They would also review

the work procedures and improve their attendance management according to the issues brought up by the CCAC, so as to ensure that the relevant supervision mechanisms may be put into practice effectively.

Case 2

The CCAC received a report claiming the fix-term appointment contract of a chief of the Civic and Municipal Affairs Bureau (IACM) was renewed for two days prior to his retirement on 3rd January 2017. The complainant suspected that the relevant practice involved transfer of interest and thus requested the CCAC to investigate the matter.

According to the investigation of the CCAC, the renewed fixed-term appointment of the aforesaid chief was between 1st January and 31st December 2016, and he would retire on 3rd January 2017. On 9th December 2016, the Administration Committee of the IACM approved the renewal of his fix-term appointment for two more days, which fell on 1st and 2nd January 2017. During these two days, which were statutory holidays, the former chief did not go to work because of any emergencies. Besides, the chief already handed over the office keys and other items to his successor and returned his work permit to the bureau at the end of December 2016. Obviously, he did not plan to go in to work those two days.

In the CCAC's opinion, despite that the law did not regulate the shortest term for fix-term appointment, the appointment or reappointment of leadership must be based on the operational needs of the department. However, the appointment term of the chief who was responsible for providing internal administrative support for the IACM was only two days, not to mention they fell on public holidays. Therefore, it was hard to justify the necessity and legality of making that decision. While the fixed-term appointment was renewed for only two days, the chief received some MOP20,000 more as termination compensation than the amount he was entitled to

under his original post.

After the CCAC notified the IACM of the aforesaid incident, the IACM replied that leadership and senior management officers do not have fixed working hours according to the law. Therefore, whether they have worked or not cannot be simply decided by if they go in to work on working days. According to the IACM, although the involved affiliated unit did not often need to work on non-working days, there were chances that the chief of the unit had to deal with emergencies and urgencies. Nevertheless, to respect the opinion of the CCAC, the IACM decided to revoke the relevant decision on the reappointment. The bureau also requested the chief to return the excess compensation already paid to him and gave a warning to the chief who put forward the reappointment suggestion.

The CCAC sent a letter to the IACM again, where it pointed out that during the investigation the chief admitted that he had never worked on New Year's Day during over 20 years of taking up the position as chief. Therefore, the explanation provided by the bureau did not add up. Besides, the question did not lie in whether the chief went in to work or not but whether the reappointment decision was made out of consideration for operational needs or not. Therefore, the decision violated the principle of legality and the principle of seeking public interests laid down in the *Code of Administrative Procedures*.

Case 3

During the follow-up on the Cultural Affairs Bureau (ICM)'s employment of a number of workers under the acquisition of services contract, the CCAC discovered that the bureau hired two non-local residents as teachers at the School of Drama of the Macao Conservatory, which allegedly violated the relevant provisions of employment of overseas employees. Therefore, the CCAC initiated another investigation into the case.

It was found in investigation that the Macao Conservatory under the ICM launched a few stage makeup and speech programmes. Holding that it was difficult to hire qualified local teaching staff, starting from 2011, the Macao Conservatory signed contracts with two Hong Kong residents and hired them as programme instructors under the acquisition of services contract. Each session of the relevant programmes lasted three or six months and there was one class per week for each programme. By the end of 2016, the two persons had received a total of MOP470,000 and MOP260,000 respectively as remuneration.

The ICM believed that the employment of the aforesaid two persons as teachers at the School of Drama was one of the exceptions defined by the law, that is, “inviting non-residents to engage in academic activities”, where work permits are not required. However, after analysis the CCAC believed that the academic activities referred to in the *Regulations of Prohibition of Illegal Labour* are mainly seminars or workshops held in Macao. The two Hong Kong residents in this case were, however, officially hired by the ICM. They periodically carried out educational activities in Macao according to the established curriculum plans and received remuneration. Therefore, the employment of the two non-residents necessitated the application for work permits in advance, or it would violate the law.

Due to the fact that the aforesaid employment violated the provisions of the *Regulations of Prohibition of Illegal Labour*, the CCAC notified the Labour Affairs Bureau of the incident. Later, in its reply to the CCAC’s enquiries, the bureau stated that there was evidence that the aforesaid employment contravened the legislation on employment of non-resident workers. Therefore, the bureau followed up the incident in accordance with the law.

Case 4

The CCAC received a report claiming that as a concert organised by the School of Music of the Macao Conservatory under the Cultural Affairs Bureau (ICM) did not sell well, the school forced the teachers to buy the concert tickets and resell them to the students, parents and their own family members and friends. As the practice of the school was believed to have violated the law, the CCAC was requested to carry out an investigation.

