

**2020**

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

**Commission Against Corruption**  
**Macao Special Administrative Region**

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## **Foreword**

In 2020, the Commission Against Corruption (CCAC) persisted with its commitment to perform its duties independently, objectively and lawfully. In the wake of the pandemic, the CCAC continued to launch projects in various aspects including anti-corruption, ombudsman's work as well as promotion and education in an orderly and pragmatic manner according to the work plan. It persistently promoted the development of integrity building of Macao.

On the front of corruption fighting, the CCAC has zero tolerance for corruption as always and continues to, with full efforts, combat various kinds of cases of fraud which have stood out in recent years over financial aids granted by the government to the associations or institutions. The CCAC believes that public departments and all kinds of public funds should promote the development of corruption prevention mechanism for government subsidies. They should develop a dynamic and long-term corruption prevention mechanism which is all-round and comprehensive through prior estimation, inspection throughout the process and examination afterwards and ensure the proper use of government subsidies.

Moreover, due to the impact of the pandemic, corruption cases related to securing job opportunities increased compared to previous years. The CCAC will therefore closely monitor the integrity of the public and the private sectors and conduct investigation upon the obtaining of evidence on any cases.

On the front of ombudsman's work, the CCAC concluded the publicly concerned cases of "Investigation report about 74 land concession leasehold case files where the provisional concession leaseholds were declared expired" and the "Investigation report on the granting of loans to Viva Macau Limited by the Industrial and Commercial Development Fund" according to the law. To plug the loopholes in the vetting and approval as well as supervision of public assets, the

CCAC not only presented suggestions for improving the supervision mechanism for the use of financial aid but also held meetings with different funds where it gave explanations and clarifications on the management of public assets in order to practically carry out the supervision work.

The CCAC will sustain its efforts to handle every piece of investigation information seriously and find out the inadequacies of the existing administrative procedures or acts, systems or regulations in an impartial and unbiased manner, under the principle of objectivity and without influence by various factors of the society. By putting forward opinions, suggestions and even recommendations for improvement to the public departments, the CCAC carries out the supervision responsibilities according to the law so as to achieve the objective of urging public departments to perform their duties in strict compliance with the law, improving the quality of governance and safeguarding public interest.

Regarding exchange and cooperation, despite the worldwide impact of the pandemic, it did not affect the CCAC to implement the work of the United Nations Convention against Corruption (UNCAC) and maintain the exchange and cooperation with international associations. The CCAC continued to keep good communication with relevant associations in other countries or regions through online platform, including strengthening liaison with the experts of implementation review group of the UNCAC and holding videoconferences. Also, the CCAC actively cooperated with the Central Government on the implementation review work of the UNCAC and participated in various regional and international meetings. After the pandemic had subsided, the CCAC resumed essential visits, including visits to counterpart bodies such as the National Supervisory Commission in Beijing and prepared in advance for the official visits to the nine cities in the Greater Bay Area which would take place in 2021 in order to strengthen exchange and cooperation between the CCAC and the enforcement agencies of China as well as promote the long-term development of integrity building.

In order to accurately access information that may become essential in the investigations as well as verify indications of illegality, the CCAC has proactively encouraged the public to lodge real-name complaints and reports in recent years. In 2020, the proportion of anonymous complaints or reports received by the CCAC was fewer than that in the previous years, which accounted for only 34% of the overall complaints and reports, down by more than 20% compared to 54.6% in 2019. Real-name complaints and reports accounted for nearly 60%, reflecting that the citizens had a growing awareness of lodging real-name complaints and reports and were willing to support the work of the CCAC. It also showed that the promotion work of the CCAC had achieved initial results. Therefore, the CCAC will continue to promote the social responsibility of lodging real-name complaints and reports and sustain its efforts to foster the awareness of responsible reporting in the public.

In addition, the CCAC also implemented the complaint management system, improved the channels to lodge complaints and promoted lodging complaints and reports through electronic means in order to further achieve such aims as bringing convenience to citizens and enhancing efficiencies.

It is worth mentioning that the CCAC progressively put into practice the retrospective review mechanism mentioned in the Policies and Measures last year so as to strengthen the effectiveness of subsequent monitoring of ombudsman cases and to urge public departments to continue to look squarely and monitor seriously any existing problems. The CCAC hopes that it is able to, through this mechanism, effectively respond to the society's expectations on continuous inspection and promotion of integrity building in the Macao SAR.

To sum up, in 2020, the CCAC has generally achieved the objectives as planned. Apart from exerting its functions in combating crimes of corruption in the public and the private sectors and performing ombudsman activities according to the *Organic Law of the Commission Against Corruption of the Macao SAR*, the CCAC also, having regard to the epidemic preventive measures of the SAR Government, has made all-out efforts and has done its best to

promote various actions of education of integrity awareness, administrative supervision activities as well as amendment to internal laws and regulations.

March 2021

The Commissioner Against Corruption

Chan Tsz King

**PART I**

**CASE PROCESSING SUMMARY**



## **PART I**

### **CASE PROCESSING SUMMARY**

In 2020, the CCAC received 1,521 requests or enquiries, of which 1,200 were about criminal matters and 321 were about administrative matters.

The CCAC received a total of 479 complaints and reports throughout the year. Along with the cases intervened by both the Anti-Corruption Bureau and the Ombudsman Bureau as well as those placed on file for investigation on the initiative of the judicial bodies which were then referred to the CCAC, there were 105 cases<sup>1</sup> passed to the Anti-Corruption Bureau for follow-up and 282 cases passed to the Ombudsman Bureau for carrying out inquiries. One of the latter cases was later proceeded to comprehensive investigation.

It is noteworthy that quite many complaints or reports only involved internal personnel management and work arrangement of individual public departments rather than administrative procedures or acts, and were therefore beyond the competence of the CCAC. Moreover, there were some cases which, even after taking some measures by the CCAC, still did not meet the conditions to be placed on file for investigation because the facts were not clear or the information provided was seriously inadequate. Therefore, the cases had to be archived directly. Such kinds of complaints/reports totalled 100. In addition, there were four cases which had been referred to other departments for handling because they significantly fell within the competence of such departments. Also, there were six mutual assistance cases jointly investigated by the CCAC and agencies outside Macao.

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<sup>1</sup> Of which four were directly integrated in cases which were being followed up and were not placed on file for investigation independently.

### Statistics on cases recorded in 2019 and 2020 (classified by source of case)

Source of case		2019		2020	
		Total	Percentage	Total	Percentage
Complaints and reports lodged by citizens	Lodged by identifiable complainants or those willing to provide personal data	238	40.8%	297	59.8%
	Anonymous or requesting anonymity	319	54.6%	169	34%
	Referred by other public bodies	10	1.7%	13	2.6%
Cases intervened by both the Anti-Corruption Bureau and the Ombudsman Bureau		3	0.5%	11	2.2%
Cases placed on file for investigation by judicial bodies		(2) <sup>2</sup>	(0.3%) <sup>3</sup>	1	0.2%
Mutual assistance cases		14	2.4%	6	1.2%
<b>Total</b>		<b>584</b>	<b>100%</b>	<b>497</b>	<b>100%</b>

### Statistics of Complaint Management Centre in 2020

Type	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Yearly total
Requests / enquiries of different natures	82	70	76	70	100	136	122	111	140	238	120	256	<b>1,521</b>
Complaints and reports	21	19	38	31	53	59	48	39	50	39	35	47	<b>479</b>
Cases placed on file for investigation by Anti-Corruption Bureau	7	12	10	5	7	13	8	6	9	12	5	7	<b>101</b>
Cases placed on file for investigation by Ombudsman Bureau	14	5	24	19	39	29	33	22	25	25	19	28	<b>282</b>
Cases archived directly	1	1	5	4	11	15	8	11	9	11	12	12	<b>100</b>
Cases referred by other public bodies	0	0	0	0	0	0	0	0	2	0	1	1	<b>4</b>

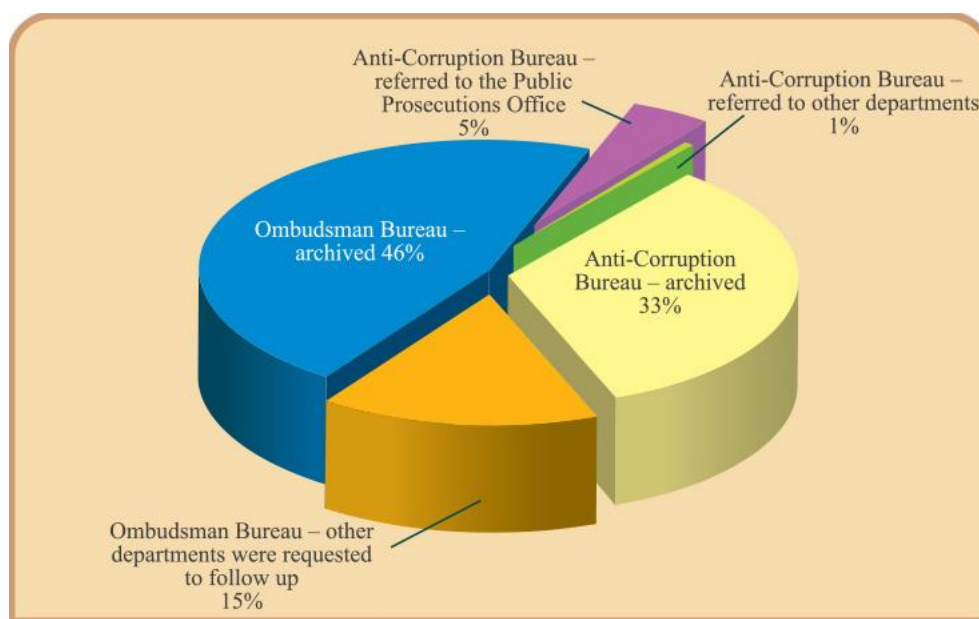
Along with the cases carried forward from 2019, the CCAC handled a total of 387 cases in 2020. Among those handled by the Anti-Corruption Bureau, 18

<sup>2</sup> Including in the statistics of cases referred by other public bodies published in 2019.

