

# 2015

**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 *2015 Annual Report of the CCAC of Macao* to the Chief Executive, Chui Sai On

## FOREWORD

In 2015, the CCAC fulfilled its responsibilities to fight against corruption in the public and private sectors and proactively perform ombudsman functions according to Law no. 10/2000 – *Organic Law of the Commission Against Corruption*.

In the past year, the CCAC, in accordance with the *Organic Law*, made a scientific, reasonable and moderate adjustment in its internal personnel administration and workflow, particularly in strengthening the discipline management and internal supervision of the CCAC's personnel, requiring that they are always impartial, self-disciplined, professional and highly efficient in their disciplines and professionalism.

In the area of anti-corruption, the CCAC strictly adheres to the principle that “all are equal before the law” and investigates into the crimes committed by the public and private sectors within the jurisdiction of the CCAC according to law. Of all the criminal cases detected by the CCAC last year, those involving collusion between civil servants and businessmen, as well as corruption conspiracy in the construction, procurement and outsource of services in public departments were more serious and required attention from the SAR Government and all public departments. Not only should the discipline of civil servants be strengthened, but the legislation should also be improved in order to plug the loopholes prone to corruption.

In the area of ombudsman, the CCAC handles each complaint seriously and promptly and supervise, according to law, the legality in the exercise of public powers by the government departments and the fairness and efficiency of public administration. When handling ombudsman cases and conducting targeted investigation, the CCAC found that “obsolete laws” were used as excuses for some public departments which deviated from the principles of legality in administrative procedures and administrative acts. The persons-in-charge of the departments should promptly find out outdated legislation and actively put forward suggestions and proposals to amend the law in order to ensure “legal administration”.

In the investigation of ombudsman cases, the CCAC found that it is worthwhile for leaders and chiefs of public departments to make careful study of and practice how to, when adhering to the principle of “legal administration” and without contravening the law, exercise the “discretion” vested by law to improve the long-established administrative procedures and service models and provide citizens with better and more convenient public services.

The CCAC has always been employing the two-pronged approach highlighting both combating and prevention – along with investigating and handling corruption cases, it proactively carries out promotion and education work to prevent corruption. It has also continuously carried out promotion work at schools and the community and has actively organised talks and promotion activities on the law *Prevention and Suppression of Bribery in the Private Sector* for the local enterprises. In addition, the CCAC believes that the promotion and education work of anti-corruption of public departments should, instead of just holding integrity seminars, integrate the departments’ own work and administrative procedures, in order to make the work more targeted and practical.

In the area of combating criminal crimes related to corruption, the CCAC has constantly been reinforcing and strengthening the communication and cooperation with anti-corruption departments in the Chinese mainland and Hong Kong as well as actively participated in professional seminars and training activities held in other countries or territories – in a bid to keep the CCAC’s personnel updated in the sense and strategies of law enforcement and in a practical way face new challenges in anti-corruption arisen from technological and social development.

March 2016

The Commissioner Against Corruption  
Cheong Weng Chon







# **PART I**

## **CASE PROCESSING SUMMARY**





## PART I

### CASE PROCESSING SUMMARY

In 2015, the CCAC received a total of 793 complaints and reports, of which 744 were pursuable, including 262 criminal cases and 482 administrative complaints. The remainings were not pursuable due to the fact that they fell outside the jurisdiction of the CCAC or the information was not sufficient.

#### Number of cases recorded from 2011 to 2015

Year	2011	2012	2013	2014	2015
Caseload	804	852	896	865	793

Among the 793 cases received, 10 were uncovered by the CCAC through proactive approaches, 4 were investigated at the request of overseas authorities, 15 were referred by other public bodies and the remaining arose from citizens' complaints and reports, of which 407 cases were lodged by identified complainants or those willing to provide personal data and 357 complaints were anonymous or requested anonymity.

**Statistics on cases recorded from 2013 to 2015  
(classified by source of cases)**

Source of cases		2013		2014		2015	
		Number	Percentage	Number	Percentage	Number	Percentage
Complaints or reports received from citizens	Complaints lodged by identified complainants or those willing to provide personal data	484	54%	453	52.4%	407	51.3%
	Anonymous complaints or those requesting anonymity	372	41.5%	379	43.8%	357	45%
Cases uncovered by CCAC through proactive approaches		22	2.5%	19	2.2%	10	1.3%
Cases investigated at the request of overseas authorities		6	0.7%	6	0.7%	4	0.5%
Cases referred by other public bodies		12	1.3%	8	0.9%	15	1.9%
<b>Total number of cases</b>		<b>896</b>	<b>100%</b>	<b>865</b>	<b>100%</b>	<b>793</b>	<b>100%</b>

In 2015, mail and telephone were still the main channels for citizens to lodge complaints and reports to the CCAC, through which 263 and 153 cases were lodged respectively, both together representing 52.5% of the total number of cases received in the whole year; the complaints lodged by citizens in person reached 199, representing 25.1% of all the cases received in the year.

**Statistics on cases recorded from 2013 to 2015  
(classified by reporting method)**

Reporting method	2013		2014		2015	
	Number	Percentage	Number	Percentage	Number	Percentage
Letter	268	29.9%	262	30.3%	263	33.2%
Phone	335	37.4%	227	26.2%	153	19.3%
In person	154	17.2%	209	24.2%	199	25.1%
E-mail	112	12.5%	146	16.9%	125	15.8%
Online	--	--	--	--	41	5.2%
Fax	5	0.5%	2	0.2%	2	0.2%
Proactive approaches adopted by CCAC	22	2.5%	19	2.2%	10	1.2%
<b>Total number of cases</b>	<b>896</b>	<b>100%</b>	<b>865</b>	<b>100%</b>	<b>793</b>	<b>100%</b>

Up to the end of the year, the CCAC concluded 568 cases, including 256 criminal cases referred to the Public Prosecutions Office or archived upon completion of investigation and 312 ombudsman cases completed and archived.

In 2015, the CCAC received 1,104 counts of enquiries of different natures, of which 431 counts were about criminal matters and 673 were related to the administrative matters.



# **PART II**

## **ANTI-CORRUPTION**







## PART II

### ANTI-CORRUPTION

#### I. Introduction

Since the year 2015 is the first year of the fourth term of the Government of the Macao Special Administrative Region, the graft-fighting works of the CCAC continued to progress in a steady and orderly manner. The CCAC continued to uphold the policy of carrying out its anti-corruption work in accordance with the law and adhere to the principles of paying equal attention to the suppression and prevention and ensuring each case of corruption is investigated, prosecuted and penalised. The CCAC also strengthened its communication and contact with the judicial institutions and committed all its efforts in the prevention and suppression of acts of corruption in the public and private sectors.

Meanwhile, in scrupulous respect of its *Organic Law*, the CCAC made adjustments to the internal personnel management and the workflow to make it more scientific, reasonable and appropriate, especially in strengthening the discipline management and internal supervision of the CCAC's personnel in the regulation of personal discipline, coordination of case investigation, confidentiality of data of investigation, and optimisation of investigation techniques, with a view to establish a professional graft-fighting team that is cohesive and competent and with deterrence and credibility, so as to promote the value of integrity and to implement the principle of fairness, high efficiency and impartiality in combating corruption and to consolidate and enhance the confidence of society in the CCAC.

In 2015, even though there was a slight decrease in the number of complaints and reports received by the CCAC compared to the past few years, in order to implement the policy of zero tolerance of any crimes of corruption, the staff of the CCAC invested more efforts and resources in each case, so as to enable the investigation to be more in-depth and detailed. The CCAC personnel made important

efforts in constituting a healthy socio-economic environment and transparent public administration in Macao and in safeguarding the core values of fairness and justice of the Macao society.

Of the criminal cases investigated throughout the year, most involved crimes committed by public servants. Compared with the situation in 2014 where the majority of cases involved the crime of forgery of documents, a wide range of crimes were involved in the cases investigated in 2015, namely active and passive corruption, forgery of documents, power abuse, breach of secrecy and unexplained wealth, etc. Some cases in which a number of holders of leadership and senior positions were involved, coercive measures of suspension of performance of public functions and even detention were applied on certain suspects by the judicial institutions. Among the public servants involved in the cases investigated, a considerable number of them belongs to the disciplinary bodies with militarised functions and administrative departments with inspection functions, including public security officers, prison guards, as well as personnel of Macao Customs Service, Marine and Water Bureau and Transport Bureau. Regardless of the identity and position of the persons involved, the CCAC will treat all persons equally and impartially in its law enforcement.

In addition, the bribery cases in the private sector showed a decreasing trend. In 2015, despite the fact that the CCAC has strengthened the investigation work of corruption in the private sector, no private bribery cases could be successfully referred to the judicial institutions throughout the year. To sum up the experience of investigation, the main reason is that the related crimes are semi-public offences. The private sector would choose to smooth things over and not to exercise the right to file the complaint, resulting in the CCAC not being able to follow-up such cases under the law. Therefore, on one hand, it is necessary to improve the law *Prevention and Suppression of Bribery in the Private Sector* and on the other hand, to continue to enhance the integrity awareness of the citizens. Judging from the bribery cases in the private sector investigated in 2015 and the corruption case where an examinee of

driving licence attempted to bribe the examiner, it is essential to put great effort in promoting anti-corruption legislation to the general public.

Law no. 10/2014 *Prevention and Suppression of Bribery in External Trade* entered into force on 1<sup>st</sup> January 2015 and the crime “active corruption in foreign trade” is introduced in this law. It criminalises the act of offering bribes to public servants or officials of a public international organisation in a foreign jurisdiction outside the Macao SAR, which further improved the criminal legal system of fighting corruption in Macao. In 2015, the CCAC did not receive any complaints relating to that crime.

## II. Criminal reports and cases filed for investigation

In 2015, the CCAC received a total of 793 complaints and reports, including 262 criminal cases qualified for handling. Until the end of the year, the CCAC completed the investigations of a total of 256 criminal cases and the cases were archived or referred to the Public Prosecutions Office respectively. The CCAC received a total of 1,104 counts of enquiries, of which 431 counts were related to criminal matters.