The School of Music organised a concert performed by its students at the Macao Cultural Centre in April 2017. Considering the tickets were still not selling well two days prior to the concert, the school principal asked all the teachers to buy five to 20 tickets depending on the number of students they taught and then promote them to the students, parents and their own family members and friends. In the end, 16 teachers purchased a total of 195 concert tickets, which amounted to MOP11,700 (MOP60 per ticket).

During the investigation the ICM explained that the principal of the School of Music made the aforesaid arrangement due to the worry that low concert attendance would affect the students' emotions as well as their performance quality. However, the CCAC believed that requesting teachers to buy concert tickets and resell them to students or parents by means of administrative instructions was to make the teachers act beyond the scope of employment and would create stress for students and parents. In addition, according to the CCAC's investigation, after buying the concert tickets some teachers did not resell them or give them away to family members or friends. Instead, they just threw them away. Therefore, the aforesaid practice would not necessarily increase the attendance rate.

The ICM stated its agreement with the CCAC's stance in a reply. To avoid similar incidents from happening again, it would also lay down guidelines to regulate the promotion of similar activities and ticketing issues for all the schools of the Macao Conservatory.

Case 5

The CCAC received a report saying that a person who did not have a heavy vehicle driver license was admitted to the recruitment exam for heavy vehicle drivers conducted by the Macau Government Tourism Office (MGTO). Therefore, the complainant suspected that there were illegal acts existing in the case and requested the CCAC to carry out an investigation.

In the investigation, the CCAC found that the candidate already had a heavy vehicle driver license when he submitted the application, so the report was groundless. However, the CCAC found that according to the recruitment notice, three years' experience in heavy vehicle driving was required. In fact, the candidate stated that he had worked as a part-time truck driver for two years. For other work experience, he had merely worked as a valet and taxi driver, which did not meet the requirement of three years' experience in heavy vehicle driving, but the MGTO still admitted him to the exam.

The CCAC also discovered that there were various problems existing in the recruitment process. For example, a candidate who had the experience in heavy vehicle driving on a part-time basis was considered to meet the requirement of 3 years' work experience, but another candidate who also had worked as a part-time heavy vehicle driver was deemed unqualified. A candidate was accepted despite having submitted a working proof which did not specify which kind of vehicle he drove, but another candidate was disqualified because his working proof did not specify it. Moreover, the MGTO pointed out in the provisional list that the working proof that a candidate had submitted did not meet the requirement, but he was finally accepted after submitting a working proof with exactly the same content.

The CCAC considered that in the recruitment process for heavy vehicle driver, the jury panel violated the relevant regulations and the rules provided for in the recruitment notice. They did not conduct a strict examination on candidates'

qualifications and documents and handled identical situations with different standards. Such practices might lead to a suspicion that the rules varied from person to person and the candidates were not fairly treated.

For the problems mentioned above, the MGTO stated that it agreed on the CCAC's stance and that although the relevant mistakes were only occasional cases, it had already adopt follow-up measures to remedy the mistakes and prevent similar cases from happening again.

Case 6

The CCAC received a report saying that the Macao Polytechnic Institute (MPI) did not announce the provisional and confirmed lists of candidates admitted to the exams in recruitment processes and such practice was not transparent and violated the law.

According to the legal regime of recruitment of public service positions, departments shall announce which candidates have been accepted or eliminated through publication of the provisional and confirmed lists. However, the CCAC found in the investigation that the MPI only indicated in the recruitment notice that if the candidates who did not receive any notification from it within a designated period would be deemed as eliminated and might not take the exam in the following stage.

The MPI explained that the reason for doing so was that there was no such regulation expressly provided by the *General Regulation of Personnel of the Macao Polytechnic Institute*. In addition, due to limited human resources, it was difficult to notify every candidate if he was admitted to the exam or not. Therefore, in accordance with the stipulation about “tacit rejection” under the *Code of Administrative Procedures*, the recruitment notice simply indicated that those who did not receive

the notification within the designated period was deemed as eliminated.

The CCAC considered that although the MPI had its own regulation governing the personnel and the legal regime of recruitment of public service positions was not applicable, publication of the provisional and confirmed lists, indeed, enables all candidates to promptly know whether or not they are admitted the exam or the reasons why they are eliminated. Compared with sending written notifications to every candidate, such practice saves more human resources and effectively avoids the suspicion of “backroom deals”. Moreover, applying the stipulation of “tacit rejection” under the *Code of Administrative Procedures* as the legal basis for not sending any notifications to the eliminated candidates is a misinterpretation and misuse of the legal mechanism.