<sup>3</sup> Same as above.

were referred to the Public Prosecutions Office, two were referred to other departments and the remaining 129 were archived. For the cases handled by the Ombudsman Bureau, 60 were followed up by other departments as requested by the CCAC and 178 cases were archived.

### Statistics on case concluded in 2020



Last year, the complaints and reports were mainly lodged by mail, online and email, which recorded 159, 106 and 90 cases respectively, accounting for 33.2%, 22.1% and 18.8% respectively. The number of complaints or reports lodged by phone and in person was 47 and 77, representing 9.8% and 16.1% respectively.

Compared to last year, it can be seen that citizens still tended to lodge complaints or reports by mail and online.

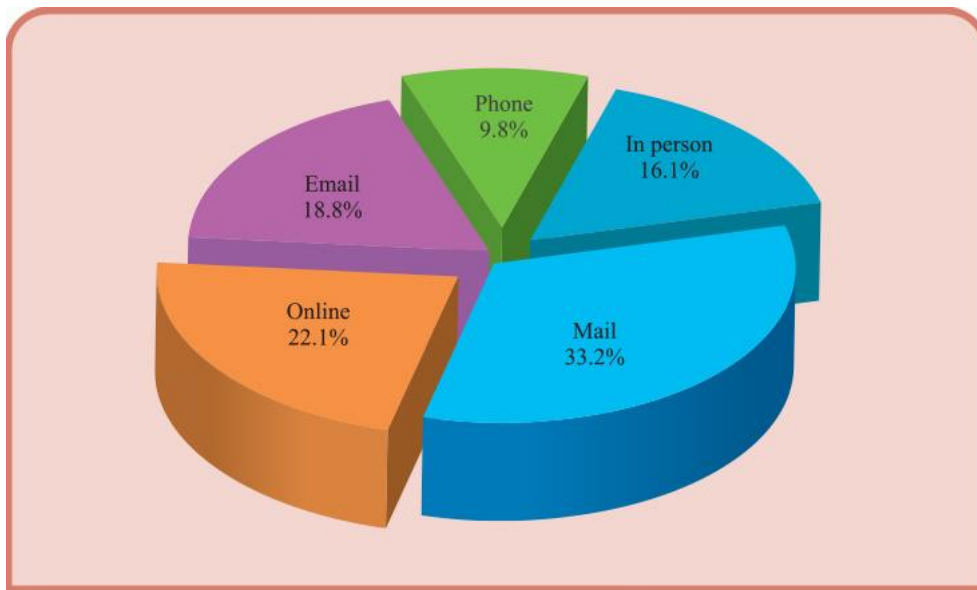
### Statistics on cases recorded in 2020

(classified by methods to lodge complaints and reports)

Methods to lodge complaints or reports	Number	Percentage
Mail	159	33.2%
Online	106	22.1%

Email	90	18.8%
Phone	47	9.8%
In person	77	16.1%
<b>Total</b>	<b>479</b>	<b>100%</b>

**Statistics on cases recorded  
(classified by methods to lodge complaints and reports) in 2020**



In 2020, among the complaints and reports lodged by different methods, real-name and anonymous complaints originally accounted for 303 and 163 respectively. However, after investigation, it was found that seven real-name complaints or reports had to be reclassified as anonymous complaints or reports because the basic identification information or contact provided was false. In addition, one anonymous complaint was reclassified as a real-name complaint because the CCAC had successfully acquired the cooperation of the complainant and was able to get in contact and communicate with him during the investigation process. Therefore, in practice, there were 297 and 169 real-name and anonymous complaints or reports respectively last year.

Compared with the statistics during the same period of 2019, there was a significant decrease in the number of anonymous complaints and reports,

showing that the citizens had a growing awareness of lodging complaints responsibly and that they had increasing confidence in the CCAC.

In 2020, of all the anonymous complaints and reports received by the CCAC, there were 37 cases which, even after taking certain measures by the CCAC, still did not meet the conditions to be placed on file for investigation, and thus had to be archived directly. On the other hand, there were 132 cases which met the conditions to be placed on file for investigation after analysis, of which 100 were handled by the Ombudsman Bureau and 32 were handled by the Anti-Corruption Bureau. However, among these cases, there were some which, even after putting a great deal of effort in the investigation by the CCAC staff, still could not proceed due to insufficient information, and thus had to be archived. Among them, 50 cases fell within the scope of the Ombudsman Bureau and three cases were within the scope of the Anti-Corruption Bureau.

#### **Handling of anonymous complaints and reports received in 2020**

<b>Handling of anonymous cases</b>	<b>Ombudsman Bureau</b>	<b>Anti-Corruption Bureau</b>	<b>Archived directly</b>
Anonymity – placed on file for investigation	100	32	---
Anonymity – not placed on file for investigation	---	---	37
Archived due to lack of conditions to follow up after handling them	50	3	---
<b>Total</b>	<b>169</b>		

Moreover, last year, with the full technical support of the staff of the Information Technology Division, as well as the efforts of the staff of the Anti-Corruption Bureau and those of the Ombudsman Bureau regardless of their ranks, there was a tremendous increase in the completion rate of electronic filing (e-filing) of the CCAC’s cases. Up to December 2020, 95% of the cases being followed up were e-filed and about 5% of archived cases over the past years were e-filed.

**PART II**

**ANTI-CORRUPTION**

## **PART II**

### **ANTI-CORRUPTION**

#### **I. Introduction**

Marking the beginning of the 5<sup>th</sup> term Government of the Macao Special Administrative Region, the year 2020 was a very challenging year. The novel coronavirus pandemic has affected every aspect of society and life in Macao and led to the emergence of new characteristics in the corruption fighting work last year.

First of all, corruption cases related to securing job opportunities stood out compared to previous years. As the pandemic affected the economy, many private companies were forced to lay off employees in order to survive the hard time. Over the previous year, the CCAC handled many cases of corruption in the private sector in which active or passive bribery was used as the means for securing a job, contract renewal or promotion. Such cases mainly occurred in gaming, security and construction companies. The suspects included local and mainland Chinese workers as well as non-resident workers from some Southeast Asian countries. The CCAC is still following up and handling the cases in a proactive way.

Secondly, geographical isolation resulting from pandemic prevention policies has led to decrease of interaction and exchange of personnel, which obstructed mutual case assistance, part of which was even forced to suspend. The number of cases requiring mutual assistance decreased to 22 in 2020 compared with 29 in 2019. Despite the personnel of the law enforcement agencies in the Chinese mainland, Hong Kong and Macao endeavoured to overcome the difficulties, they could only completed the investigations of four mutual assistance cases. The remaining 18 cases are to be completed in 2021.

In addition, the anti-corruption work in 2020 also had the following features:

Firstly, more emphasis was put on specialisation and exclusivity. In 2020,

the CCAC categorised a backlog of cases in order to speed up the investigation process and referred a small amount of them to the relevant law enforcement agencies for follow-up in accordance with the law.

Secondly, the policy of zero tolerance of corruption was maintained. Under this policy, we never neglected and gave up on every clue about illegality we had found. The CCAC carried out further investigation into the clues found in the cases of investment immigration fraud detected earlier and cracked down two cases of investment immigration through bogus purchase of property and one case of major investment immigration fraud in 2020. In addition, the CCAC also continued to follow up fraud cases related to application for subsidies from the Environmental Protection and Energy Conservation Fund and detected one such case in 2020.

Thirdly, there was still a large number of cases involving various kinds of civic associations or organisations defrauding the Government. Among the 18 cases referred to the Public Prosecutions Office, eight involved fraud over public funds or document forgery related to fraud.

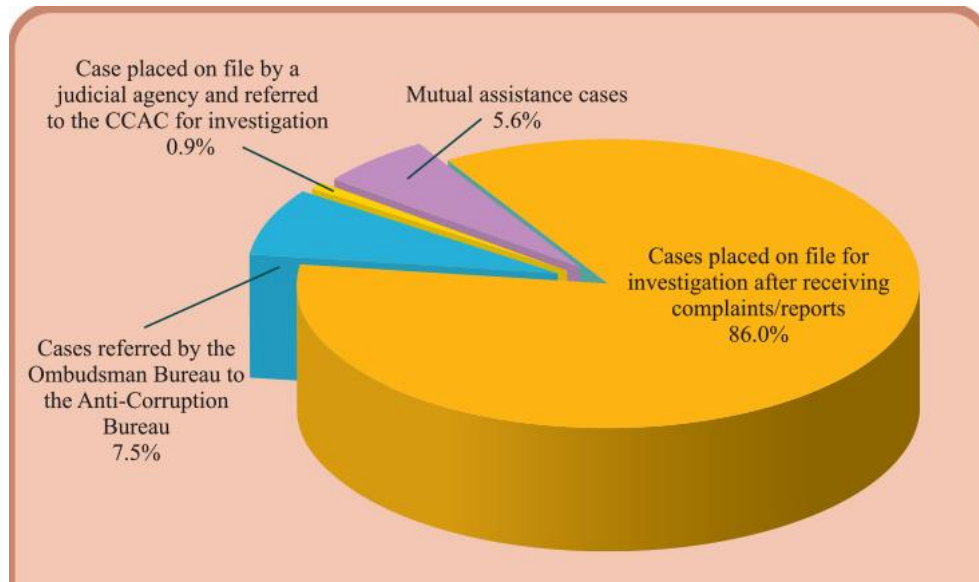
This kind of cases mainly involved applications for government subsidies made by various civic associations or organisations by fraudulent means, making “strengthening the supervision on government subsidies” a buzzword. Fortunately, following years of efforts, the relevant authorities are taking actions proactively. For example, the Education and Youth Affairs Bureau (now the Education and Youth Development Bureau) has adopted more supervisory measures targeting at the new series of continuing education courses, which promptly suppressed the fraudulent acts which had been rampant. The CCAC hopes that public departments and all kinds of public funds will take immediate action to promote the development of corruption prevention mechanism for government subsidies. They should develop a dynamic and long-term corruption prevention mechanism which is all-round and comprehensive through prior estimation, inspection throughout the process and examination afterwards.