**Cases received from 2011 to 2015**

Item	2011	2012	2013	2014	2015
All cases received	804	852	896	865	793
Criminal cases qualified for handling	182	297	264	266	262
Cases completed	64	185	236	492	256

### **III. Summaries of some of the cases concluded**

#### **Case 1**

In September 2015, during the investigation of a suspected case of fraud of public money, the CCAC found that the owners of a food company allegedly committed the crime of forgery of document.

After the investigation, it was discovered that during the period between 2010 and 2014, two owners of a food company were suspected of exaggerating the number of local employees of that company and falsely included the identification information of some Macao residents, who had never worked in that company, in the information of contribution of the Social Security Fund, the professional tax information for the Financial Services Bureau and information for applications for import of non-resident workers provided to the Human Resources Office. The two suspects benefited from their false statements of the above-mentioned information and the number of local workers, and the application to the Human Resources Office for quotas of non-resident workers was successfully approved.

The acts of the two owners had allegedly violated the stipulation of “forgery of document” under the *Penal Code*, and the case was referred to the Public Prosecutions Office.

#### **Case 2**

In March and June 2015, the CCAC detected two cases of passive corruption that involved a chief officer and a prison guard of the Macao Prison who allegedly received bribes from an inmate respectively.

After the investigation, it was found that a chief officer of the Macao Prison, who was responsible for the management of the daily operation of prison cells, had long received advantages from an inmate and returned the favour by using his/her

powers in the prison to shelter that inmate and turned a blind eye to the illegal acts of that inmate in the prison and enabling the inmate to receive a “special treatment” in the prison. For a quite long period of time, the inmate had repeatedly offered advantages to the chief officer through a visitor. Such advantages included luxurious food, raw materials such as abalone and ginseng, prestigious wine, branded cosmetics, travelling and hospitality, luxurious catering and accommodation etc. It was the first time that the CCAC had unveiled a case involving a public servant with the rank of chief officer of the Macao Prison.

With the collaboration of the Macao Prison, the CCAC detected during the investigation that another prison guard was also involved in the case. For a long time, the same inmate had also been offering the prison guard advantages that were similar to those given to the chief officer and an additional promise of providing a well-paid job abroad. In return, the prison guard involved repeatedly smuggled prohibited items such as food, seasoning, tea leaves, medicines, religious ornaments, sports shoes of prestigious brands and luxurious watches into the prison in opportune time for the inmate’s enjoyment.

Besides, it was found during the investigation that another person tried to deter investigation of the case carried out by the CCAC, with the purpose of allowing those who committed such crimes to escape the punishment.

The persons involved in these cases were suspected of violation of the crimes of “active corruption”, “passive corruption to perform an illicit act” and “favouritism” under the *Penal Code*. The cases were referred to the Public Prosecutions Office and coercive measures including suspension from public duties and prohibition from departure were imposed on the suspects involved by the judicial institutions.

### Case 3

In November 2015, the CCAC uncovered a case of police officers of the Public Security Police Force (CPSP) who had allegedly violated the provisions of “forgery

committed by public servant” and “prohibited weapons and explosive substances”.

It was discovered in the investigation that when handling some exhibits in April 2015, a police officer of the CPSP, by mistake, sent an electroshock gun, which was one of the exhibits, to another department of the CPSP to be destroyed. After that, in order to conceal the mistake, he/she purchased a similar electroshock gun from the Chinese mainland with the assistance of another police officer and brought it to Macao illegally so as to pass it off as the exhibit to be presented at the court. Subsequently, it was handed to the judicial entity enclosed with an official letter with untrue content faked by the police officer in an attempt to conceal the fact that the real exhibit had been destroyed by mistake.

Their acts allegedly constituted the offence of “forgery committed by public servant” and violated the provision of “prohibited weapons and explosive substances” under the *Penal Code*. The case was then referred to the Public Prosecutions Office.

#### Case 4

In December 2015, the CCAC unveiled a case of passive corruption involving a customs inspector.

It was found in the investigation that, as his/her client, when entering Macao via the Lotus Flower Bridge Checkpoint, was detained by the customs personnel due to the carrying of cash exceeding the statutory amount, a person engaging in gaming-related activities got in touch with a customs inspector through another person also engaging in gaming-related activities and a chief officer of the Macao Prison. The customs inspector was tempted to facilitate the release of the detained passenger by the promise that “tea money” would be offered in return for the help. Subsequently, the customs inspector used his powers to release the detained passenger. During the investigation, it was confessed that an illicit advantage was offered to a public servant through third persons so the detained incoming passenger with excessive cash could be released.

The chief officer of the Macao Prison involved in this case was already subject to suspension from public duties and other coercive measures due to bribes taking uncovered by the CCAC early this year. He and the two persons engaging in gaming-related activities were declared as suspects in this case.

The persons involved allegedly committed “passive corruption to perform an illicit act” and “active corruption” under the *Penal Code*. The case was referred to the Public Prosecutions Office. The judicial agency took coercive measures against the suspects in accordance with the law, including suspension from public duties and reporting to the competent authorities regularly.

### Case 5

In April 2015, the CCAC unveiled a case of corruption involving a construction engineering company and staff of the Civil Engineering Laboratory of Macao.

It was revealed in the investigation that a former employee and a present employee of the Civil Engineering Laboratory of Macao had accepted a bribe of MOP40,000 from a particular construction engineering company during May and June in 2014, who then returned the favour by assisting the said company to produce 10 bogus soil density test reports. Subsequently, the company submitted the forged test reports to the general contractor as proof of quality for the section of road concerned.

The relevant suspects allegedly violated the stipulations of “active corruption”, “forgery committed by public servant” and “passive corruption to perform an illicit act” under the *Penal Code*. The case was referred to the Public Prosecutions Office.

## Case 6

In April of 2015, the CCAC revealed a case of several offences allegedly committed by a chief and a staff member of the Transport Bureau (DSAT).

It was revealed in the investigation that the chief and the staff member concerned, in order to obtain a huge sum of illicit advantage, intentionally gave advance notice to three management companies to amend their tender price to manipulate the granting of short-term service contracts of public car park management by means of bid rigging and assisted the three companies to get the management service of public car park through illegal ways. The case involved a sum totalling nearly MOP68 million and the two public servants allegedly received bribes amounting to more than MOP10 million. Moreover, the persons involved allegedly gave prior notice of the time and location of the inspection of car parks so that the companies involved could arrange personnel beforehand, making an illusion that the stipulated number of staff were working in the car parks pursuant to the contracts agreements. As a result, the companies could reduce the actual number of staff recruited and obtain the maximum profit.

It was also revealed in the investigation that one of the above-mentioned management companies was owned by the two public servants involved through means of holding secret shares and two other businessmen. Between 2013 and April 2015, the persons involved received a huge sum of profit totalling more than MOP6 million from that company.

The chief, the staff member and the businessmen involved in the case allegedly violated the stipulations of “active corruption”, “passive corruption to perform an illicit act”, “illicit financial participation in legal acts” and “breach of secrecy” under the *Penal Code*.

It was also discovered in the investigation that the chief involved in the case resorted to a series of unusual, tortuous and circuitous ways to transfer the huge



illicit profits obtained through corruption and sharing acts to the Chinese mainland. Subsequently, the undue advantages were used for the acquisition of real estate with nominal holding through his good friend in an attempt to cover up the undue advantages obtained. The chief refused to provide the true source of funds in the acquisition of a residential unit and the purchasing of several gold articles. In addition, the chief also took advantage of his powers and asked illegally and privately the management company to give him extra “security card” for private car parking.

The chief involved in the case was also suspected of committing the crime of “unexplained wealth”, the crime of “money laundering” under the law *Prevention and Suppression of the Crime of Money Laundering* and the crime of “power abuse” under the *Penal Code*.

The investigation had been completed and the case was referred to the Public Prosecutions Office. Coercive measures were imposed on the suspects including the two public servants and one of the businessmen by the judicial institution while prohibition of departure and other coercive measures were imposed on the other three suspects. All suspects of the case were charged criminally.

### Case 7

In March and August 2015, the CCAC detected two cases of driving test examinees who allegedly bribed the examiners.

It was revealed in the investigation that an examinee of light vehicle allegedly offered MOP1,000 to bribe the examiner of the Transport Bureau during the driving test while another examinee of heavy vehicle allegedly offered MOP500 to bribe the examiner of the Transport Bureau during the driving test. In both cases, the examiner turned down the offer and reported the cases. It was confirmed after investigation that the two examinees had prepared the amount beforehand with the intention to offer the benefits to the respective examiners, with the hope that they could pass the driving test.

The two examinees were suspected of violating the stipulation of “active corruption” under the *Penal Code* and the cases were referred to the Public Prosecutions Office.

### **Case 8**

In November 2015, the CCAC uncovered a case involving a chief of the Marine and Water Bureau who allegedly committed passive corruption.

The CCAC discovered that, between 2012 and 2015, the chief repeatedly abused his powers by soliciting and receiving illicit advantages from a person in charge of a ferry services company, including free ferry tickets, hotel accommodation and food and beverage. The chief even asked the company to secure jobs for his relatives and friends and reserve some shops at the Outer Harbour Ferry Terminal for them to operate businesses.

It was discovered that the chief had also used his powers to help cover up the irregular practices of the ferry services company on many occasions, so the latter could be free from penalties even though its operations did not comply with the instructions and regulations set out by the Marine and Water Bureau.

The chief and the person-in-charge allegedly committed the offences of “passive corruption to perform an illicit act”, “power abuse” and “active corruption” under the *Penal Code*. The investigation had been completed and the case was 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**

In 2015, the CCAC was requested for assistance in four cases from law enforcement agencies outside the Region, including two cases from the Independent

Commission Against Corruption (ICAC) of Hong Kong, one case from an anti-graft agency of the Chinese mainland and another one from a counterpart of another region. Three of the cases were completed while the remaining one is still being processed.