According to the CCAC’s findings, some of the recruitment notices of the MPI stated that the candidates should submit relevant documents by the deadline or otherwise they would be eliminated, but some candidates were still admitted even though they submitted the documents after the deadline. Some other recruitment notices stated that the candidates who had motorcycle driving license would be given priority, but later the jury panel decided that only those who had 125cc or larger capacity motorcycle driving license would be given priority.

The MPI replied that in the first case, only 20 people applied for the recruitment and only seven of them submitted all required documents by the deadline. Taking into account that the candidates were not highly educated and might not pay much attention to the rules about the deadline in the notice, the jury panel allowed the remaining 13 people to submit the missing documents after the deadline. In the second case, since it was later found that all the motorcycles that the MPI had were all with 125cc engines, the jury panel decided to give the priority to those who had 125cc or larger capacity motorcycle driving license.

The CCAC considered that the jury panels of the MPI should not change the rules or criteria indicated in the recruitment notices in the recruitment processes as they please. Such practices have not only contradicted the “principle of legality” but also led to suspicion of “tailor-making the rules for someone”. The MPI accepted the CCAC’s suggestions and promised to adopt measures to redress the relevant problems and prevent similar cases from occurring again.

Case 7

A complainant told the CCAC that he had already been allowed to select and purchase an economical housing flat, but since he failed to submit the missing documents by the deadline designated by the Housing Bureau (IH), the process of exclusion from the purchase of economical housing was initiated against him. The complainant considered that the practice of the IH was unlawful and unreasonable and requested the CCAC to carry out an investigation.

The investigation revealed that the complainant received the notification that he was allowed to select and purchase an economical housing flat on 2nd August 2016 and a letter signed on 28th September from the IH on 5th October requesting the complainant to submit the documents proving his incomes and assets within 15 days from the day following the signing of the letter. Since the complainant needed more time to prepare for the documents, he made a phone call to the IH to request for a delay. However, the IH replied that he should submit the document by 13th October. Although the complainant finally submitted the relevant proofs, since the 15-day period had already expired when the submission was done, the IH sent a letter to the complainant on 21st November, which indicated that the process of exclusion from economical housing purchase would be initiated against him.

Although the IH stated that since the applicants might have different understanding of the deadline for submission of missing documents, it required them

to submit the documents within 15 days from the day following the signing of the letter. However, the CCAC considered that since the *Economical Housing Law* did not regulate how to calculate the deadline for submission of missing documents, the IH should alternatively apply the general regulation about notification provided by the *Code of Administrative Procedures*, which states that it shall be counted from the day following the receipt or actual knowledge of the notification instead of counting from the day following the signing of the letter.

If the deadline for submission of missing documents was calculated from the day following signing date of the letter from the IH, since the time of the receipt of mail varied from person to person, the length of time the applicants were given for the submission would be different. In this sense, it was not fair to those who received the letter later. Moreover, although the period of time designated by the IH for the submission was 15 days, it took time for the mailing of the letters and therefore the length of time that the applicants was actually given to prepare for and submit the documents was less than 15 days.

Following the intervention of the CCAC, the IH stated that it accepted the opinions of the CCAC and would send the letters by A.R. registered post and calculate the deadline from the day following the receipt of the letter. However, as to 185 similar cases of possible exclusion from economical housing purchase due to failure to meet the deadline, the IH stated that if the applicants made a plea, the bureau would accept their explanation. Otherwise, the procedures of exclusion from economical housing purchase would go on.

The CCAC considered that despite knowing the fact that its earlier practices went against the law, the IH did not take the initiative to redress the mistakes and only when the applicants made a plea did it follow up the cases. Such doing seriously infringed upon the relevant applicants' legitimate rights and interests. After the CCAC communicated with the IH several times, the latter finally decided to allow

the complainant and the applicants who encountered similar situations to submit the missing documents and remain their qualification for economical housing purchase.

Case 8

Since 2016, the CCAC has received a number of complaints which indicated that the complainants were notified by some car park management companies that their monthly passes for public car parks were the oversold ones and therefore they would be suspended. They suspected that the Transport Bureau (DSAT) did not carry out its duty of supervision and simply let the companies arbitrarily decide which monthly passes were oversold ones and requested the CCAC to carry out an investigation.