## II. Criminal reports and cases placed on file for investigation

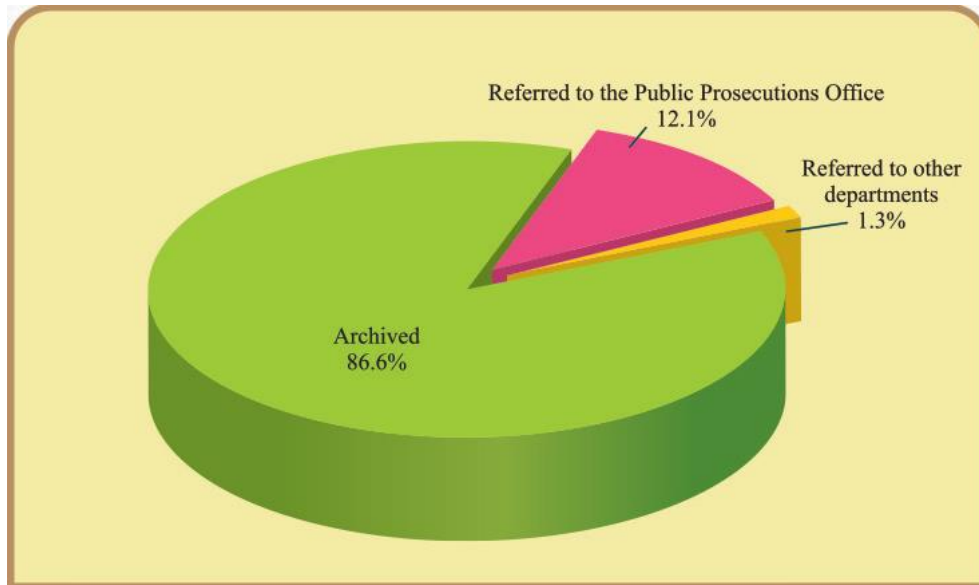
In 2020, the CCAC received a total of 479 complaints and reports, of which 96 involved corruption (four of them were integrated into other case files being followed up), eight were referred by the Ombudsman Bureau to the Anti-Corruption Bureau, one placed on file by a judicial agency and referred to the CCAC for investigation and six mutual assistance cases. The Anti-Corruption Bureau followed up a total of 107 new cases throughout the year, registering a drop in the cases received in the year compared with 111 cases received in 2019.

### Statistics on cases handled by Anti-Corruption Bureau in 2020



Among the 149 cases concluded by the Anti-Corruption Bureau in 2020, 18 were referred to the Public Prosecutions Office for criminal investigation, two were referred to other departments and the remaining 129 cases were archived.

### Cases concluded by Anti-Corruption Bureau in 2020



### III. Case summaries

Among the corruption cases of which the investigations were completed in 2020, the CCAC has selected some cases deemed having sufficient evidence for referral to the Public Prosecutions Office for prosecution following investigation or cases referred to the competent authorities as they involved other crimes:

#### (I)

The CCAC received an in-person report from a member of a civic association indicating that the president of the association allegedly submitted a false receipt for meal expenses in a restaurant and a false activity report and overstated the number of tables in the banquet when applying for activity subsidies from the Labour Affairs Bureau.

The report was substantiated following an investigation. The president involved allegedly committed fraud and document forgery under the *Penal Code*. The case was referred to the Public Prosecutions Office upon completion of the investigation in March 2020.

## (II)

Between April and December 2020, the CCAC cracked down three cases related to application for immigration. Two of them involved investment immigration through purchase of property and one was related to major investment immigration involving around a dozen people.

It was found in the investigation that the owner of a property agency was suspected to falsely sell a property to an applicant for investment immigration so that the latter might apply through purchase of the property. The duo were relatives. The property agency owner allegedly colluded with another relative to falsely sell two properties to the applicant successively as if the applicant had already made a real estate investment worth over MOP1 million in Macao so that he could apply for residence permit in Macao. In fact, the two properties were used by the property agency owner and his relative. After the applicant obtained a Macao SAR Resident Identity Card, the property agency owner sold one of the properties and got all the proceeds of the sale, while another property was transferred to the relative.

The second case was similar. It was found in the investigation that a Macao resident had planned to purchase a property in his own name and had already signed a pre-sale contract with the seller. Later, in order to assist his relative in obtaining a residence permit in Macao, the resident transferred the sum of money to be spent on the purchase to the bank account of his relative (i.e. the applicant for residence permit). Then the latter made the payment to the seller and thus became the “apparent owner” after he signed the purchase deed and registered the property involved, giving a false impression that the applicant had purchased the property, through which he could apply for investment immigration to the Macao Trade and Investment Promotion Institute (IPIM). However, the property involved had been under the control of and used by the de facto owner since the purchase. After the applicant and his family members obtained Macao SAR Resident Identity Cards, the de facto owner sold it through the authorisation earlier signed by the applicant and took all of the proceeds of the sale.

The remaining case was about “major investment immigration” involving several people.

Following an investigation, it came to light that a local businessperson had assisted others in making at least 11 applications for temporary residence permit through “major investment immigration” to the IPIM. All of the applicants made the applications through acquiring the shares of the companies possessed or controlled by the businessperson. In fact, they submitted documents with false contents in order to meet the vetting and approval requirements set up by the authority. It was also found in the investigation that the businessperson submitted false data of employees to various government departments in collusion with his subordinates and business partners in order to make false statement of the size and operating conditions of his company based on the data.

The people involved in the aforesaid cases allegedly committed document forgery in accordance with Law no. 6/2004 (*Law on Illegal Immigration and Expulsion*). The cases have been referred to the Public Prosecutions Office upon completion of the investigation.

### (III)

The CCAC received a report filed in person by a resident, claiming that an investigator of the Judiciary Police (PJ) had allegedly made illegal access to his and his female friend’s immigration records with abuse of power.

After investigation, the CCAC found that in 2019, the investigator involved was suspected to have, for his personal purpose, accessed the immigration records of the aforesaid resident and his female friend several times through the information system of the PJ without authorisation from his superior and justification related to investigation.

The investigator was suspected to have committed abuse of power under the *Penal Code* and the crime of undue access provided for in Law no. 8/2005 (*Personal Data Protection Act*). The case was referred to the Public Prosecutions Office upon completion of the investigation in September 2020. The CCAC also

reported the situation to the PJ.

#### (IV)

The CCAC uncovered a case where a few leaders of a civic association were suspected of defrauding the Social Welfare Bureau (IAS) of subsidies for a long time.

It was discovered in the investigation that the civic association had been deceiving the IAS into approving and granting subsidies for a long time through submission of untrue declaration documents. Evidence showed that the leaders colluded with the accountants of the association to cheat the IAS by means of document forgery, resulting in a serious loss of public fund involving over MOP2 million.

Their acts have allegedly constituted fraud and document forgery in accordance with the *Penal Code* and computer falsification in accordance with Law no. 11/2009 (*Law on Combat of Computer Crime*). The case was referred to the Public Prosecutions Office upon completion of the investigation in June 2020.

#### (V)

The CCAC cracked down a case where a local music education centre allegedly defrauded the Education and Youth Affairs Bureau (DSEJ) into granting subsidies under the Continuing Education Development Plan.

It was found in the investigation that the three partners of the centre recruited “fake students” in person or through intermediaries who received kickbacks in return. They lured citizens who had never used or had not yet used up the subsidies under the Continuing Education Development Plan to register for the fake courses of the centre in exchange for cash rebate. In return, the citizens received cash with an amount ranging from MOP2,000 to MOP2,500 or consumption quota with a value ranging from MOP2,000 to MOP3,000 from the centre without attending the courses.

The three partners instructed their staff to ask the fake students to sign the attendance sheets in advance without showing up in the courses during the registration processes. In addition, the three partners accessed the online “course system” on their own or through their staff to complete the registration for the confirmation of running the courses and falsely declared those persons’ attendance to all or a majority of the courses. Subsequently, they requested the DSEJ to grant the subsidies by using the records and data in the “course system”. As a result, the DSEJ has granted subsidies with an amount totalling more than MOP1 million for the courses involved. Moreover, it was also discovered that the centre let other persons attend its courses under the names of 24 students who had registered for the courses in order to defraud over subsidies. There were 24 students who actually attended the courses but made their registrations under other people’s names and thus received the subsidies.

Eventually, it was found that there were 196 people who had allegedly participated in the fraud, including three proprietors, one instructor, five intermediaries who received kickbacks, 186 fake students and one person who made fraudulent registration by using someone else’s identification document.

The said persons allegedly committed fraud, document forgery and use of someone else’s identification document in accordance with the *Penal Code* and computer falsification in accordance with Law no. 11/2009 (*Law on Combat of Computer Crime*). The case was referred to the Public Prosecutions Office upon completion of the investigation in September 2020.

## (VI)

In the course of investigating into the case related to the Subsidy Scheme for Acquiring Eco-friendly and Energy-Saving Products and Equipment, the CCAC found that, between 2012 and 2015, an energy-saving equipment supplier had, on behalf of several merchants, dealt with the procedures to the Environmental Protection and Energy Conservation Fund (FPACE), where the supplier submitted inflated quotations and invoices of energy-saving lamps when

submitting the applications in order to scam subsidies from the FPACE. The supplier also allegedly made untrue quotations and invoices by falsely claiming equipment which was already put into use as new equipment to be acquired by the merchants in order to apply for subsidies for them, causing the FPACE to grant subsidies which were originally beyond the scope of granting to the merchants.

The supplier involved allegedly committed fraud and document forgery under the *Penal Code*. The case was referred to the Public Prosecutions Office upon completion of the investigation in December 2020.

## (VII)

The CCAC received a report claiming that a police officer of the Public Security Police Force (CPSP) introduced a man for illegal lending in a company where the police officer acted as a witness to the signing of the IOU and the obtaining of the cheque from the person in charge of the company by the victim in the company. Subsequently, the police officer intentionally accompanied the victim to cash the cheque at the bank and solicited MOP4,000 as “referral fee” from the victim.