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

In 2015, the CCAC requested law enforcement agencies outside the Region for assistance in a total of seven cases, including five cases to anti-corruption agencies of the Chinese mainland and two cases to the ICAC of Hong Kong. Four of the cases were completed while the remaining three are still being processed.

**(3) The 11<sup>th</sup> Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao**

In December 2015, the 11<sup>th</sup> Seminar on Mutual Case Assistance of Guangdong, Hong Kong and Macao was held in Macao with the presence of representatives of the Hong Kong and Macao Affairs Office of the State Council, the People's Procuratorate of Guangdong Province, the ICAC of Hong Kong and the CCAC. During the seminar, they summarised the experiences of mutual assistance over the last year and had a thorough view exchange and discussion on around 20 topics about the problems they encountered, including transference of evidence of cases investigated in another jurisdiction, difference between the bank systems of the three regions, and investigation of different electronic communication softwares in the high-tech era, etc. The representatives of the three regions agreed to strengthen cross-border cooperation and exchange under the principles of mutual respect, communication enhancement and equality in mutual assistance and improve the current mutual assistance procedures. The meeting also enhanced the relationship between the graft-fighters of the Chinese mainland, Hong Kong and Macao, facilitating the mutual assistance and exchange in the future.

As the legal framework of mutual judicial assistance between Guangdong, Hong Kong and Macao has not yet been established, the operation of the mutual assistance mechanism and the discussion during the seminar have built a good foundation of the legal framework to be established in a practical and theoretical sense.

The CCAC will continue to actively enhance the exchange and regional judicial assistance with the graft-fighters of other regions and maintain close communication with them in order to ensure prompt handling of cross-border corruption cases.

## V. Court verdicts

In 2015, the court adjudicated a total of 11 cases investigated by the CCAC, among which the most influential ones included the corruption cases related to the 2013 Legislative Assembly Election and the final judgments of the cases related to Ao Man Long, which grabbed the attention of the media in Macao and Hong Kong. Moreover, a few of them are still under the process of appeal.

The summaries of relevant verdicts are as follows:

No.	Court	Name of the accused	Charge	Sentence
1	Court of Second Instance	Chan XX	Passive corruption for performing an illicit act Favoritism	The Court of Second Instance ruled that 3 counts of “passive corruption for performing an illicit act” were dismissed and replaced by “favoritism”.
2	Court of First Instance	Ng XX	Document forgery	7-month imprisonment with 1-year suspension and a payment of MOP10,000 to Macao SAR
3	Court of First Instance	Leong XX	Favoritism	9-month imprisonment with 3-year suspension

4	Court of First Instance  Court of Second Instance	Hoi XX	Fraud	9-month imprisonment with 1.5-year suspension and a payment of over MOP200,000 to Macao SAR plus interest  The Court of Second Instance upheld the original judgment.
5	Court of First Instance	Ho XX Wong XX	Electoral corruption	Ho XX sentenced to 1.5-year imprisonment and Wong XX sentenced to 1-year and 3-month imprisonment, both deprived of political rights for 2 years.  The case is to be heard by the Court of Second Instance on appeal.
6	Court of First Instance	Chio XX Ng XX Chan XX Chan XX	Passive corruption for performing an illicit act Money laundering Destruction of objects subject to public power	It has not been proven that the four individuals have committed the criminal acts indicated in the indictment, so they were acquitted on all charges.
7	Court of First Instance	Ngan XX Sio XX	Power abuse Forgery committed by public servant	The facts have not been proven and they were acquitted on the charges.
8	Court of First Instance	Tou XX	Power abuse Breach of confidentiality	A combined sentence of 1-year and 3-month imprisonment
9	Court of First Instance  Court of Second Instance	Luc XX	3 counts of active corruption for performing an illicit act	A combined sentence of 4.5-year imprisonment  The Court of Second Instance upheld the original judgment.

Court of First Instance Court of Second Instance	Chan XX	3 counts of active corruption for performing an illicit act	A combined sentence of 2.5-year imprisonment; 3-year suspension given on condition that MOP200,000 to Macao SAR is paid. The Court of Second Instance upheld the original judgment.
	Hoi XX	3 counts of active corruption for performing an illicit act	A combined sentence of 2.5-year imprisonment; 3-year suspension given on condition that MOP200,000 to Macao SAR is paid. The Court of Second Instance upheld the original judgment.
	Fong XX	3 counts of active corruption for performing an illicit act	A combined sentence of 2.5-year imprisonment; 3-year suspension given on condition that MOP200,000 to Macao SAR is paid. The Court of Second Instance upheld the original judgment.
	Lam XX	4 counts of active corruption for performing an illicit act	A combined sentence of 3-year and 3-month imprisonment The Court of Second Instance upheld the original judgment.
	Lao XX	1 count of active corruption for performing an illicit act 1 count of money laundering	5-year and 3-month imprisonment The Court of Second Instance upheld the original judgment.
	Lo XX	1 count of active corruption for performing an illicit act 1 count of money laundering	5-year and 3-month imprisonment The Court of Second Instance upheld the original judgment.

	Court of First Instance	Chan XX	Money laundering	3-year imprisonment The Court of Second Instance upheld the original judgment.
	Court of Second Instance			
10	Court of First Instance	Lio XX	2 counts of forgery 1 count of power abuse	A combined sentence of 2-year imprisonment
11	Court of First Instance	Lao XX	1 count of breach of confidentiality 1 count of passive corruption for performing an illicit act	A combined sentence of 2.5-year imprisonment The case is to be heard by the Court of Second Instance on appeal.
		Choi XX	Active corruption	1-year imprisonment with 2-year suspension
		Leong XX	Active corruption	1-year imprisonment with 2-year suspension
		Lao XX	Active corruption	1-year imprisonment with 2-year suspension

## VI. Declaration of assets and interests

Since its implementation in 1998, the *Legal Regime of Declaration of Assets and Interests* has been effective for 17 years. Especially since it was revised two years ago, more public attention has been caught. The mechanism of disclosure of assets and interests of holders of specific public and political positions not only protects citizens' right to know and right of supervision but also serves as one of the essentials of the transparent policy promoted and implemented by the Macao SAR Government. Therefore, the work of declaration of assets and interests is significant to the fulfilment of the Government's goals.

Over recent years, the CCAC has detected some crimes related to declaration of assets and interests, especially unexplained wealth and incorrect data. The combat of these crimes facilitates the growth of credibility of the legal regime as well as enhances the probity of the public service.

To ensure the smoothness of the work, the CCAC frequently communicates and coordinates with various public departments and entities in order to review and perfect the process. In fact, throughout the year of 2015, all declarants and their spouses or cohabiting partners submitted the declarations in accordance with law and there was no case for any legal responsibilities due to arrears of declaration form or improper submission of declaration. The work has achieved the expected goals and results.

In 2015, the CCAC collected the declaration forms from a total of 14,826 public servants. Details are listed below:

**Statistics of declaration of assets and interests in 2015**

<b>Reasons for submitting declaration</b>	<b>Total</b>
Appointment	3,454
Alternation of position	4,419
Termination of position	2,004
5-year renewal	2,786
Renewal with that of spouse	627
Pursuit of data-provision duty	1,278
Voluntary renewal	258
<b>Total</b>	<b>14,826</b>

Due to increasing popularity of e-governance, in early 2013, the CCAC launched the “notification processing system of declaration of assets and interest” to deliver the notifications by electronic means. The use of the system for over three years has decreased the workload compared with the time when the notifications were still delivered and received manually and thus has boosted the administrative efficiency of public departments. At the same time, the CCAC’s work has become more effective. Up to 31<sup>st</sup> December 2015, there were a total of 55 public departments and entities applying the system, accounting for more than a half of the public departments and



entities which have regular correspondence with the CCAC in this area, reflecting the effectiveness and good results it has achieved.

Moreover, in order to enable more public servants to understand the legal regime and how to fill in the declaration form correctly and thus ensure the smoothness of the procedure of the submission, the CCAC continued to hold briefing sessions on declaration of assets and interests for the departments which had greater number of new recruits. Henceforth the CCAC will continue to work on the promotion so that the legal regime of declaration of assets and interests and its significance will be understood by more public servants and the spirit of integrity will be strengthened in the public service.



# **PART III**

## **OMBUDSMAN**





## PART III

### OMBUDSMAN

#### I. Introduction

In addition to the fight against corruption, the CCAC also performs ombudsman functions in strict accordance with its organic law and other legislation to ensure the public power is exercised lawfully. Through issuing suggestions for improvement and recommendations, it urges public departments to carry out duties in strict compliance with the law and to provide services for the residents in good faith and with efficiency while adhering to the principle of legality, aiming to enhance the fairness, efficiency and transparency of public administration. The CCAC will also, through its investigative work, examine whether the legislation applied by public departments in the course of performing duties meets the practical and development needs of the society, and it will issue suggestions for improvement when necessary.

The CCAC actively handles and follows up all the complaints and inquiries from citizens, ensures investigations are carried out in a fair and unbiased manner and carries out systematic investigation and analyses of the work procedures or operation of public departments in accordance with the law.

Last year, the CCAC placed 482 administrative cases on file and received 673 requests for consultation. The issues mainly concerned the systems related to public service positions, law enforcement of disciplined services, land and public works, municipal and traffic affairs. Obviously, although public departments have adopted certain measures to upgrade service quality and administrative efficiency in recent years, residents still tend to find public services closely related to their livelihood unsatisfactory, which necessitates more attention from the relevant departments.

When it comes to targeted investigations, the CCAC released the “Investigation report on municipal ordinances and municipal regulations” and the “Investigation report on not declaring forfeiture of 16 land concessions”. In addition to looking into and analysing the relevant facts, the reports revealed some shortcomings of the Public Administration in the course of handling the cases, such as the lack of profound understanding of the content and legality of the legislation to be applied, the lack of strict compliance with the law when performing duties, the lack of transparency of policy implementation mechanisms and practices unfavorable to public monitoring. The CCAC therefore raised suggestions for improvement in the reports.