According to the *Regulations of Public Car Park Services*, there are two types of monthly pass, namely for reserved parking space and non-reserved parking space. The DSAT may determine the number of monthly passes to be issued according to the capacity of the public car parks and mention it in the regulations of use and operation of the public car parks. However, the CCAC found in the investigation that a considerable number of management companies did not abide by the regulations of use and operation of the public car parks and oversold the monthly passes. According to the information provided by the DSAT, up to November 2015, there were 12 public car parks which had oversold a total of 416 monthly passes for cars and 20 for motorcycles.

The *Regulations of Public Car Park Services* provides that the management companies shall sell the monthly passes in the chronological order of registration in the waiting list. However, in the course of the investigation, the companies that had oversold the monthly passes claimed that they did not keep the waiting lists and the relevant data, while the DSAT did not, in accordance with the terms provided for in the operation contracts, require the companies to regularly submit the data including

the names, plate numbers and contact numbers of the monthly pass users and the people registered in the waiting lists.

The fact that the monthly passes of the public car parks in downtown are in great demand and the DSAT did not regulate the overselling of monthly passes by those companies and turned a blind eye to whatever they did has caused loopholes favourable to making illicit profit. The CCAC found in the investigation that there were shareholders of at least four car park management companies had allegedly abused their power by helping their friends and relatives jump the queue for buying monthly pass. Such acts have infringed upon the rights and interests of the citizens who have placed their names on the waiting list for buying monthly pass following the normal procedure, allegedly constituting criminal offences.

After the case of overselling monthly passes was detected, the DSAT commenced punitive procedures against the management companies which had violated the regulations and requested them to cancel all oversold monthly passes within the designated period. Since the DSAT never required the management companies to submit the data of registration for monthly pass purchase, nor did it urged them to properly keep the data, finally it could simply let the management companies decide which monthly passes were the oversold ones according to the date of purchase. As to the problems pointed out by the CCAC, the DSAT replied that it had already adopted measures to improve the relevant mechanism and device and strengthen the supervision.

IV. Statistics

In 2017, the CCAC received a total of 719 administrative complaints. The statistical data are presented as below:

Issue	Caseload	
Systems related to public service positions		
▪ Internal management	72	208
▪ Employment	55	
▪ Discipline	46	
▪ Rights and interests of personnel	35	
Municipal affairs		
▪ Environmental hygiene	5	30
▪ Hawkers	5	
▪ Administrative licenses	5	
▪ Animal protection	4	
▪ Public facilities	3	
▪ Occupation of public land	2	
▪ Others	6	
Land and public works		
▪ Illegal construction	20	43
▪ Construction permits and inspections	8	
▪ Supervision of use of property	6	
▪ Land concession	6	
▪ Others	3	
Traffic affairs		
▪ Vehicles / driving licenses	12	27
▪ Traffic planning	9	
▪ Public transportation	6	
Labour affairs		
▪ Non-resident employees	10	16
▪ Labour dispute	4	
▪ Illegal labour	2	
Public procurement		15
Meteorological analysis		72
Economical / social housing		60

Disciplined services management and their law-enforcement		47
Health care		37
Government subsidy		20
Building management		13
Education		10
Social assistance / security		7
Personal privacy		7
Tourism and culture		7
Noise		7
Sports		6
Identification documents		3
Postal services		3
Tax		3
Consumer rights		2
Supervision of public utilities		2
Environmental protection		2
Water seepage from premises		2
Financial regulation		2
Supervision of gaming sector		2
Provision of data		2
Other procedural irregularities		28
Matters beyond the competence of CCAC		
▪ Criminal matters	14	36
▪ Judicial matters	7	
▪ Private law issues / personal disputes	15	
Total		719

In 2017, the CCAC received a total of 637 requests for help and consultation. The statistical data are presented as below:

Issue	Caseload	
Systems related to public service positions		
▪ Discipline	46	136
▪ Internal management	37	
▪ Rights and interests of personnel	33	
▪ Employment	14	
▪ Obligations of public service positions	6	
Code of conduct		17
Disciplined services management and their law-enforcement		46
Municipal affairs		
▪ Environmental hygiene	12	31
▪ Administrative licenses	9	
▪ Occupation of public land	5	
▪ Others	5	
Labour affairs		
▪ Labour dispute	15	19
▪ Illegal labour	3	
▪ Non-resident employees	1	
Public procurement		9
Land and public works		
▪ Illegal construction	23	34
▪ Land concession	5	
▪ Construction permits	3	
▪ Public works	2	
▪ Others	1	
Traffic affairs		
▪ Public transportation / car park	23	46
▪ Vehicles / driving licenses	20	
▪ Traffic planning	3	