After investigation, it was found that the aforesaid police officer and the person in charge of the company allegedly committed usury under the *Penal Code*. As the handling of this issue was beyond the competence of the CCAC, the CCAC referred the case to the Judiciary Police for handling. As for the acts of the aforesaid police officer who allegedly involved in the loan-sharking activities and received “referral fee” which constituted the liability for disciplinary offences, the CCAC had already reported the situation to the CPSP according to the law for follow-up action.

#### **IV. Mutual case assistance in cross-border investigation**

For mutual case assistance in cross-border investigation, due to the pandemic, part of the work were suspended in 2020. Therefore, there was a decrease in the requests made to the CCAC as well as those made by the Anti-Corruption to the counterparts outside the Region compared with the previous year.

##### **1. Requests for case assistance to the CCAC from law enforcement agencies outside the Region**

In 2020, the Anti-Corruption Bureau placed six cases on file for investigation at the requests for case assistance received from counterparts outside the Region. Along with the cases carried over from 2019, the Anti-Corruption Bureau handled a total of 11 requests for case assistance made to the CCAC, including four by agencies of the Chinese mainland and seven by the Independent Commission against Corruption (ICAC) of Hong Kong. Up to the end of 2020, two have been completed while the remaining nine are still under processing.

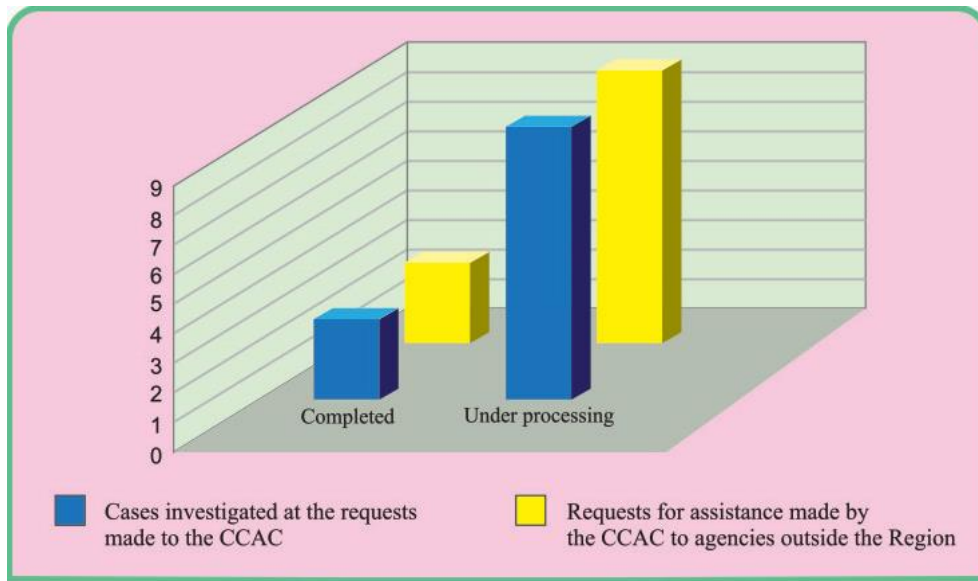
##### **2. The CCAC's requests for case assistance to agencies outside the Region**

In 2020, the CCAC made 11 requests for case assistance to counterparts outside the Region, including six to agencies of the Chinese mainland, three to the ICAC of Hong Kong and two made to both at the same time. By the end of 2020, two of the requests have been completed and replied while the remaining nine are still under processing.

<b>Mutual case assistance</b>	<b>Completed</b>	<b>Under processing</b>	<b>Total</b>
Cases investigated at the requests made to CCAC	2	9	<b>11</b>
Requests for assistance made by CCAC to agencies outside the Region	2	9	<b>11</b>



### Statistics of mutual case assistance in 2020



### V. Court verdicts

In 2020, a total of 17 criminal cases processed by the CCAC were tried, where 61 suspects were involved. Final judgments have been rendered on 11 cases while some cases are still at the appeal stage.

The following cases went to trial upon completion of investigation by the CCAC and referral to the Public Prosecutions Office and final judgments were rendered on them in 2020. The data is as follow:

No.	Charge proposed by CCAC	Charge filed by Public Prosecutions Office	Competent court	Judgment
1	Cheang XX: 2 counts of embezzlement, 4 counts of power abuse.	1 count of embezzlement	Court of First Instance  Court of Second Instance	2-year-and-6-month imprisonment for 1 count of embezzlement with the execution of the sentence suspended for 2 years on condition that he shall donate MOP30,000 to the Macao SAR.  The appeal was rejected by the Count of Second Instance.
2	Ieong XX: 35 counts of document forgery, 8 counts of fraud.  Chao XX: 7 counts of document forgery, 8 counts of fraud.	Ieong XX: 4 counts of document forgery. Ieong XX and Chao XX: 1 count of document forgery, 1 count of fraud.  Lou XX: 2 counts of document forgery.	Court of First Instance	Ieong XX: 2-year-and-9-month imprisonment for 5 counts of document forgery and 1 count of fraud with the execution of the sentence suspended for 3 years on condition that he shall donate MOP30,000 to the Macao SAR.  Chao XX: 1-year imprisonment for 1 count of document forgery and 1 count of fraud

	Lou XX: 24 counts of document forgery.			<p>with the execution of the sentence suspended for 2 years.</p> <p>In addition, Ieong XX and Chao XX should pay to the Financial Services Bureau, jointly and severally, an compensation amounting to MOP75,640 plus prejudgment interest.</p> <p>Lou XX: 1-year-and-2-month imprisonment for 2 counts of document forgery with the execution of the sentence suspended for 2 years on condition that he shall donate MOP15,000 to the Macao SAR.</p>
3	<p>Ng XX: 3 counts of passive bribery to perform illicit acts, 1 count of money laundering.</p> <p>Lei X: 1 count of money laundering.</p> <p>Lei XX: 3 counts of active bribery.</p>	<p>Lei XX: 1 count of active bribery.</p> <p>Ng XX: 3 counts of passive bribery to perform illicit acts.</p>	<p>Court of First Instance</p> <p>Court of Second Instance</p>	<p>Ng XX: 3-year imprisonment for 1 count of passive bribery to perform illicit acts.</p> <p>Lei XX: 1-year imprisonment for 1 count of active bribery.</p> <p>The appeal was rejected by the Count of Second Instance.</p>
4	<p>Chan XX and Chan XX: 1 count of document forgery.</p> <p>Chan XX: 2 counts of inaccurate data in declaration of assets and interests.</p>	<p>Chan XX and Chan XX: 1 count of document forgery</p> <p>Chan XX: 2 counts of inaccurate data in declaration of assets and interests.</p>	Court of First Instance	<p>Chan XX: 93-day fine at MOP3,000 per day, totalling MOP279,000, for 2 counts of inaccurate data in declaration of assets and interests. If the fine is not paid, a 62-day imprisonment should be imposed.</p>
5	<p>Si XX and Tam XX: 1 count of passive bribery to perform illicit acts, 1 count of forgery committed by public servant.</p> <p>Tai XX: 1 count of active bribery, 1 count of forgery committed by public servant.</p> <p>Mak XX: 1 count of forgery committed by public servant.</p>	<p>Tam XX, Si XX and Mak XX: 30 counts of forgery committed by public servant.</p> <p>Tai XX: 10 counts of forgery committed by public servant, 10 counts of document forgery.</p> <p>Mak XX: 1 count of active bribery.</p> <p>Tam XX and Si XX: 1 count of passive bribery to perform illicit acts.</p>	Court of First Instance	<p>Tam XX and Si XX: 1-year imprisonment for 3 counts of forgery with the execution of the sentence suspended for 2 years.</p> <p>Mak XX: 10-month imprisonment for 2 counts of document forgery with the execution of the sentence suspended for 2 years.</p> <p>Tai XX: 1-year-and-3-month imprisonment for 3 counts of document forgery with the execution of the sentence suspended for 2 years.</p>
6	Lei XX: 1 count of forgery committed by public servant, 1 count of fraud over high value.	Lei XX: 1 count of document forgery, 1 count of fraud over high value.	Court of First Instance	<p>2-year-and-3-month imprisonment for 1 count of document forgery and 1 count of fraud with the execution of the sentence suspended for 2 years on condition that he shall donate MOP30,000 to the Macao SAR. In addition, he should pay to the Macao SAR an compensation amounting to MOP58,019 plus prejudgment interest.</p>

7	Si XX and Kuok XX: 1 count of document forgery, 1 count of fraud over considerably high value, 2 counts of false statement or declaration in declaration of assets and interests.	Si XX: 1 count of document forgery, 1 count of inaccurate data in declaration of assets and interests. Kuok XX: 1 count of document forgery, 1 count of inaccurate data in declaration of assets and interests.	Court of First Instance  Court of Second Instance	Si XX and Kuok XX: 8-month imprisonment for 1 count of document forgery and 1 count of inaccurate data in declaration of assets and interests with the execution of the sentence suspended for 1 year.  The appeal was rejected by the Count of Second Instance.
8	Tong XX: 45 counts of document forgery.	Tong XX: 45 counts of document forgery.	Court of First Instance	Tong XX: 3-year imprisonment for 43 counts of document forgery with the execution of the sentence suspended for 4 years.