As a government watchdog, the CCAC must strive to perform its duties and usual tasks with even greater diligence and capability so the public will have more confidence in its work. Therefore, the CCAC has aimed to, by restructuring workflow and improving manpower planning, enhance the quality and efficiency of its investigative work. It has also been proactively participating in training activities hosted by international or regional ombudsman institutions, so its personnel may understand and learn from the advanced experiences of their counterparts in handling administrative complaints and upgrade their investigation skills. By taking such measures the CCAC is dedicated to the creation of an investigation team with greater professionalism, aiming to meet the expectation of the society with greater achievements.

## II. Administrative complaints and requests for consultation

In 2015, the CCAC received a total of 482 administrative complaints. The statistical data are presented as below:

Issue	Caseload	
<b>Systems related to public service positions</b>		
▪ Internal management	44	160
▪ Rights and interests of personnel	43	
▪ Discipline	40	
▪ Personnel recruitment	33	
<b>Municipal affairs</b>		
▪ Environmental hygiene	12	33
▪ Public facilities	8	
▪ Occupation of public land	7	
▪ Administrative licences	3	
▪ Hawkers	2	
▪ Others	1	
<b>Land and public works</b>		
▪ Illegal construction	20	37
▪ Monitoring of property use	6	
▪ Land concession	4	
▪ Licensing and acceptance inspection	1	
▪ Others	6	
<b>Traffic affairs</b>		
▪ Public transportation	10	23
▪ Traffic planning	8	
▪ Vehicles / Driving licences	5	
<b>Labour affairs</b>		
▪ Labour dispute	15	17
▪ Non-resident employees	2	
<b>Public procurement</b>		3
<b>Disciplined services management and their law enforcement</b>		56

Health care		14
Noise		13
Economical / Social housing		11
Education		10
Social assistance / security		9
Government subsidy		6
Water seepage from premises		6
Building management		6
Identification documents		4
Tourism and culture		4
Gaming supervision		4
Consumer rights		3
Sports		3
Tax		3
Postal services		3
Public service monitoring		2
Other irregular procedures		29
Matters beyond the competence of CCAC		
▪ Criminal matters	11	23
▪ Judicial matters	6	
▪ Private law issues / Personal disputes	6	
<b>Total</b>		<b>482</b>



In 2015, the CCAC received 673 requests for consultation. The statistical data are presented as below:

Issue	Caseload	
<b>Systems related to public service positions</b>		
▪ Rights and interests of personnel	46	144
▪ Discipline	45	
▪ Internal management	33	
▪ Obligations of public service positions	12	
▪ Personnel recruitment	8	
<b>Professional ethics and conduct</b>		33
<b>Disciplined services management and their law enforcement</b>		77
<b>Municipal affairs</b>		
▪ Environmental hygiene	16	47
▪ Occupation of public land	10	
▪ Administrative licences	8	
▪ Hawkers	4	
▪ Public facilities	2	
▪ Others	7	
<b>Labour affairs</b>		
▪ Labour dispute	22	28
▪ Non-resident employees	4	
▪ Illegal labour	2	
<b>Public procurement</b>		15
<b>Land and public works</b>		
▪ Illegal construction	21	28
▪ Acceptance inspections	2	
▪ Monitoring of property use	1	
▪ Others	4	
<b>Traffic affairs</b>		
▪ Public transportation	22	32
▪ Vehicles/driving licences	8	
▪ Traffic planning	2	

<b>Economical / Social housing</b>		19
<b>Health care</b>		19
<b>Tax</b>		8
<b>Noise</b>		8
<b>Education</b>		7
<b>Government subsidy</b>		7
<b>Public service monitoring</b>		7
<b>Financial regulation</b>		6
<b>Water seepage from premises</b>		6
<b>Social assistance / security</b>		5
<b>Building management</b>		4
<b>Identification documents</b>		4
<b>Consumer rights</b>		4
<b>Personal privacy</b>		3
<b>Illegal accommodation</b>		2
<b>Sports</b>		2
<b>Competence and function of CCAC / Legislation</b>		21
<b>Other irregular procedures</b>		24
<b>Matters beyond the competence of CCAC</b>		
▪ Criminal matters	35	113
▪ Judicial matters	29	
▪ Private law issues / Personal disputes	49	
<b>Total</b>		<b>673</b>

### III. Investigation

In 2015, the CCAC published two investigation reports, namely the “Investigation report on municipal ordinances and municipal regulations” and the “Investigation report on not declaring forfeiture of 16 land concessions”. The two investigation reports analysed the validity and applicability of the municipal ordinances and municipal regulations, and the legality and appropriateness of the handling processes of the administrative authority concerning the disposal of “idled land” and the decision made concerning such condition respectively. In the reports, the CCAC revealed the problems detected in the cases and made some suggestions for improvement.

In the “Investigation report on municipal ordinances and municipal regulations”, the CCAC found that the Transport Bureau continued to apply the expired *Regulation of Use of the Centre for Driving Lessons and Exams* in the management of the Centre for Driving Lessons and Exams and made decisions of fines under the Regulation. Such acts violated the “principle of legality” that must be met by administrative authorities. Moreover, since the above-mentioned regulation was a municipal ordinance promulgated by the former Macao Municipal Council, the CCAC also examined in the investigation the municipal ordinances and municipal regulations that are still in force and found that some of these municipal ordinances and regulations are already outdated, and there are even occurrences of contradictory situations between reality and the normative content. Thus, the CCAC made relevant suggestions to the competent department for improvement, such as the return of collected fines that were imposed under the expired *Regulation of Use of the Centre for Driving Lessons and Exams*, the formulation of a new set of normative rules for the management and use of the Centre for Driving Lessons and Exams as soon as possible, the revision, according to actual situations, of municipal ordinances and regulations that are out of touch with reality without further delay, as well as the undertaking of a comprehensive clean-up and rectification of the relevant ordinances and regulations.

In the “Investigation report on not declaring forfeiture of 16 land concessions”, the CCAC, following an analysis on the process of the Public Administration’s handling of “idled land” cases and the decision not to proclaim forfeiture of the concessions of 16 plots of land, considered that the *Land Law* does not expressly define under what circumstances the fines should be imposed or the declaration of forfeiture of a concession should be made. Therefore, the Public Administration has the power to decide, according to the technical and legal analyses conducted by the relevant services, whether or not to declare forfeiture of the concessions of plots. As to the grounds or concerns for not declaring forfeiture of the 16 land concessions, it is at the Public Administration’s discretion. In this sense, the CCAC does not have the legal competence, resources and techniques to judge whether or not the decisions are the most appropriate.

However, in the course of investigation, the CCAC found that there are a few plots of land whose concessions have already expired but whose use have not yet completed, but the Public Administration failed to proclaim forfeiture of the concessions promptly. Apart from such administrative omission, the issues about the relevant legal regime and administrative procedures that should be reviewed and improved were also found. For example, the *Land Law* does not define the attributability to the concessionaire for delay of land use, the criteria for proclaiming forfeiture of concession and the announcement of order of land use period extension. The public works departments have failed to release the relevant information to public in a timely, complete and accurate manner when dealing with the “idled land” cases. Moreover, the management of land should have been more proactive, systematic, and scientific.

In relation to these problems, the CCAC rendered some suggestions to the Public Administration, including to proclaim forfeiture of the concessions of the plots whose use have not yet completed within the terms of the concessions as soon as possible, to promptly revise the relevant provisions under the *Land Law* so that the competent department can make reasonable decisions and the transparency

of decision-making will be boosted, thus reducing doubts over blackroom deals. Moreover, the competent department should establish a more scientific, systematic and precise mechanism of land management and disclose the information about the handling of “idled land” to the public in a timely and accurate manner in order to facilitate the public’s supervision.

#### **IV. Summaries of cases**

Among all its ombudsman cases handled in 2015, some are considered representative by the CCAC and are therefore presented in this report. These cases not only allow the public to better understand the work of the CCAC and the legislation currently in force, but also serve as lessons for public departments so they will avoid making similar mistakes, perform administrative duties according to law and increase their administrative effectiveness.

##### **Case 1**

A complainant filed a complaint with the CCAC in April 2015, mentioning that the Civic and Municipal Affairs Bureau (IACM) imposed a fine on him/her for illegal fishing in January 2015. According to the complainant, when being at IACM to pay the penalty in late April of 2015, he/she was informed by a staff member that he/she failed to clear it within 30 days, so the case was handed over to the Coercive Collection Bureau of the Financial Services Bureau, where he/she would have to clear the penalty. The complainant then went to the Coercive Collection Bureau, only to be told by the staff there that the relevant case information was still held by IACM so his/her penalty payment could not be accepted. The complainant immediately returned to IACM and reported the situation. Finally, after all the hassle, the IACM staff accepted the complainant’s penalty payment.

Following the CCAC’s investigation, the complainant’s account was authenticated by IACM. When the complainant went to pay the penalty at IACM,

the computer system there showed that the complainant's case had already been handed over to the Coercive Collection Bureau of the Financial Services Bureau, so the complainant was asked to clear it there. However, it turned out that the relevant case information had yet to be handed over. In reply to the CCAC's investigation, IACM promised that measures would be taken to improve their operation so that the said situation will not happen again.

## **Case 2**

In late April 2015, the CCAC received a letter and documents about an inquiry procedure of a case from the Office of the Secretary for Social Affairs and Culture.

In March 2015, there were reports that a member of the Administrative Board of the Cultural Industries Fund allegedly did not fulfil the obligation of making necessary recusal from the process of assessment and approval of a subsidy application made by his brother and assisted him to get the subsidy. Subsequently, the Secretary for Social Affairs and Culture carried out an inquiry procedure.