Economical / social housing		39
Government subsidy		16
Health care		15
Education		11
Tax		10
Water seepage from premises		9
Meteorological analysis		8
Building management		7
Notarial registration		7
Identification documents		6
Consumer rights		4
Noise		4
Right of abode		3
Social assistance / security		3
Supervision of public utilities		3
Fire safety		3
Tourism and culture		3
Provision of data		3
Personal privacy		2
Supervision of gaming sector		2
Judicial assistance		2
Competence and function of CCAC / legislation		19
Other procedural irregularities		15
Matters beyond the competence of CCAC		
▪ Criminal matters	38	105
▪ Judicial matters	23	
▪ Private law issues / personal disputes	44	
Total		637

PART V

PROMOTION & EDUCATION



PART V

PROMOTION & EDUCATION

In 2017, alongside the work of publicizing the idea of clean elections in respect of the 6th Legislative Assembly Elections, the CCAC continued to adopt diversified ways and holistic methods to carry out promotion and education of integrity for all strata of society.

I. Education on corruption prevention for public and private sectors

In 2017, the CCAC held a total of 379 seminars and symposia on different topics for 17,008 participants, who were mainly public servants, employees of private companies, ordinary citizens, teenagers and secondary and primary students. The statistics are shown in the following table:

Statistics of seminars and symposia in 2017

Topic	Target	No. of sessions	No. of participants
Integrity and Observance, Noble Character and Righteous Conduct, Public Procurement, Declaration of Assets and Interests	Public servants	100	3,984
Seminar on the law <i>Prevention and Suppression of Bribery in the Private Sector</i>	Private entities, public departments, educational institutions	57	2,119
Integrity Awareness	Associations, educational institutions, government departments	12	391
Education on Integrity	Teenagers and students	195	8,445
Clean Elections	Citizens, associations, candidate groups	15	2,069
Total		379	17,008

(1) Seminars on integrity for public servants

In order to consolidate the culture of integrity in public departments and public servants' awareness of integrity, the CCAC continued to organise seminars about integrity on different topics including "Integrity and Observance", "Noble Character and Righteous Conduct", "Public Procurement" and "Declaration of Assets and Interests". In 2017, a total of 100 sessions were held for 3,984 public servants from 21 public departments.

(2) Integrity awareness seminars for the private sector

The CCAC continued to organise seminars for civic associations, private entities and educational institutions and introduce the law *Prevention and Suppression of Bribery in the Private Sector*, where tailor-made examples were presented to individuals and organisations from different sectors. In 2017, the CCAC organised 57 seminars for employees from banks, hotels, SMEs and subsidised organisations, which recorded 2,119 participants in total.

II. Integrity education for teenaged students

The CCAC continued to cooperate with the educational sector and youth organisations to promote the awareness of integrity and honesty, where correct moral values were educated to teenagers as well as secondary and primary students through diversified approaches.

Statistics of seminars and activities for teenagers in 2017

Project	No. of sessions	No. of participants
Education Programme on Integrity for Teenagers	43	2,775
A Talk on Integrity for Secondary School Graduates	15	1,120
New Generation of Integrity	121	3,994
Special Sessions for Children's Day	16	556
Total	195	8,445

(1) Seminars for secondary students

1. Education Programme on Integrity for Teenagers

For the “Education Programme on Integrity for Teenagers”, the CCAC sends staff to give talks on the theme of integrity to secondary students, where short films, daily life examples and current issues are used to guide students to discuss and think about the importance of integrity and honesty. In 2017, a total of 13 schools participated in the programme. Its 43 seminars recorded as many as 2,775 students.

2. A Talk on Integrity for Secondary School Graduates

To enable the graduating students of secondary schools to better understand the current law of anti-corruption of Macao and grasp the knowledge of corruption prevention, the CCAC holds the seminar entitled “A talk on Integrity for Secondary School Graduates”. In 2017, the CCAC held 15 sessions of seminars for seven schools, which recorded a total of 1,120 students.

(2) “Integrity Week”

In 2017, the CCAC co-organised the “Integrity Week” with five schools, namely Macau Kung Luen Vocational & Technical Middle School, Macao Square Public School, Dom Luís Versíglia School, Saint Joseph Diocesan College (6th School) and Xin Hua School.