For the following cases, final judgments have not yet been rendered after the judgments of first instance were made in 2020:

No.	Charge proposed by CCAC	Charge filed by Public Prosecutions Office	Competent court	Judgment
1	Choi XX: 142 counts of unlawful economic advantage, 1 count of power abuse, 5 counts of inaccurate data in declaration of assets and interests. Mak XX: 142 counts of unlawful economic advantage. Kou XX: 142 counts of unlawful economic advantage, 1 count of inaccurate data in declaration of assets and interests. Sou XX: 2 counts of inaccurate data in declaration of assets and interests.	Choi XX, Mak XX and Kou XX: 142 counts of unlawful economic advantage. Choi XX: 1 count of power abuse, 1 count of misappropriation, 1 count of false statement or declaration in declaration of assets and interests. Kou XX: 1 count of false statement or declaration in declaration of assets and interests. Sou XX: 1 count of false statement or declaration in declaration of assets and interests.	Court of First Instance	Choi XX: 4-year imprisonment for 2 counts of power abuse and 1 count of false statement or declaration in declaration of assets and interests. Mak XX: 2-year imprisonment for 1 count of power abuse. Kou XX: 2-year-and-3-month imprisonment for 1 count of power abuse and 1 count of false statement or declaration in declaration of assets and interests. Sou XX: 120-day fine at MOP1,800 per day, totalling MOP216,000, for 1 count of false statement or declaration in declaration of assets and interests. If the fine is not paid, a 80-day imprisonment should be imposed

In addition, according to the open website of the competent courts, the following cases went to trial following completion of investigation by the CCAC and referral to the Public Prosecutions Office and judgments were made in 2020. The data is as follow:

No.	Charge proposed by CCAC	Charge filed by Public Prosecutions Office	Competent court	Judgment
1	<p>Ng XX: 1 count of criminal association, 266 counts of document forgery*, 33 counts of document forgery**, 7 counts of active bribery.</p> <p>Ng XX: 1 count of criminal association, 248 counts of document forgery*, 18 counts of document forgery**.</p> <p>U XX: 1 count of criminal association, 184 counts of document forgery*, 9 counts of use of forged document, 18 counts of document forgery**.</p> <p>* Paragraph 2, Article 18, Law no. 6/2004</p> <p>** Article 244, Penal Code</p> <p>Ieong XX: 1 count of criminal association, 74 counts of document forgery, 7 counts of use of forged document.</p> <p>Ian XX: 1 count of criminal association, 28 counts of document forgery, 1 count of arrogation.</p> <p>Cheong XX: 7 counts of passive bribery to perform illicit acts, 1 count of breach of secrecy, 2 counts of document forgery, 3 counts of inaccurate data in declaration of assets and interests.</p> <p>Ip XX: 3 counts of inaccurate data in declaration of assets and interests.</p> <p>Tong XX: 87 counts of document forgery, 3 counts of use of forged document.</p>	<p>Ng XX and Ng XX: 1 count of criminal association.</p> <p>Cheong XX, Ian XX, U XX and Ieong XX: 1 count of criminal association.</p> <p>Cheong XX: 4 counts of passive bribery to perform illicit acts, 1 count of breach of secrecy, 3 counts of power abuse.</p> <p>Ng XX: 4 counts of active bribery.</p> <p>Ng XX, Cheong XX and Ip XX: 1 count of money laundering.</p> <p>Ng XX, Cheong XX and Cheong XX: 1 count of money laundering.</p> <p>Ng XX, Cheong XX and Cheong XX: 1 count of money laundering.</p> <p>Ng XX, Cheong XX and Chang XX: 1 count of money laundering.</p> <p>Ng XX, Cheong XX and Chan XX: 2 counts of money laundering.</p> <p>Cheong XX and Ip XX: 3 counts of inaccurate data in declaration of assets and interests.</p> <p>Ng XX: 2 counts of power abuse, 2 counts of breach of secrecy.</p> <p>Ng XX, U XX, Ieong XX, Ian XX, Seng XX, Lei XX and Kuong XX: 2 counts of document forgery.</p> <p>Ng XX, U XX, Ieong XX, Ian XX and Seng XX: 4 counts of document forgery.</p> <p>Ng XX, U XX, Ieong XX and Seng XX: 1 count of document forgery.</p>	Court of First Instance	<p>Cheong XX: 2-year imprisonment for 4 counts of breach of secrecy and 3 counts of inaccurate data in declaration of assets and interests.</p> <p>Ian XX: 4-year imprisonment for 7 counts of document forgery.</p> <p>Ng XX: 1-year-and-9-month imprisonment for 1 count of power abuse and 2 counts of breach of secrecy.</p> <p>Ng XX: 15-year imprisonment for 1 count of criminal association and 23 counts of document forgery. In addition to the 5-year-and-3-month imprisonment for fraud over high value in another case, he was sentenced to a single sentence of 18-year imprisonment.</p> <p>Ng XX: 12-year imprisonment for 1 count of criminal association and 19 counts of document forgery.</p> <p>U XX: 8-year-and-6-month imprisonment for 1 count of criminal association and 23 counts of document forgery.</p> <p>Ieong XX: 7-year-and-6-month imprisonment for 1 count of criminal association and 21 counts of document forgery.</p> <p>Seng XX: 3-year-and-6-month imprisonment for 2 counts of document forgery</p> <p>Leong XX: 3-year-and-9-month imprisonment for 3 counts of document forgery</p> <p>Tong XX: 5-year imprisonment for 7 counts of document forgery.</p> <p>Wong XX and Ao Ieong XX: 2-year-and-9-month imprisonment for 1 count of document forgery.</p> <p>Wong XX: 3-year-and-6-month imprisonment for 4 counts of document forgery.</p> <p>Tong XX: 2-year-and-9-month imprisonment for 1 count of document forgery.</p>

	<p>Leong XX: 62 counts of document forgery, 10 counts of use of forged document.</p> <p>Ao leong XX: 35 counts of document forgery, 12 counts of use of forged document.</p> <p>Wong XX: 41 counts of document forgery, 7 counts of use of forged document.</p> <p>Lam XX: 2 counts of document forgery, 2 counts of use of forged document.</p> <p>Io XX: 7 counts of document forgery, 2 counts of use of forged document.</p> <p>Wong XX: 35 counts of document forgery, 21 counts of use of forged document.</p> <p>Seng XX: 3 counts of document forgery.</p> <p>Tong XX: 2 counts of document forgery, 1 count of use of forged document.</p> <p>Ngai XX: 3 counts of document forgery, 2 counts of use of forged document.</p> <p>Lao XX: 3 counts of document forgery, 2 counts of use of forged document.</p> <p>Ng XX: 6 counts of power abuse, 4 counts of breach of secrecy.</p>	<p>Ng XX, Ng XX, U XX, Ian XX and Tong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, Ian XX e Tong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Lam XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Io XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX and U XX: 2 counts of document forgery.</p> <p>Io XX: 4 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, leong XX, Ian XX and Leong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX, leong XX and Ian XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ian XX and Leong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ian XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX, leong XX and Leong XX: 10 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX e Leong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and leong XX: 8 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and leong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX and U XX: 1 count of document forgery.</p>		<p>Ngai XX and Lao: 3-year-and-6-month imprisonment for 4 counts of document forgery.</p> <p>Kuong XX and Lei XX: 3-year imprisonment for 2 counts of document forgery with the execution of the sentence suspended for 3 years on condition that they shall donate MOP20,000 to the Macao SAR.</p> <p>Ng XX: 2-year-and-6-month imprisonment for 1 count of document forgery with the execution of the sentence suspended for 3 years on condition that he shall donate MOP20,000 to the Macao SAR.</p>
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		<p>Ng XX, Ng XX, U XX, Tong XX and Ng XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, Tong XX and Ng XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Tong XX: 6 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Tong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Tong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX and Tong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ieong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX, Wong XX, Tong XX and Ng XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Wong XX: 5 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Wong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ieong XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX and Ieong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Ao Ieong XX: 5 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ao Ieong XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ieong XX: 6 counts of document forgery.</p>		
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		<p>Ng XX, Ng XX and U XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX and Ieong XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX, Wong XX and Tong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Wong XX and Tong XX: 1 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Wong XX: 6 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Tong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Wong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ieong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Ieong XX: 1 counts of document forgery.</p> <p>Ng XX, Ng XX and U XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX and U XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Tong XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX and Tong XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX and U XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX and Ieong XX: 1 count of document forgery.</p>		
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		<p>Ng XX, Ng XX, U XX, Ieong XX, Ngai XX and Lao XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Ngai XX: 3 counts of document forgery.</p> <p>Ng XX, Ng XX, U XX, Ieong XX and Lao XX: 2 counts of document forgery.</p> <p>Ng XX, Ng XX, Ngai XX and Lao XX: 1 count of document forgery.</p> <p>Ng XX, Ng XX and Ieong XX: 2 counts of document forgery.</p>		
2	<p>Ng XX: 5 counts of document forgery, 1 count of fraud over high value.</p> <p>Tam XX: 1 count of document forgery, 1 count of inaccurate data in declaration of assets and interests.</p>	<p>Ng XX: 3 counts of document forgery, 1 count of fraud over high value.</p> <p>Tam XX: 1 count of document forgery, 1 count of inaccurate data in declaration of assets and interests.</p>	Court of First Instance	<p>Ng XX: 300-day fine at MOP90 per day, totalling MOP27,000, for 3 counts of document forgery and 1 count of fraud over high value. If the fine is not paid, a 200-day imprisonment should be imposed.</p>
3	<p>Chan XX: 8 counts of fraud, 8 counts of document forgery, 3 counts of power abuse.</p> <p>Leong XX: 2 counts of fraud, 2 counts of document forgery.</p> <p>Ngan XX: 5 counts of fraud, 5 counts of document forgery.</p> <p>Chan XX: 6 counts of power abuse.</p> <p>Chan X: 2 counts of power abuse.</p> <p>Iao XX: 2 counts of power abuse.</p>	<p>Chan XX: 17 counts of document forgery, 10 counts of fraud, 3 counts of power abuse.</p> <p>Leong XX: 4 counts of document forgery, 2 counts of fraud.</p> <p>Ngan XX: 10 counts of document forgery, 5 counts of fraud.</p> <p>Chan XX: 5 counts of power abuse.</p> <p>Chan XX and Chan XX: 1 count of power abuse.</p> <p>Chan X: 2 counts of power abuse.</p> <p>Iao XX: 2 counts of power abuse.</p>	Court of First Instance	<p>Chan XX: 3-year-and-6-month imprisonment for 10 counts of document forgery, 10 counts of fraud and 4 counts of power abuse. Together with the previous sentence, he was sentenced to a 7-year imprisonment and should pay a compensation amounting to MOP40,000 to Transport Bureau (DSAT).</p> <p>Leong XX: 1-year-and-3-month imprisonment for 2 counts of document forgery and 2 counts of fraud. He should pay a compensation amounting to MOP6,346 to DSAT.</p> <p>Chan XX: 1-year-and-6-month imprisonment for 6 counts of power abuse with the execution of the sentence suspended for 2 years. He should pay a compensation amounting to MOP40,000 to DSAT.</p> <p>Chan XX: 9-month imprisonment for 2 counts of power abuse with the execution of the sentence suspended for 2 years. He should pay a compensation amounting to MOP20,000 to DSAT.</p> <p>Ngan XX: 2-year-and-3-month imprisonment for 5 counts of document</p>



				forgery and 5 counts of fraud with the execution of the sentence suspended for 2 years. He should pay a compensation amounting to MOP50,000 to DSAT.
4	Ip XX: 1 count of active bribery.	Ip XX: 1 count of active bribery.	Court of First Instance	Ip XX: 7-month imprisonment for 1 count of active bribery with the execution of the sentence suspended for 1 year and 6 months on condition that he shall donate MOP20,000 to the Macao SAR.