In April 2015, the preliminary investigator completed the inquiry procedure and concluded that the member was not found to have violated the obligation of making recusal and influenced the process of the assessment and approval carried out by the Fund. At the same time, it was also not found that the member had induced staff members of the Fund to give favourable testimony. Therefore, the preliminary investigator suggested archiving the case and the Secretary subsequently issued an order to approve the conclusion.

However, having made the conclusion that no illegal or irregular acts had been found and the suggestion of archiving the case, the preliminary investigator also proposed referring the file of the inquiry procedure and relevant information to the CCAC for follow-up. Since the rumors that the case involved serious illegal acts was widely spread at that time, taking account into citizens' right to know and the legitimate rights of the party concerned, the CCAC immediately opened an

investigation upon the receipt of the documents from the Office.

Following an in-depth analysis on the documents provided by the Office and a necessary supplementary investigation, the CCAC also believed that there was no evidence proving that the member had committed any illegal or irregular acts in the application made by his relative and the relevant assessment and approval process. Therefore, under Article 12 of the *Organic Law of the CCAC*, the case was archived due to insufficient evidence.

After the conclusion of the CCAC's investigation was revealed, some staff members of the Fund told the media that they were under pressure when the inquiry procedure was underway. Moreover, there were allegations that the member attempted to pry into the details of the inquiry procedure through an assessor of the Office of the Secretary for Social Affairs and Culture. Therefore, the CCAC carried out another investigation into whether the inquiry procedure had been interfered and sought evidence repeatedly from some people related to the case including staff members of the Office. However, none of them was able to present any evidence to prove the accusation. Therefore, the decision to archive the case was upheld.

### Case 3

In May 2014, the CCAC received a complaint from a student of the Macao Polytechnic Institute (IPM), claiming that a professor currently working in the same institution had borrowed money from the complainant but failed to pay it back. After unsuccessful request for assistance made to the IPM, the complainant filed a complaint to the CCAC.

Although the debt relationship between the complainant and the professor concerned was a private debt relationship, it was found during the handling process of the case that the aforementioned professor was one of the teachers while the complainant was the current student of the same course, when the professor borrowed money from the complainant, it was likely that he/she might become the teacher of

the complainant and there was a potential and foreseeable functional relationship between the professor and the complainant. Therefore, the fact that the professor borrowed money from the complainant in the capacity of teaching staff is evidently a conflict of interest.

The CCAC considers that the act of the professor concerned violated the provisions on the prevention of conflict of interest of the *Code of Professional Ethics and Conduct of the Macao Polytechnic Institute* and also the obligation of impartiality under Article 88 of the *Statutes of the Personnel of Macao Polytechnic Institute*. However, during the handling process of this dispute, the IPM did not initiate any disciplinary proceedings against the professor in accordance with the stipulation of the *Statutes of the Personnel of Macao Polytechnic Institute*. Upon receipt of the opinion of the CCAC, the IPM initiated disciplinary proceedings against that professor. It was indicated that the professor was punished with disciplinary sanction for violating the obligations of public servants, namely the obligation of impartiality.

#### Case 4

The complainant filed a complaint with the CCAC in June 2014, pointing out that he/she reported to the Housing Bureau about someone, without prior authorisation, taking in a person in his/her social housing flat but that person was not named as a household member in the lease. However, when handling the case at a later time, the Housing Bureau unduly leaked the personal information of the complainant, which made known his/her identity as the complainant having made the said report.

With the information obtained from the Bureau, the CCAC found that in spite of not having directly or expressly revealed the identity of the complainant to the person being reported against, the staff member involved did, during investigation, mention the surname and other identification information of the complainant to that person and even advised him/her to protect him/herself and not to disclose too much of his/her personal information to others.



Given the staff member's unduly leaking of the complainant's identity, the CCAC referred the incident to the Housing Bureau, and the latter already initiated disciplinary procedures against the staff member involved. However, the CCAC found some inadequacies relating to the relevant disciplinary procedures, including that the preliminary investigator failed to record in a complete way the content of the interviews with the staff involved and raise questions on certain facts. Therefore, the CCAC urged the Housing Bureau to take proper measures to handle the case. In its reply to the CCAC, the Housing Bureau stated that although the mentioned inadequacies would not affect the assessment of facts in the disciplinary procedures, it will take account of the CCAC's opinions in order to improve its disciplinary procedures in the future.

### **Case 5**

In July 2015, a complainant filed a complaint to the CCAC, stating that he/she was not listed on the list of special allocation of funds from budget surplus 2015 of the central provident fund system by the Social Security Fund (FSS) due to the reason that the complainant stayed in Macao for less than 183 days in 2014.

After investigation, the CCAC found that there were three occasions that the complainant entered or exited the border of Macao via the immigration at the airport using his/her Macao permanent resident identity card and his/her Macao SAR passport alternatively, as a result, when the FSS checked the travel records of the complainant by the Macao permanent resident identity card, the travel records were incomplete and assumed that the complainant was not in Macao during those periods.

Meanwhile, for the purpose of lodging an objection, the complainant made an application to the Public Security Police Force (CPSP) for the issuing of certificate of travel records as a proof. However, since the complainant only provided the CPSP with the number of his/her Macao permanent resident identity card when making

the application and the CPSP only retrieved the records and issued the certificate based on the identification document contained on the application form, resulting in the failure of disclosing all the travel records in the certificate and came to the conclusion that the complainant stayed in Macao for less than 183 days in 2014.

After investigation carried out by the CCAC, it was shown that the complainant stayed in Macao for more than 183 days in 2014 and he/she could be included in the list of special allocation of funds from budget surplus in accordance with the relevant provisions. Thus, the CCAC sent a letter to notify the FSS of the findings. Subsequently, the FSS informed the CCAC that the complainant was already included in the list of allocation of funds.

Taking into account the fact that the residents of Macao can pass the border with various types of identification documents under the law, in order to prevent the incompleteness of travel records from occurring, the CPSP accepted the suggestion of the CCAC and fields were created in which applicants can fill in the type and number of various identification documents in the application form for the issuing of the certification of travel records. Furthermore, a footnote stating that “In case of failure of providing all type(s) and number(s) of document(s) used for passing the borders, it may cause the incompleteness of the records inquired” was introduced to remind the applicants.

### **Case 6**

In August 2013, a complainant, who formed a family unit with his/her younger sister to purchase an economical housing flat in 2003, told the CCAC that he/she has not been arranged to sign the official purchase contract. Until 2013, other applicants were notified that they could proceed with making the purchase contracts. The complainant was, however, notified by the Housing Bureau that since his/her sister had become the proprietor of a private flat, it did not comply with Article 4 of Decree Law no. 13/93/M. As a result, the complainant was not approved to be issued the “Authorisation Letter” to make the contract.

After investigation, the CCAC found that the complainant signed the pre-contract agreement of economical housing flat with the Housing Bureau in January 2003 and forthwith lived in the economical housing flat. In May of the same year, the complainant, according to the requirement of the Bureau, completed the formalities of paying the stamp tax and submitted all the necessary documents for the making of purchase contract. By then, the complainant and the family member met the statutory requirements to apply for economical housing flat. However, due to some problems between the Public Administration and the developer of the economical housing flats, the complainant was unable to complete the procedure of the purchase contract.

While awaiting the making of the purchase contract, the younger sister of the complainant had a new flat for marriage under the regime of assets co-owned by spouse in 2006 and thus became the proprietor of a private flat.

The CCAC believed that since the complainant submitted all the documents required by the Public Administration for making the purchase contract in 2003 and the complainant did not do anything wrong, the Public Administration should not disappoint the reasonable anticipation of the complainant to sign the purchase contract by refusing to issue him/her the “Authorisation Letter”.

After the CCAC had repeatedly reflected its stance to the Housing Bureau and required the Bureau to handle the issue, the Bureau finally accepted the opinions of the CCAC and decided to issue the “Authorisation Letter” to the complainant for signing the purchase contract.

### Case 7

In September 2014, a complainant told the CCAC that the Cultural Affairs Bureau directly granted the contracts to a certain association to provide audio description services for three cultural activities for consecutive months in 2014. The reporter suspected that the Bureau did not ask quotes from other entities which could

provide the same services.

The Cultural Affairs Bureau replied to the CCAC that it was a new attempt to provide audio description and theatrical interpretation services in the theatres and exhibition venues of Macao. The local associations were still unfamiliar with this aspect but a certain association had the experiences of providing audio description services, possessed relevant instructors and had the liaison network of the visually impaired and hearing loss associations. Due to the aforementioned reasons, the Cultural Affairs Bureau, in accordance with Decree Law no. 122/84/M, exempted on written quotations and directly granted the contracts to that association for providing the audio description services for the visually impaired and the hearing loss for three consecutive times.

Upon analysis, the CCAC believed that according to the above law, exemption on written quotations and direct granting of contract shall be made by reason only of special and irreplaceable services and the granting of the contract is beneficial to the SAR. After investigation, the CCAC found that apart from that association, there were other entities which could also provide the audio description services. Therefore, the act that the Cultural Affairs Bureau directly granted the contracts of providing audio description services to that association for three times was against Decree Law no. 122/84/M of 15<sup>th</sup> December, particularly against the stipulation of “irreplaceability”.

Thus, the CCAC wrote to the Cultural Affairs Bureau, suggesting it take the initiative to invite other entities which can provide the same services to give quotation during procurement of similar services in the future in order to ensure fair competition. The Cultural Affairs Bureau replied that it agreed with the suggestions of the CCAC and would try its best to invite other entities which could provide the same services to give quotation when purchasing similar services in the future. It would also formulate appropriate scoring criteria in order to grant the contracts in a fair and just way.

**Case 8**

The CCAC received a number of complaints successively in 2015, indicating that the Macao Government Tourism Office (MGTO) had asked its staff to work overtime outside working hour for the preparation or convening of the meeting of the Administrative Council of the Tourism Fund. However, the MGTO failed to pay the overtime compensation to the relevant staff. The complainants considered this situation constituted a violation of the law and requested the intervention of the CCAC.