Macau Kung Luen Vocational & Technical Middle School launched a short story writing contest, a slogan writing contest, weekly journal writing and book report writing with a theme of “clean elections” for students of different grades; Macao Square Public School launched a bulletin board design activity with a theme of “integrity” for all its classes; Dom Luís Versíglia School also launched comic drawing and web design contests. The CCAC’s staff visited the schools where they gave seminars, put up display boards and launched quiz games.

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

In 2017, a total of 121 sessions of the “New Generation of integrity – Education Programme on Honesty for Primary Students” were held, registering 3,994 students from 21 schools. The programme, launched by the Branch Office in Areia Preta, featured educational activities for primary students at the “Paradise of Integrity” located within the branch office. It aims to convey the message of honesty and law-abidingness to Primary 3 to Primary 6 students through puppet plays, computer animation and short films.

(4) The activity “Celebrate Children’s Day with the Messenger Bear William”

In 2017, the CCAC continued to organise the activity “Celebrate Children’s Day with the Messenger Bear William” for Primary 1 to Primary 3 students in their schools and explore the theme of honesty with them. There were 556 school kids

from five schools participating in the 16 sessions held in 2017.

III. Promotion in the community

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

In 2017, the Branch Office in Areia Preta and the Branch Office in Taipa received a total of 780 complaints/reports, requests for consultation and simple enquiries, 28 more than that recorded in 2016, which was 752. The data is presented in the table below:

Statistics of reports or requests from residents in 2017

No. of complaints / reports		No. of requests for consultation	No. of simple enquiries	
Lodged in person	Lodged in writing		Made in person	Made by phone
47	27	161	345	200
Subtotal: 74		Subtotal: 706		
Total: 780				

(2) Developing community relations

1. Participating in community activities

In 2017, the CCAC participated in the “International Children’s Day” bazaar held by the Macao Federation of Trade Unions in May and the 48th Caritas Macao Charity Bazaar in November, where it promoted the awareness of integrity and law-abidingness to residents through booth games.

2. Integrity education in the community

In 2017, five civic associations and one school organised about 200 residents to visit the Branch Office in Areia Preta. Through joining the seminars and visiting the facilities in the branch office, the residents had better understanding of the functions of the CCAC.

3. Media publicity

To encourage residents to report corruption, the CCAC continued to promote its reporting channels and spread the information in relation to integrity building by different means, including publishing print and electronic advertisements and column articles.

(3) Integrity Volunteer Teams

In 2017, the Integrity Volunteer Team assisted the CCAC in promoting clean elections by making short films and putting up posters on street display boards and at 100 residential buildings in the Northern District. They also participated in the “International Children’s Day” bazaar, the 48th Caritas Macao Charity Bazaar and the Walk for a Million 2017, hoping that the message of integrity might be spread through their own participation.

PART VI

EXCHANGE & TRAINING



PART V

EXCHANGE & TRAINING

In 2017, the CCAC continued to send staff to attend various meetings, conferences and training activities organised by international and regional institutes. It also strengthened communication and cooperation with anti-corruption and supervisory institutes of the neighbouring provinces and cities.

I. Receiving visitors

In 2017, the CCAC received delegations from the Hong Kong and Macao Affairs Office of the State Council of the People's Republic of China (PRC), the Office of the Commissioner of the Ministry of Foreign Affairs of the PRC in the Macao SAR, the First Research Institute and the Institute of Forensic Science of the Ministry of Public Security of the PRC, the Hong Kong and Macao Affairs Office of Hunan Provincial People's Government, the People's Procuratorate of Guangdong Province, the People's Procuratorate of Fujian Province, the People's Court of Second Instance of Zhongshan City, the People's Court of Hengqin New Area, Zhuhai, the ICAC of Hong Kong, the Department of International and Cross-Strait Legal Affairs of the Ministry of Justice of Taiwan, the Office of the Ombudsman of Thailand, the Malaysian Anti-Corruption Commission, the Corrupt Practices Investigation Bureau of Singapore and the Casino Regulatory Authority of Singapore. Both sides exchanged views, shared work experience and also discussed the development direction for mutual cooperation.

In addition, the CCAC received different local institutes and organisations, which allowed it to listen to opinions from different circles and to demonstrate the dedication to uphold a fair and corruption-free society with the community.