## VI. Declaration of assets and interests

The regime of declaration of assets and interests serves as an important measure aiming to suppress corruption through inspection of the situations of public servants' incomes and properties. Since its implementation in 1998, the regime has been in force for 22 years. In order to fulfil the duties prescribed in the law, the CCAC is responsible for processing of the declarations of assets and interests of a majority of public servants. Through declaration of assets and interests as a means of supervision, a corruption-free and disciplined culture of public servants is developed, which will facilitate the enhancement of credibility of a transparent government.

Looking back on the work carried out previously, the CCAC has been maintaining good cooperation with declarants. So far, there is no declarant or declarant's spouse or cohabiting partner who is held legally responsible for failure to submit the declaration. In addition, while enforcing the law strictly, the CCAC takes the initiative to follow up the situations by sending overdue notice to those who have failed to submit the declaration in order to remind them of their statutory obligation. When they submit their belated declarations, they are required to submit justification in written form so that they can be exempted from the relevant penalties provided by law. For this reason, the work related to declaration of assets and interests has basically achieved the intended effect.

Last year the CCAC detected a few cases involving inaccurate data in declaration of assets and interests in accordance with the *Legal Regime of Declaration of Assets and Interests*. The cases have already been referred to the

Public Prosecutions Office. In addition, in 2020, the court rendered sentences for inaccurate data on four cases and false statement in declaration of assets and interests on two cases. The increase in the cases related to declaration of assets and interests reminds public servants that they shall provide true data about their assets and interests so that the regime of declaration of assets and interests will become one important “firewall” of corruption prevention mechanism.

In 2020, the CCAC collected the declaration forms from a total of 12,711 people (see Table I) and sent a total of 186 overdue notices to those who failed to submit the declaration within the statutory period (including declarants and their spouses and cohabiting partners) (see Tables II and III). The followings are the tables showing the relevant data:

**Table I**

**Statistics of individuals who submitted declaration of assets and interests in 2020**

<b>Reasons for submitting declaration</b>	<b>Total</b>
Appointment	1,998
Change of position	3,730
Termination of office	1,577
5-year renewal	3,412
Renewal with that of spouse	460
Pursuit of data-provision duty	1,263
Voluntary renewal	271
<b>Total</b>	<b>12,711</b>

**Table II**

**Statistics on overdue notices sent in 2020**

(Recipients: declarants)

<b>No.</b>	<b>Entity/service in which the declarant works</b>	<b>No. of overdue notices sent</b>
1	Health Bureau	43
2	Public Security Police Force	17
3	Cultural Affairs Bureau	16
4	University of Macau	15

5	Municipal Affairs Bureau	11
6	Education and Youth Affairs Bureau	9
7	Correctional Services Bureau	8
8	Welfare Association of Public Security Police Force	5
9	Government Head Office Auxiliary Bureau	5
10	Macao Customs Office	5
11	Public Security Forces Affairs Bureau of Macau	5
12	Post, Telegraph and Telephones Office	4
13	Public Administration and Civil Service Bureau	3
14	Social Welfare Bureau	3
15	Social Security Fund	3
16	Fire Services Bureau	3
17	Financial Services Bureau	3
18	Macao Polytechnic Institute	3
19	Sports Bureau	3
20	Legal Affairs Bureau	2
21	Marine and Water Bureau	2
22	Office of the President of the Court of Final Appeal	2
23	Statistics and Census Service	2
24	Judiciary Police	1
25	Secretariat of the Legislative Assembly	1
26	Transport Bureau	1
27	Housing Bureau	1
28	Pension Fund	1
29	Higher Education Bureau	1
30	Labour Affairs Bureau	1
31	Gaming Inspection and Coordination Bureau	1
32	Macao Foundation	1
33	Macao Trade and Investment Promotion Institute	1
34	Environmental Protection Bureau	1
35	Protocol, Public Relations and External Affairs Office	1
36	Unitary Police Service	1
	<b>Total</b>	<b>185</b>

**Table III**

**Statistics on overdue notices sent in 2020**

(Recipient: declarant's *spouse or cohabiting partner*)

<b>Recipient</b>	<b>No. of overdue notices sent</b>
Declarant's <i>spouse or cohabiting partner</i>	1

Under the SAR Government's measure to continuously promote the development of electronic governance and convenient service, the CCAC has

developed new systems and upgraded the respective applications promptly. In 2020, the CCAC kept up with the times by optimising the “notification processing system of declaration of assets and interests”, which had been in operation for eight years, in order to carry out the works related to declaration of assets and interests in a smoother and more orderly way. In fact, the optimisation of the system has boosted the document processing efficiency of public departments and thus enhanced the quality of work. Since its launch in 2013, over 24,000 notification letters have been received through the system. Among the 4,041 official letters/notification letters of declaration of assets and interests received by the CCAC in 2020, over 3,500 were received through the system. In addition, the public departments that keep up frequent correspondence with the CCAC have become users of the system one after another, which made up over 60% of all public departments, reflecting the effective result it has achieved.

Up to the end of 2020, 61 public administrative services or entities, autonomous services, autonomous funds, public legal persons or public corporations, wholly or mainly public funded corporations and concessionaires for the exploitation of property of the public domain that had the duty to notify the declarants of the obligation to submit the declaration had already activated the “notification processing system of declaration of assets and interests” provided by the CCAC. 57 of them are using the system (listed in the following table) while the remaining four never used the system, of which two were merged subsequently.

**Table IV**

**List of users of “notification processing system of declaration of assets and interests” in 2020**

No.	Entity/Service	No.	Entity/Service
1	Civil Aviation Authority	30	Macao Foundation
2	Monetary Authority of Macao	31	Pension Fund
3	Commission of Audit	32	Social Security Fund

4	Fire Services Bureau	33	Supporting Office to the Permanent Secretariat of the Forum for Economic and Trade Co-operation between China and Portuguese-speaking Countries
5	Consumer Council	34	Government Information Bureau
6	Commission Against Corruption	35	Infrastructure Development Office
7	Legal and Judicial Training Centre	36	Office for the Development of the Energy Sector
8	Public Security Police Force	37	Financial Intelligence Office
9	Post, Telegraph and Telephones Office	38	Office of the Prosecutor General
10	Macau Economic and Cultural Office in Taiwan	39	Office for Personal Data Protection
11	Gaming Inspection and Coordination Bureau	40	Office of the President of the Court of Final Appeal
12	Legal Affairs Bureau	41	Municipal Affairs Bureau
13	Labour Affairs Bureau	42	Social Welfare Bureau
14	Marine and Water Bureau	43	Cultural Affairs Bureau
15	Transport Bureau	44	Sports Bureau
16	Cartography and Cadastre Bureau	45	Macau Institute for Tourism Studies
17	Correctional Services Bureau	46	Housing Bureau
18	Macau Economic Services	47	Printing Bureau
19	Statistics and Census Service	48	Macau Polytechnic Institute
20	Education and Youth Affairs Bureau	49	Macau Light Rapid Transit Corporation, Limited
21	Financial Services Bureau	50	Judiciary Police
22	Public Security Forces Affairs Bureau of Macau	51	Secretariat of the Legislative Assembly
23	Identification Services Bureau	52	Public Administration and Civil Service Bureau
24	Meteorological and Geophysical Bureau	53	Government Head Office Auxiliary Bureau
25	Environmental Protection Bureau	54	Secretariat of the Executive Council
26	Land, Public Works and Transport Bureau	55	Unitary Police Service
27	Macau Government Tourism Office	56	Health Bureau
28	Science and Technology Development Fund	57	University of Macau
29	Cultural Industries Fund		

In addition, 13 public administrative services or entities, autonomous services, autonomous funds, public legal persons or public corporations, wholly or mainly public funded corporations and concessionaires for the exploitation of property of the public domain have already been informed and contacted by the CCAC, but they still have not yet activated the aforesaid “notification processing system of declaration of assets and interests” provided by the CCAC, reflecting

that some departments or corporations still need to make an effort to make appropriate adjustments as soon as possible in order to fully implement Law no. 11/2003 (*Legal Regime of Declaration of Assets and Interests*) republished by Law no. 1/2013.

In 2020, the CCAC, based on the continuation of the promotional actions carried out in the previous year, took advantage of the growing popularity of social networks to actively explore new channels for promotion. Currently, apart from launching the special website of declaration of assets and interests, providing the guidelines on filling in the declaration form in both paper and electronic versions and giving talks and seminars, the CCAC also makes public the information related to the *Legal Regime of Declaration of Assets and Interests* on its WeChat official account with an aim to keep on promoting the law to public servants and citizens and popularise the relevant contents of the law through various channels so that more citizens will better understand the meaning of declaration of assets and interests.

**PART III**

**OMBUDSMAN ACTIONS**

## PART III

### OMBUDSMAN ACTIONS

#### I. Introduction

It is widely known that the ombudsman's work is very different from the anti-corruption work in terms of procedural measures, investigation directions and solutions. When it comes to the results of investigations, while the former seeks to improve the operation and activities of public services and statutory bodies so that they may better pursue public interests, the latter aims to bring offenders who commits corrupt acts to justice.