The MGTO indicated in its response to the investigation of the CCAC that when staff of the MGTO had worked overtime due to the preparation or convening of the meeting of the Tourism Fund, the MGTO would make overtime compensation in accordance with the current regime. However, some of those workers did not submit application for compensation to the department after working overtime at the request of their superiors, causing it impossible to process the settlement of overtime service. Thus, the situation of some relevant staff failed to receive the overtime compensation occurred.

After analysis of the CCAC, it was deemed that according to the provisions of the *Statute of Personnel of the Public Administration of Macao*, it is considered overtime work when staff provides services outside normal working hours at the request of the superior. Except in special circumstances, when a staff provides overtime work at the request of the superior or under the condition of prior approval, the staff already has the right to receive compensation for overtime work, regardless of whether the staff makes an application for compensation to the department, and the department should start the internal administrative procedure to compensate the overtime work based on the available information. Given the above, the CCAC sent a letter to the MGTO to state the above stance and recommend the MGTO to adopt measures to rectify these situations. The MGTO accepted the suggestions of the CCAC and adopted appropriate measures for correction.



# **PART IV**

## **PROMOTION & EDUCATION**







## PART IV

### PROMOTION & EDUCATION

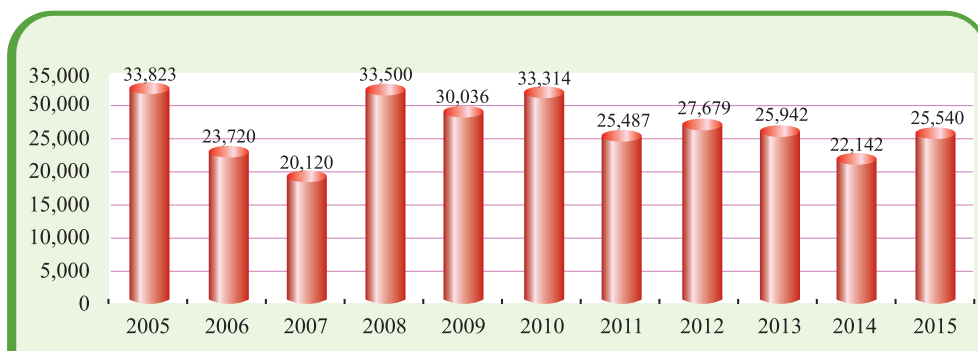
#### I. Integrity education

The CCAC proactively carried out integrity education to raise awareness of probity in the community. In 2015, a total of 463 seminars and symposia were organised, with 25,540 participants including public servants, associations' members, employers and employees of business institutions, teenagers, primary and secondary students.

**Statistics of seminars and symposia in 2015**

Topic	Target	No. of sessions	No. of participants
Noble Character, Righteous Conduct, Integrity and Observance, Public Procurement, Declaration of Assets and Interests	Public servants	95	4,810
Seminars on the law <i>Prevention and Suppression of Bribery in the Private Sector</i>	Private entities, public sector, education institutions	62	3,045
Integrity Awareness	Associations, education institutions	7	259
Integrity Education	Teenaged students	299	17,426
<b>Total</b>		<b>463</b>	<b>25,540</b>

**Number of participants of seminars from 2005 to 2015**



## (1) Integrity education for public servants

The CCAC has constantly attached importance to building professional ethics of public servants. In 2015, it continued to organise seminars systematically for public servants. A total of 95 seminars were conducted with 4,810 participants, covering the themes of professional ethics and code of conduct, public procurement as well as declaration of assets and interests, etc.

### Statistics of seminars for public servants in 2015

Subject	Department	Target	No. of sessions	No. of participants
Noble Character, Righteous Conduct	Human Resources Office	Staff	3	90
	Judiciary Police	Criminal Investigator of 1 <sup>st</sup> Class	3	95
	Cartography and Cadastre Bureau	Staff	4	140
	Housing Bureau	New recruit	2	160
	Social Security Fund	Staff	2	110
	Government Head Office Auxiliary Bureau	Staff	6	240
	Fire Services Bureau	Staff	1	80
	Pension Fund	Staff	1	30
	Macao Trade and Investment Promotion Institute	Staff	1	60
	Academy of Public Security Forces	Staff	3	324
	Macao Customs Service	Promoted to Principal Customs Officer	2	76
	Education and Youth Affairs Bureau	New recruit	1	100
	Macao Prison	Promoted to Officer	1	16
	Fuel Safety Committee	Staff	1	15
	Health Bureau	New recruit	2	500
	Environmental Protection Bureau	Staff	4	240
	Police School of Public Security Police Force	Staff	3	170

Promotion Training Course	Civic and Municipal Affairs Bureau	Staff	4	140
	Public Administration and Civil Service Bureau	Staff	27	945
Integrity and Observance	Public Administration and Civil Service Bureau	Staff	14	490
	Civic and Municipal Affairs Bureau	New recruit	3	180
	Health Bureau	Health Inspector	2	90
	Academy of Public Security Forces	Trainee	2	284
	Macao Customs Service	New recruit	1	37
Integrity and Observance, Declaration of Assets and Interests	Academy of Public Security Forces	Trainee	1	163
Public Procurement	Cartography and Cadastre Bureau	Procurement staff	1	35
Total			95	4,810

## (2) Corruption prevention education in the private sector

The CCAC continued to organise seminars on the law *Prevention and Suppression of Bribery in the Private Sector* in 2015 for civil associations, private entities and education institutions. The seminars were designed to accommodate various trades and industries and institutions in order to enhance interaction and exchanges with the participants. In addition, the CCAC also co-organised seminars on the topic of “Corruption Prevention in the Private Sector” with public departments to explain to the staff members of public departments and relevant personnel as well as staff of institutions about the law of corruption prevention in private entities. In 2015, a total of 62 seminars were held, registering 3,045 participants.

The CCAC also disseminated the message of corruption prevention in the private sector through TV advertisement, radio commercials, outdoor advertisement, bus advertisement, TV programmes, special column in newspapers and publications.

## Statistics of seminars for private sector in 2015

Category	Entity	Target	No. of sessions	No. of participants
Private entities	ARUP Group Limited	Staff	1	30
	Tai Fung Bank Ltd.	Staff	1	100
	China Telecom (Macao) Co., Ltd.	Staff	2	60
	Bank of Communications Co., Ltd. Macau Branch	Staff	1	30
	Lei Va Hong Limited	Staff	1	30
	Ricacorp (Macao) Properties Limited	Staff	1	80
	Chun Wo Development Holdings Limited	Staff	4	140
	Hotel Royal	Staff	3	240
	Four Star Company Limited	Staff	3	60
	L'Arc Hotel Macau	Staff	2	60
	Delta Asia Bank Ltd.	Staff	2	45
	Macau Industrial and Commercial Bank of China (Macao) Limited	Supervisor and staff	1	250
	Macau International Airport Co., Ltd.	Staff	1	80
	Companhia de Electricidade de Macau (CEM)	Staff	1	40
Public departments	Labour Affairs Bureau	Estate agent	1	30
	Social Welfare Bureau	Subsidised institution	3	240
	Transportation Infrastructure Office	Staff, supplier	2	70
	Tertiary Education Services Office	Higher education student association, civil association and tertiary education student	2	169
	Education and Youth Affairs Bureau	Staff of subsidised institution, management of school	4	300
Education institutions	Institute of Tourism Studies	Tour guide	26	991
<b>Total</b>			<b>62</b>	<b>3,045</b>

### (3) Integrity education for teenaged students

The CCAC has constantly attached great importance to integrity education for teenaged students. In 2015, the CCAC organised a wide range of activities for Macao primary and secondary students, aiming to promote the awareness of honesty and law-abidingness in a diversified way so that the correct value of honesty and law-abidingness could be built for teenagers. A total of 299 seminars were organised for primary and secondary students, registering 17,426 counts of students.

#### 1. “Education Programme on Honesty for Teenagers”

The CCAC has been implementing the “Education Programme on Honesty for Teenagers” in secondary schools for many years, gaining great support and cooperation from the education sector. In this year, the CCAC designed different themes for students of different stages and sent representatives to schools to explain to secondary students on the topics of honesty. The CCAC discussed with teenaged students the importance of honesty and law-abidingness by various means such as showing short films, daily life examples and current affairs in order to guide the teenaged students to build a positive character. In this year, there were a total of 20 schools participating in this programme, registering 10,236 students in 113 sessions of seminars.

#### Statistics concerning the “Education Programme on Honesty for Teenagers” in 2015

School	No. of sessions	No. of participants
Luso-Chinese Technical and Vocational School	5	588
Fong Chong School of Taipa	3	260
Tong Sin Tong School	1	70
Luso-Chinese Secondary School of Luís Gonzaga Gomes	6	530
Pui Ching Middle School	4	1,840
Pui Va Middle School	2	325
Pooi To Middle School	10	1,339
The Workers’ Children High School (Secondary Section)	1	270

Choi Nong Chi Tai School	2	315
Salesian College	8	249
Xin Hua School	3	117
Yuet Wah College	11	1,807
Sheng Kung Hui Choi Kou School (Macao)	3	332
Saint Joseph Diocesan College (2 <sup>nd</sup> and 3 <sup>rd</sup> School)	1	30
Santa Rosa de Lima College (Chinese Section)	29	1,066
Santa Rosa de Lima College (English Secondary)	4	94
Sacred Heart Canossian College (English Section)	2	304
The Affiliated School of the University of Macau	13	393
Keang Peng School	1	202
Macao Baptist College	4	105
<b>Total</b>	<b>113</b>	<b>10,236</b>

## 2. “A Talk on Integrity for Secondary School Graduates”

The seminar entitled “A Talk on Integrity for Secondary School Graduates” seeks to introduce to secondary graduates practical integrity guidelines in order that they are able to grasp the legal knowledge of anti-corruption and corruption prevention before leaving their campus and stepping into the society. Such knowledge enables them to abide by the law and live a positive and healthy life. In 2015, nine schools participated in the seminar. A total of 22 sessions were held with 1,696 students.