II. Visits and regional and international meetings

In 2017, the CCAC sent delegates to pay visits and attend international conferences outside Macao, including:

- The 15th Asian Ombudsman Association General Assembly & 2017 PyeongChang Global Ombudsman Conference held in PyeongChang, Korea. On the meetings with a theme “Past, Present and Future Perspective of Asian Ombudsman”, representatives from different countries delivered speeches, shared work experience and discussed key strategies for the future.
- The visit to the ICAC of Hong Kong, where both sides exchanged ideas on the work in relation to the 6th Legislative Assembly Elections of Macao.
- The conferences in relation to the United Nations Convention against Corruption held in Vienna.
- The visit to Zhejiang for a work meeting with the Commission for Discipline Inspection of Zhejiang Province, where both sides discussed and exchanged views on anti-graft work.
- The 2nd International Criminal Investigation Police Forum and the International Conference on Criminal Investigation and Forensic Science held in Shenyang, Liaoning Province, where organisations and institutes exchanged ideas on the academic knowledge and experience of criminal investigation.
- The visit to Hunan for a work meeting with the Commission for Discipline Inspection of Hunan Province, where both sides had discussions on the work projects in order to improve the channels for mutual communication.

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

In June and November 2017, the CCAC, as part of the Chinese delegation, was invited to attend the implementation review meetings on the United Nations Convention against Corruption (UNCAC) held in Vienna, Austria. The States parties

gave keynote speeches on such topics as technical assistance, asset recovery and international cooperation. They also exchanged views on successful experience applicable to the UNCAC and how to cope with the challenges encountered.

IV. Personnel training

In mid-September 2017, the CCAC sent its personnel to participate in the 3rd Session of Advanced Study on Criminal Investigation Techniques for CCAC's Investigators, which was held by the National Police University of China in Shenyang. Featuring such topics as asset transfer, capital inspection, difficult problems in corruption investigation and strategies, investigation of corruption cases, management and control of preliminary inquiry, electronic evidence forensics, video investigation technology and cybercrime, the training session served to upgrade the investigation knowledge and professional skills of the CCAC's investigators.