The CCAC has all along been strictly and fully exercising the powers and functions vested by the *Organic Law of the Commission Against Corruption* and exercising supervisory powers within the terms of office of the ombudsman. With regard to matters merely concerning personnel management and internal work arrangement, which do not fall within the scope of administrative acts or procedures regulated by the *Administrative Procedure Code*, the CCAC has no power of intervention but can only refer them to or communicate with the relevant departments.

It should be clarified that, according to Article 10 of the *Organic Law of the Commission Against Corruption*, the activity of the Commission Against Corruption is independent from the administrative or judicial remedies established by law and does neither suspend nor interrupt the continuity of any time limits of any nature. Therefore, the role of the CCAC as an ombudsman cannot be likened to that of an appeal body where there are statutory appeal mechanism procedures, including disciplinary procedures, judicial procedures, appeal and administrative appeal. It means that when residents are not satisfied with the decisions made by such procedures, they should, within statutory periods, lodge appeals to the competent authorities according to the law. Obviously, they may also lodge administrative complaints or reports to the CCAC. The CCAC will carry out investigation into the possible administrative



irregularities or impropriety within its jurisdiction with the aim of improving the operation and activities of the public services or statutory authorities/bodies, so that they may better uphold fairness and justice as well as pursue and safeguard public interest.

In the process of handling cases, the CCAC invests a great deal of time and manpower, carefully analyses the collected evidence and data, prudently verifies the existence of administrative illegalities and irregularities in the decisions made and procedures carried out by the public services or statutory bodies or entities and subsequently clarifies to the respective public services the positions of CCAC through the legal mechanism of suggestion for improvement or recommendation, so as to achieve the objective of urging public services to perform their duties in strict compliance with the law, improving the quality of governance and safeguarding public interest.

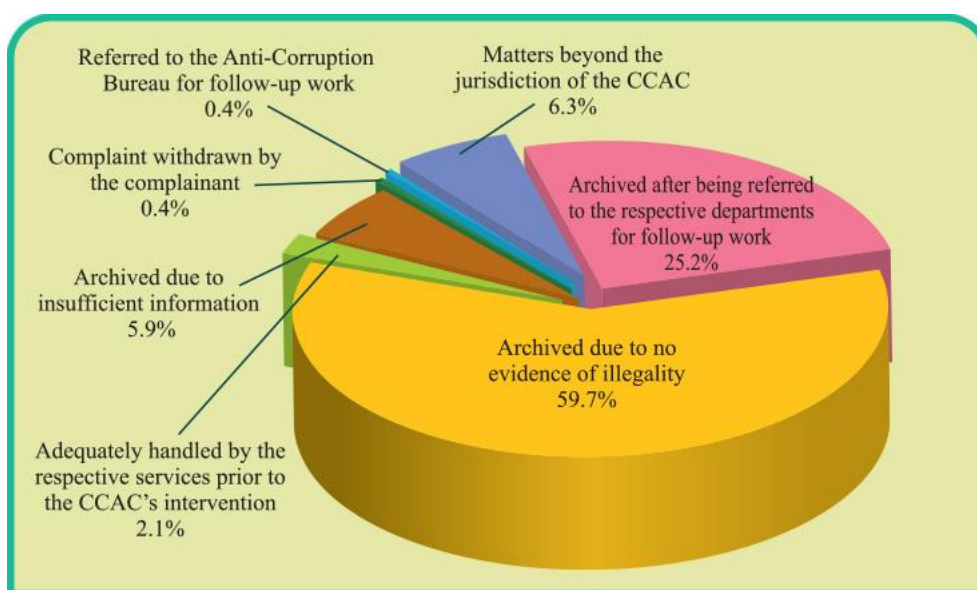
In 2020, during the period of the pandemic, in adherence to the principle of legality, the CCAC took into account the feasibility of inter-departmental cooperation and investigated each case with a pragmatic attitude.

It is encouraging that in the course of the investigation, the investigation measures taken by the CCAC, including the request for documents, inquiry and testimony, were supported by the relevant services or entities in a collaborative manner. In addition, the investigations carried out as well as the suggestions or recommendations individually presented or publicly disclosed by the CCAC were all accepted by the services or entities concerned. Some of them make commitments proactively and even take corrective or improvement measures immediately. Although there is still room for improvement, all this shows that the Macao SAR Government is willing to face the problems related to administrative procedures or acts highly concerned by the society and citizens. Such courage to improve governance deserves recognition and praise.

Up to the end of 2020, a total of 282 cases were placed on file by the Ombudsman Bureau of the CCAC.

Along with the cases carried forward from the previous year, the Ombudsman Bureau concluded a total of 238 cases, of which 60 were archived after the respective services had been requested to handle them and the opinions given had been accepted or promises of handling them had been made, and 178 were archived for other reasons. Of these 178 cases, there are 142 cases that were archived as no evidence of illegality was found upon investigation, 5 that were adequately handled by the services concerned before the CCAC’s intervention, 14 that were archived due to insufficient information, 1 case where the complaint was withdrawn by the complainant, 1 case that was referred to the Anti-Corruption Bureau for follow-up work and 15 cases that did not fall within the jurisdiction of the CCAC.

### Cases concluded by the Ombudsman Bureau in 2020



In addition, in 2020, the CCAC received a total of 321 requests for consultation and information that fell within the scope of the ombudsman’s work. Judging from the requests for consultation and information in 2020, the majority of them was still related to the public service regimes, the handling of breach of traffic regulations and illegal works.

“Real-name reports and tight supervision” is one of the long-term development directions for integrity building. In 2020, through various means of

promotion, the CCAC made clarifications to citizens that face-to-face complaints or real-name reports are properly protected by the confidentiality mechanism. Lodging real-name complaints or reports, with provision of contact information, may help the CCAC accurately access information that may become essential in the investigations as well as verify indications of administrative illegality or irregularity, which will minimise the chances of having to archive the cases directly due to the impossibility to meet the conditions for the respective investigation. The CCAC has all along been exercising discretion in dealing with anonymous complaints and reports. As long as there are preliminary indications in these anonymous complaints and reports, which meet the conditions for the initiation of investigations, even if there is no clear and accurate information provided directly by the complainants or informants, the CCAC will always do its best to carry out investigations and collect evidence within its legal authority and try to overcome the difficulties caused by insufficient information so as to handle all complaints and reports seriously, including those lodged anonymously. Nevertheless, it is undeniable that the CCAC needs the support of citizens to obtain information necessary for the initiation of investigations so it may resolve the concerns of citizens as soon as possible.

## **II. Summary of comprehensive investigation**

### **“Investigation Report about 74 Land Concession Leasehold Case Files where the Provisional Concession Leaseholds were Declared Expired”**

Starting from March 2010, the Public Administration, case by case, reviewed all cases where the land use was not completed within the land use period or by the expiry of the land leasehold period set out in the respective provisional concession leasehold contract. Starting from 2015, the Public Administration successively announced the expiry of provisional concession leaseholds of many plots of land. Later, some people repeatedly told the media that the stipulation that the concession would expire if the land use was not completed by the expiry of the leasehold period prescribed in Law no. 10/2013

(the new *Land Law*) was unreasonable and requested for amendment to the new *Land Law*.

After carrying out a comprehensive analysis of the 74 land concession vetting processes in which the provisional concession leasehold was declared expired, including reviewing over 1,000 land concession vetting case files, building proposals and construction case files, taking statements from relevant personnel and making a comparison with the legal regimes of neighbouring regions, the CCAC considered that all of the concessionaires involved in the cases did not comply with the terms set out in the respective provisional concession leasehold contracts. Some of them requested for change of the land use or did not submit the building proposals to the authority, while some did not take the initiative to follow up the building proposals they had submitted. They had one thing in common, that is, they failed to implement the land use plans. After obtaining the provisional concession of the relevant lots, the concessionaires made one or more than one requests for change of land use or land purpose for various reasons. In fact, the first building proposals submitted by almost all of them did not accord with the respective concession contracts. Such acts of non-compliance with the contract terms went against the principle of good faith in a contractual relationship. Some of the concessionaires' acts even show that they did not intend to comply with the duties set out in the provisional concession leasehold contracts. Instead, they only attempted to seek the possibility to maximise their interests through repeated requests to the Public Administration for change of land purpose and increase of building scale and height.

Concerning the suspicion that the DSSOPT delayed or impeded the concessionaires' completion of land use within the land leasehold period, the CCAC considered that such accusation is groundless, as the failures in all of the cases were due to the fact that the concessionaires did not submit the building proposals which accorded with the terms set out in the contracts in a timely manner or the fact that they did not follow up the building proposals in a timely

manner following the approval of the bureau. In addition, if the building proposal submitted by the concessionaire obviously goes against the requirements, then the DSSOPT will need to review the urban planning. In this sense, the bureau will inevitably spend more time to deal with the relevant applications and consult other competent authorities. Therefore, it did not mean that the DSSOPT delayed the vetting. Instead, the delay was caused by the concessionaires' violation of the terms set out in the provisional concession contracts.

*Both the old Land Law and the new Land Law confer upon the concessionaire the right to make a request for change of the land use or land purpose, but they also provide for the restrictions. Article 107 of the old Land Law stipulates that whether or not to approve the concessionaire's request is at the Public Administration's discretion. Once speculative intention is found, the Public Administration shall reject the request according to the law. In addition, Articles 140 and 141 of the new Land Law provide clear stipulation of the period for making request for relevant change or amendment. Both the old Land Law and new Land Law stipulate that the concessionaire is obliged to complete the land use within the designated or extended land use period. Even if the building proposal or drawing is not approved, the land use period set out in the concession leasehold contract will not be suspended or terminated, unless the concessionaire makes such request. However, not until the Public Administration enforced the stipulations of declaration of expiry of land concession under the Land Law that the concessionaires attempted to defend themselves from being blamed for the failure to follow up the concession contracts and fulfil the obligations of land use as set out in the contracts for the excuse that the Public Administration delayed the vetting procedures or failed to fulfil the responsibilities regarding urban planning or infrastructure. The CCAC considered that such accusation is not convincing.*

Moreover, the DSSOPT's supervision on the implementation of the land concession contracts was not adequate, and the bureau failed to perform its duty to proactively supervise and follow up the implementation of the provisional

concession contracts by the concessionaires. Neither did it promptly follow up the cases where the relevant land lots might have met the conditions of expiry of provisional concession. As a result, the relevant land had all along not been used effectively and had even been left idle for prolonged periods, which caused the society to cast various doubts over the land management work of the government. This situation deserved profound reflection and review by the competent authorities.