**Statistics of the seminar entitled  
“A Talk on Integrity for Secondary School Graduates” in 2015**

School	No. of sessions	No. of participants
Luso-Chinese Technical and Vocational School	1	140
Luso-Chinese Secondary School of Luís Gonzaga Gomes	1	99
Pui Va Middle School	1	195
Pooi To Middle School	1	150
Chan Sui Ki Perpetual Help College	1	106
Salesian College	3	124
Yuet Wah College	3	518
Santa Rosa de Lima College (Chinese Section)	8	292
Santa Rosa de Lima College (English Secondary)	3	72
<b>Total</b>	<b>22</b>	<b>1,696</b>

### 3. “Integrity Week” for secondary schools

The CCAC holds the “Integrity Week” with Macao secondary schools regularly, featuring a series of special events under the theme of “Integrity and Honesty”.

In 2015, the CCAC co-organised the “Integrity Week” with five schools including Chan Sui Ki Perpetual Help College, Fong Chong School of Taipa, Pooi To Middle School, Xin Hua School and the Affiliated School of the University of Macau. During the period of “Integrity Week”, the CCAC sent representatives to schools to conduct themed seminars, displayed exhibition panels and arranged quiz games. Moreover, the CCAC also cooperated with the schools to organise diversified activities, aiming to integrate the themes of integrity, law-abidingness and fair competitions into students’ campus life.

Among these, Chan Sui Ki Perpetual Help College organised a debate competition entitled “Imposing heavier punishment facilitates corruption prevention”. Xin Hua School and Fong Chong School of Taipa held a four-panel comic competition and an illustration competition under the theme of “Honesty and Integrity”. The Affiliated School of the University of Macau organised both four-panel comic competition and slogan competition. Pooi To Middle School organised a writing competition entitled “Short Essay about Integrity”. By participating in all these creative and writing activities, students were able to reflect on the importance of probity in the society, which deepened their knowledge and regard of personal integrity and conduct. During the period of the activities, civic education teachers also discussed with students about the value of integrity and honesty through the short films and worksheets enclosed in the teaching material kit entitled *Learn and Think* for secondary students published by the CCAC.

#### **4. Visiting primary schools to promote the new edition of teaching material kit entitled *Honesty and Integrity* for primary students**

It has been years since the textbook and teaching material kit entitled *Honesty and Integrity* for primary students were launched in 2005. Therefore, the CCAC revised the content of the textbook and teaching material kit and launched the new edition in 2014. The teaching material kit, featuring interactive teaching tools and audio-visual materials, was designed based on the current situation of Macao society in order to facilitate educators to teach.

Because the third edition of the teaching material kit was launched, the CCAC visited nine primary schools of Macao in 2015. They were Macao Choi Nong Chi Tai School, Bishop Luís Versiglia Memorial School, Pooi To Middle School (Primary Section), Kwong Tai Middle School (Primary Section), Fukien School, Saint Joseph Ka Ho School, Sir Robert Ho Tung’s Luso-Chinese Primary School, Luso-Chinese Primary School in Northern District and Pui Ching Middle School (Primary Section). While introducing the content of the teaching material kit to the school principals



and teachers, the CCAC took the chance to listen to the opinions of the schools. Statistics showed that over 70% of the schools were using the newly edited teaching materials in 2015.

Upon summarising the opinions from schools, all of them said that the newly edited teaching kit provided the teachers with more materials for moral education, the audio-visual material could match the need of the class and the extended learning activities could help consolidating the knowledge of students. Some schools also suggested the CCAC to launch integrity and honesty teaching material for junior primary students. The visit enabled the CCAC to receive a lot of valuable opinions from schools which are very beneficial to the future promotion and education work of the CCAC.

### **5. “New Generation of Integrity – Education Programme on Honesty for Primary Students”**

The “New Generation of Integrity – Education Programme on Honesty for Primary Students”, targeting at Primary three to Primary six students, was held continuously. The message of honesty and law-abidingness was disseminated to primary students through interactive approaches. There were 29 schools participating in the programme and a total of 151 sessions were held, registering 4,988 students.

#### **Statistics of students participating in the “New Generation of Integrity – Education Programme on Honesty for Primary Students” in 2015**

School	No. of sessions	No. of participants
Luso-Chinese Primary School in Flora	5	59
Our Lady of Fatima Girl’s School	1	200
Estrela do Mar School (Branch School)	1	28
Luso-Chinese Primary School in Northern District	4	44
Luso-Chinese School in Taipa	4	50

Sir Robert Ho Tung's Luso-Chinese Primary School	3	55
Ilha Verde School	9	290
Pui Ching Middle School	22	987
Pooi To Middle School (Praia Grande Branch)	4	99
Pooi To Middle School (Primary Section)	6	164
Pooi To Middle School (Taipa Primary Branch)	2	65
Chan Sui Ki Perpetual Help College	12	542
Salesian College (Primary Section)	8	288
Sheng Kung Hui Choi Kou School (Macao) (Primary Section)	2	61
Dom João Paulino's School	2	31
The Workers' Children High School (Primary School)	6	224
Sacred Heart Canossian College (English Section)	2	90
Sacred Heart Canossian College	4	118
Lin Fong Pou Chai School	4	110
Zheng Guanying Public School	2	34
The Affiliated School of the University of Macau	4	126
Chong Tak School	9	285
Fong Chong School of Macau	6	200
Fukien School	9	268
Primary School Affiliated to Hou Kong Middle School	4	107
Keang Peng School (Primary Section)	10	350
Saint Joseph Diocesan College (1 <sup>st</sup> School)	1	25

Santa Maria Mazzarello School	1	36
Saint Joseph Ka Ho School	4	52
<b>Total</b>	<b>151</b>	<b>4,988</b>

#### 6. The activity “Celebrate Children’s Day with the Messenger Bear William”

This year’s “Celebrate Children’s Day with the Messenger Bear William” featured the brand-new “story boxes” for storytelling, where the CCAC’s personnel explored the theme of honesty and discipline with Primary one to Primary three pupils, either in their schools or in the “Paradise of Integrity” located within the Branch Office in Areia Preta.

#### Statistics of students participating in “Celebrate Children’s Day with the Messenger Bear William” in 2015

School	No. of sessions	No. of participants
Luso-Chinese School in Taipa	2	55
Xin Hua School	3	91
Primary School Affiliated to Hou Kong Middle School	6	150
Hoi Fai School	1	170
Dom João Paulino School	1	40
<b>Total</b>	<b>13</b>	<b>506</b>

#### (4) Integrity education for the general public

The CCAC continues to promote the message about anti-corruption among the public in order to raise their awareness on graft fighting, through which citizens are

encouraged to play a social monitoring role by reporting corrupt acts and safeguarding the justice and integrity in our society. In 2015, the CCAC held a total of seven integrity awareness seminars targeting civil associations, public departments and institutions. They registered a total of 259 participants.

**Statistics of seminars for civil associations, public departments  
and educational institutes in 2015**

Civil associations / institutions / public departments and their activities	No. of sessions	No. of participants
Betania Elderly Home in Ilha Verde	1	8
Mong-Há Neighbourhood Association & Service Centre	1	45
Macao Polytechnic Institute - Professional Certificate in Baccarat Game	2	79
University of Saint Joseph	1	27
Part-time surveyors of Statistics and Census Services	2	100
<b>Total</b>	<b>7</b>	<b>259</b>

**(5) “Promoting Honesty” video contest for secondary school students**

In October 2015, the CCAC launched a video contest entitled “Promoting Honesty” for secondary school students, aiming to encourage students to reflect on the importance of honesty and integrity in their everyday life and to promote these values conveyed in the creative works.

The video contest featured two categories of participants, namely Junior Secondary Group and Senior Secondary Group. Video clips could be created individually or by students in small groups. Participants were required to, via the

use of video cameras, cameras or mobile phones, shoot a short video with such optional themes as “fair competition”, “values about money”, “honesty and loyalty”, “incorruptibility” or “trustworthiness”. The results will be announced in 2016.

## II. Promotion in the community

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

The Branch Office in Areia Preta and the Branch Office in Taipa provide a convenient channel for citizens to lodge complaints, reports and seek consultation. In 2015, the two Branch Offices received a total of 699 complaints/reports, requests for consultation and simple enquiries.

**Numbers of complaints, reports and requests for consultation received by the Branch Offices in 2015**

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
51	24	65	338	221
Subtotal: 75		Subtotal: 624		
Total: 699				

### (2) Developing community relations

In order to gain public support for the fight against corruption, the CCAC promotes the message about anti-corruption in the community and gathers citizens' opinions and suggestions on its work, which enables it to make timely adjustments to its working strategies and to respond to the society's expectation on anti-graft work more effectively.

In 2015, the CCAC visited the Family Service Centre of General Union of Neighbourhood Associations of Macao (UGAMM) and the Fai Chi Kei Neighbourhood Residents' Mutual Assistance Association respectively, where citizens' opinions on Macao's anti-corruption initiatives were collected and the possibility of cooperation was discussed. The CCAC also actively participated in community activities, including the "International Children's Day" bazaars held by the Macao Federation of Trade Unions (FAOM) and the UGAMM respectively. At the carnivals, through funny booth games, the CCAC promoted the awareness on integrity and law-abidingness among citizens, particularly teenagers and children, so that these positive values would take root in their minds easily.

### **(3) The activity "Build a Corruption-Free Community Together"**

In order to continuously promote the values of integrity, honesty and law-abidingness to the public, the CCAC organised an event entitled "Build a Corruption-Free Community Together" on 17<sup>th</sup> October 2015 at the park of Iao Hon Market, in collaboration with the Youth Committee of FAOM, the Youth Affairs Committee of UGAMM, the Macao New Chinese Youth Association and the Fu Lun Youth Association of Macau. In addition to booth games, the activity also featured a few performances aiming to deliver the messages about integrity, honesty, fairness and sense of justice, which attracted a number of citizens.