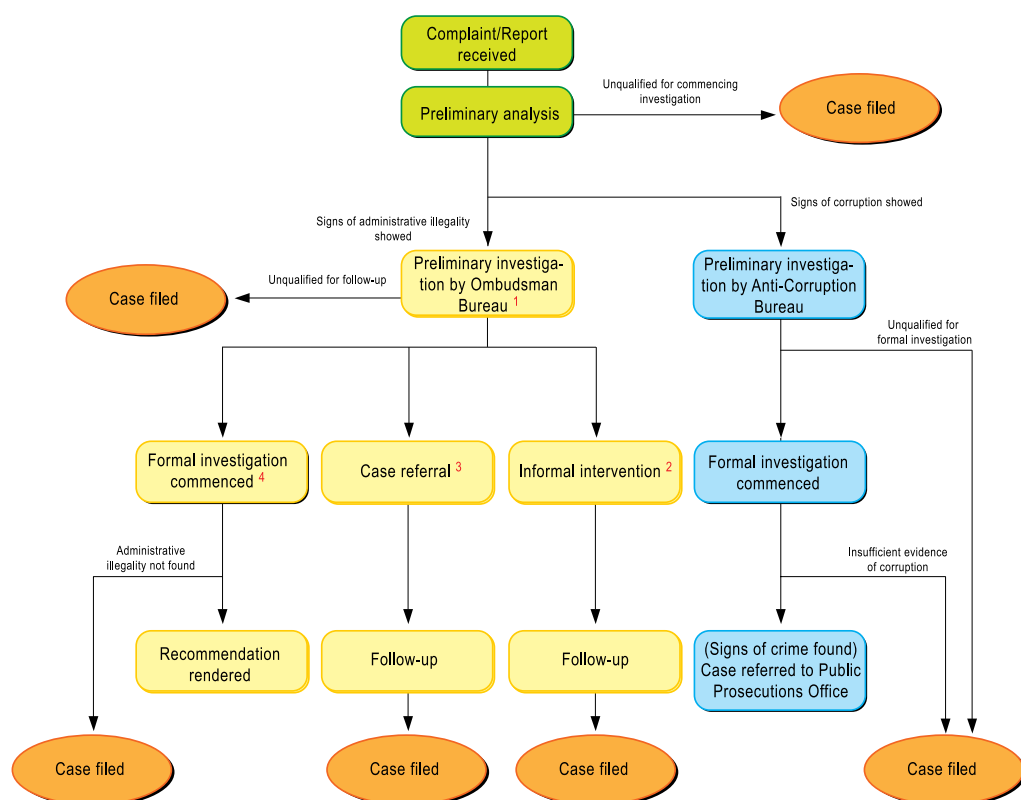
PART VII

APPENDIX



Appendix I

THE CCAC'S COMPLAINT HANDLING PROCEDURE

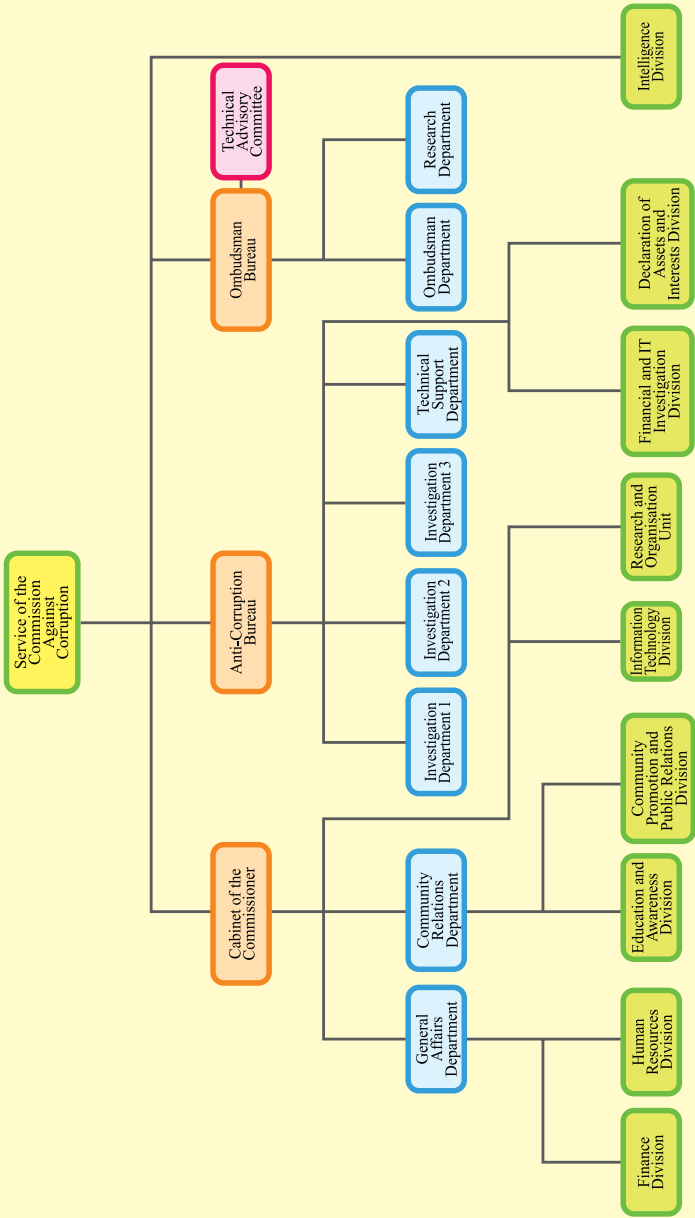


Notes:

1	Preliminary investigation by Ombudsman Bureau	It is conducted under the stipulation of the <i>Organic Law of the CCAC</i> and the <i>Code of Administrative Procedure</i> . In particular, the Principle of Defense shall be observed. That is, both the complainant and the complained side have the chance of pleading.
2	Informal intervention	If the procedure has not been completed or the relevant act has not yet entered into effect, the CCAC will guide the relevant departments or entities in this way so that they will make prompt correction.
3	Case referral	In some cases, since the relevant administrative departments are the competent departments that possess related information (the CCAC only has the information provided by the complainants, which may not be sufficient or detailed), it is appropriate for the relevant departments to handle the cases according to statutory procedures. With the complainant's consent, the CCAC will refer these cases to the competent departments or entities and will follow up their progress.
4	Formal investigation	Due to the severity of the case and the scope involved, the CCAC will commence a formal investigation. Under Paragraph 12 of Article 4 of the <i>Organic Law of the CCAC</i> , the CCAC directly renders recommendation to the competent administrative department for the purpose of rectifying illegal or unfair administrative acts or procedures. Under Article 12 of the <i>Organic Law of the CCAC</i> , in case of non-acceptance of any recommendation, the competent department or entity shall give its reasoned reply within 15 working days. Meanwhile, the CCAC may report the case to the Chief Executive or reveal it to the public after reporting the case to the hierarchical superior or supervisory entity of the competent department or entity.

Appendix II

Organisation Structure of the Commission Against Corruption



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