### **(4) Other awareness raising initiatives**

To instil the awareness of integrity into all walks of life in Macao, the CCAC actively promotes the message about anti-corruption through different channels. In 2015, the CCAC continued to spread the information relevant to integrity building by publishing print and electronic advertisements, publishing articles for the column "Clean Administration Forum" in local Chinese newspapers periodically, and sending staff to disseminate information relevant to anti-corruption work on Macao TDM's TV programme "Enquiry and Reply".

### **III. Integrity Volunteer Team**

In 2015, the Integrity Volunteer Team continued to provide great support to the CCAC in awareness promotion campaigns, such as the booth games, promotional publication photographing and the outdoor promotional activities, where the volunteers spread the messages about integrity and law-abidingness to the public through their voluntary work.





# PART V

## EXCHANGE & TRAINING





## **PART V**

### **EXCHANGE & TRAINING**

The CCAC carried out a variety of activities in 2015, including exchange, cooperation, regional and international meetings and personnel training.

#### **I. Receiving visitors**

In late July of 2015, the Procurator-General of the Guangdong Provincial People's Procuratorate, Zheng Hong, led a delegation to the CCAC and met with the Commissioner Against Corruption, Cheong Weng Chon. During the meeting, Cheong briefly introduced the functions, structure and work of the CCAC, pointing out that the close cooperation between the CCAC and its mainland counterparts has been playing a positive role in mutual case assistance and other related work.

In 2015, the CCAC received delegations from the Hong Kong and Macao Affairs Office of the State Council, the Guangdong Provincial People's Procuratorate, the Guangdong Provincial Department of Supervision, the Intermediate People's Court of Foshan Municipal of Guangdong Province, the Beijing Municipal People's Procuratorate, the China Law Society, the Agency Against Corruption of Taiwan, the European Anti-Fraud Office, the Consulate General of Ireland in Hong Kong, the Consulate General of Mozambique in Macao, the Central Office for Combating Corruption of Mozambique Attorney General's Office, the Anti-Corruption Commission of East Timor, and the Casino Regulatory Authority of Singapore respectively. The meetings deepened mutual understanding, facilitated exchange of work experience and promoted cooperation. The CCAC also received the leadership of MGM's compliance committee, where it gave opinions on how to improve the integrity system within gaming companies.

## **II. Visits and regional and international meetings**

In 2015, the CCAC participated in the following regional and international meetings:

The CCAC delegation visited the Hong Kong and Macao Affairs Office of the State Council, the Supreme People's Procuratorate and the Minister of Supervision respectively in Beijing. The delegation introduced the CCAC's work and shared views on how to foster communication and cooperation in the fight against corruption.

The CCAC delegation attended the 6<sup>th</sup> Symposium of Independent Commission Against Corruption (ICAC) in Hong Kong. They also visited the ICAC and the Office of The Ombudsman.

The CCAC delegation attended the international seminar jointly hosted by the Asian Ombudsman Association (AOA) and the International Ombudsman Institute (IOI) in Thailand.

The CCAC delegation went to Vienna, Hong Kong and Beijing respectively and attended the meetings on the review of implementation of the United Nations Convention Against Corruption by the Macao SAR.

The CCAC delegation attended the 8<sup>th</sup> Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) held in St. Petersburg, Russia, where they exchanged views and shared experience with representatives of other countries on the theme of "Prevention and Education".

The CCAC delegation attended the 14<sup>th</sup> AOA Conference and the 17<sup>th</sup> AOA Board of Directors Meeting held in Islamabad, Pakistan.

The CCAC delegation attended the 9<sup>th</sup> China-ASEAN Prosecutors-General Conference held in Nanning, Guangxi.

### **III. Work for the review of implementation of the United Nations Convention Against Corruption**

In August 2015, specialists from Bahamas and Vietnam paid a country visit to Beijing and reviewed the implementation of the United Nations Convention Against Corruption by China. Since the convention is also applicable to the Macao SAR, some CCAC's staff members, together with personnel from other departments, went to Beijing and accepted the review.

### **IV. Personnel training**

The Office of the Ombudsman of Thailand, the IOI and the AOA joined forces to host an international seminar and a training workshop in Thailand in late March of 2015. Serving as an opportunity for knowledge and experience sharing and skill training, the events featured topics such as complaint handling, investigation and the handling of unreasonable behaviour of complainants. The CCAC members were invited to attend the events and take part in the training.



## PART VI

## APPENDIX

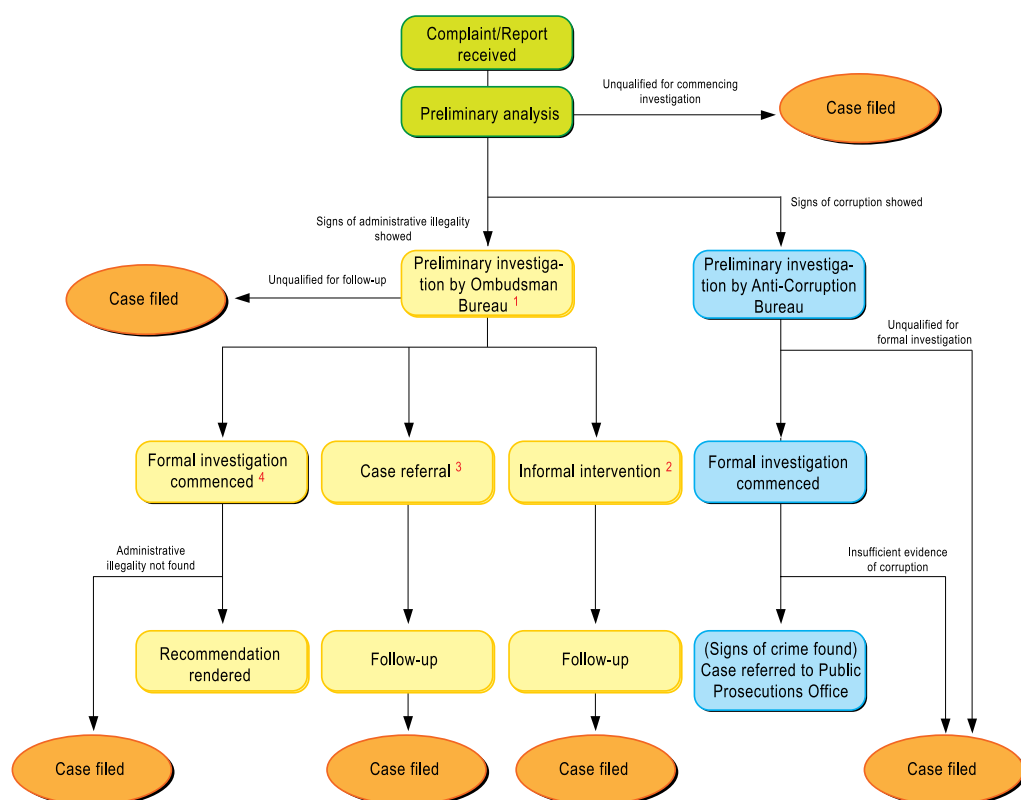






## Appendix I

### THE CCAC'S COMPLAINT HANDLING PROCEDURE



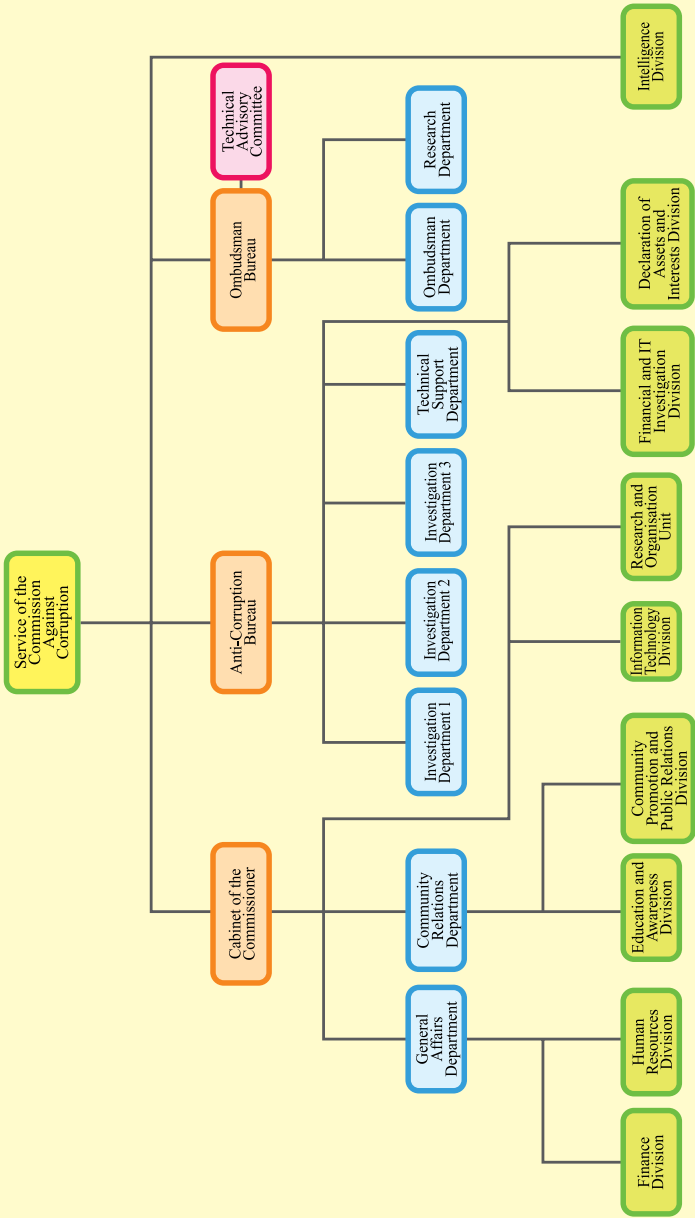
Notes:

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



Appendix II

Organisation Structure of the Commission Against Corruption



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