Unlike civil contracts, the land concession leasehold contracts are essentially administrative contracts. The Public Administration has the right of supervision and the right of punishment so as to supervise the fulfilment of the obligations set out in the land concession contracts by the concessionaires. However, the concessionaires in quite some land concession case files involved seemed to be playing the predominant role. It was common that when the concessionaires filed requests such as changing the land purposes and land uses, the DSSOPT would still follow them up. It seldom resolutely rejected those that did not meet the relevant requirements from the outset. The Public Administration should reflect on how to play a predominant role in the land leasehold contracts. It should, in a timely manner, proactively carry out follow-up and supervision work on the fulfilment of obligations set out in the concession contracts by the concessionaires. To safeguard the overall interests of the Macao residents, they should take appropriate measures and maintain a clear and transparent attitude in order to improve their supervision and management of land uses. In response to requests that contravene the laws or concession contracts, they should reject them explicitly so as to ensure that the land resources of Macao will be used effectively and sufficiently according to the provisions of the new *Land Law* and the terms in the concession contracts.

The CCAC suggested that when vetting the building proposals submitted by the concessionaires, the Public Administration should also consider the balancing of public interest and private interest. In particular, the approval should depend on whether they meet the primary objectives of making full and timely

use of land resources and achieving sustainable urban development.

The CCAC added that the 74 decisions on the land concessions involved were all made by the then Portuguese Government of Macao. Some provisional land concession leaseholds were granted through exemption from public tender. Moreover, neither the relevant grounds nor the application of the relevant legal provisions could be seen in the submissions. The CCAC emphasised that public tender should be a common practice while a concession should only be directly granted under special circumstances. When carrying out a procedure of granting a provisional land concession in the future, the Public Administration must carry out a public tender before granting the provisional land concession according to the new *Land Law*. Only under certain circumstances may public tender be exempted. In addition, Article 166 of the new *Land Law* should be executed in a timely manner. When a concessionaire fails to finish the land use within the land use period, without having to prove his fault, the possibility of executing the relevant penalty system may be studied immediately, including imposing a fine and declaring expiry of the provisional concession leasehold. Upon completion of the land leasehold period, the provisional land concession leasehold must even be declared expired compulsorily. It will allow the relevant lots to be released for proper use again. This is how the law is applied correctly in a timely manner and how the interests of public resources can be safeguarded effectively.

In response to the aforesaid investigation conclusions released by the CCAC, the Secretary for Transport and Public Works publicly stated that he attached great importance to them and promised that he would review and reflect on the relevant matters, holistically improve the land management mechanisms and ensure that land resources may be used reasonably according to the law. He also said that the Macao SAR will continue to strictly manage the state-owned land under the *Land Law*. Regarding the land parcels whose concessions have been declared expired under the law and other available land parcels, the Macao SAR will, according to the needs of overall development of the society, use the land resources effectively and reasonably in order to achieve the objective of

sustainable development.

### **III. Summaries of inquiries**

#### **(I)**

#### **Careful approval of public money applications and non-negligent supervision**

In July 2018, the CCAC received the information of Viva Macau's loan case transferred to it by the Industrial and Commercial Development Fund (FDIC). It subsequently conducted an inquiry in order to review the loan processes from the perspectives of criminal illegality, administrative illegality and disciplinary liability.

After finding out the processes of the granting of five loans totalling MOP212 million to Viva Macau by the FDIC between 2008 and 2009, the CCAC found that Air Macau, which was affected by the financial crisis at the same period, also sought financial aid from the SAR Government. In 2009, the SAR Government, as a shareholder of the airline, injected a sum of MOP215 million into it. As far as Viva Macau was concerned, given that the close-down of the privately held company would have negative impact on travellers who had booked tickets with it as well as the tourism of Macao, the SAR Government decided to offer interest-free financial aid to it through the FDIC. While the then members of the Administrative Council of the FDIC did not have professional knowledge of operation and financial management in the aviation industry, neither an evaluation committee with individuals with professional experience was formed nor persons whose presence would be conducive to the decision making were invited to attend the meetings.

When it comes to whether any of the acts of Viva Macau as well as its shareholders and executive members violated any of the provisions of the criminal law (including the provisions of fraud, issuance of bad cheque, intentional bankruptcy, unintentional bankruptcy, frustration of credits, favouring of creditors and active bribery), following analysis, it was found that



those persons might have committed the offence of unintentional bankruptcy. However, the right of complaint became extinct due to expiry of prescription. Also, there was no sufficient indication that the other acts could be considered constitutive element of the relevant crimes. Regarding the acts of the members of the Administrative Council of the FDIC and other public servants involved, the existing evidence could not prove that the relevant acts should be considered constitutive elements of passive bribery to perform licit acts, power abuse and dereliction of duty.

However, after the investigation the CCAC found that the documents of Viva Macau were disorganised. The controlling shareholder, Eagle Airways Holdings Limited, used promissory notes as guarantees, but the competent authorities had never carefully scrutinised its repayment ability. Neither had the financial status of Viva Macau been checked or followed up. While Viva Macau had never fulfilled any of the loan repayment agreements, it repeatedly requested to extend the repayment periods and used part of the financial aids to repay the loans earlier provided by its executive members in their own names instead of using them directly for the purpose of improving the operation as required by the agreement signed with the FDIC. The company even failed to submit the loan spending report in time as required by the agreement. These violations of loan agreement may have constituted the relevant civil contractual liabilities. The negligent attitude of the members of the Administrative Council of the FDIC caused the Public Administration to be in a passive position in the incident.

In addition, as Viva Macau was not an SME as prescribed by the relevant laws in effect, there was no legal basis directly applicable to the vetting and handling of the applications for financial aids. Moreover, there was a lack of analysis of the financial condition of Eagle Airways Holdings Limited as the guarantor of such considerably huge amounts of loan, which was exactly the key to the FDIC's failure at recovering the repayment from the guarantor after Viva Macau was declared bankrupt. Obviously, in the vetting and approval processes for the applications for loans made by Viva Macau, there was a serious lack of

requirement for and supervision of document searching, analysis and quality of the reports. In other words, there was no effective and close follow-up. The imprudent, careless and neglectful acts and omissions carried out by the relevant public servants could definitely constitute disciplinary liability and reflected that they failed to fulfil their due responsibilities and obligations of supervision.

Therefore, the CCAC suggested that the legislation for the supervisory of use of financial aid offered by the FDIC should be promoted and enhanced as soon as possible. Especially, it should establish a robust loan guarantee mechanism and clearly require that loans involving large sums should be guaranteed by assets with adequate repayment capacity. The guarantor's assets should be strictly examined in order to ensure that the loan can be repaid with the assets when the debtor is unable to repay the loan by the deadline and to avoid waste of resources to take unsuccessful legal action to dun for the payments. Meanwhile, necessary risk warning and control mechanism should be set up in order to ensure that public funds will not be abused due to loose supervision of credit. The CCAC also hoped that all officials and public servants of the Macao SAR should bear in mind that regardless of their ranks and positions, in execution of public duties, they should ensure that the duty of impartiality is carried out effectively in order to uphold the impartial and just image of officials and public servants.

Several principal officials in the Macao SAR Government publicly stated that they attached great importance to the investigation results released by the CCAC. The Chief Executive personally urged the Secretary for Economy and Finance to carry out a comprehensive review of the vetting and approval procedures for loans granted by the FDIC, to improve the vetting and approval criteria and the respective supervisory mechanisms and to rigorously monitor the vetting and approval of large loans or loan guarantee applications. It was expressly required that loans be guaranteed by assets with effective repayment capacity so the risks to be borne by the Government in settlement difficulties will be minimised. It was also required that the legislation applicable to the FDIC be

reviewed holistically, including the current regulation of the FDIC as well as other special regulations related to the granting of loans and items subsidised by the FDIC, so that contents such as vetting and approval conditions, supervisory mechanisms, and sanctions for contravention will be clearly provided for in the regulations. The Secretary for Economy and Finance has also instructed the FDIC to carry out a holistic review and correct the defects in order to improve the vetting and approval procedures for the granting of loans, establish risk prevention and control mechanisms and improve the regulations to effectively plug the loopholes - all in a bid to ensure that public money will be used reasonably and appropriately according to the law.

In order to consolidate the effects of the investigation, the CCAC specially organised a meeting with representatives of all public funds in Macao, where it took the loan granting case of Viva Macao as reference and presented its opinions and suggestions on how the autonomous funds in Macao may use public assets in a sensible way. The Public Administration also promised to start improving the laws and regulations related to the vetting and approval mechanisms of the funds, thus requesting persons in charge of the funds to present any inadequacies of the respective legislation and problems detected in practice and to give their opinions, which will be compiled and followed up by the SAR Government.

## (II)

### **Do not attempt to do part-time jobs as it is a disciplinary offence**

The CCAC received a report claiming that a police officer from the Public Security Police Force (CPSP) sold beauty products on a part-time basis illegally through Internet platforms. The CCAC was therefore requested to intervene in and investigate the incident.

Following the investigation, it was found that in 2018 the aforesaid police officer started to set up a dedicated page on an Internet platform and sell beauty products through a few buying and selling platforms. The police officer was also found to have frequently uploaded photos and videos on the Internet platforms

showing himself displaying the beauty products in order to highlight and promote the effects of the relevant products. In addition, it was also confirmed that he had sold beauty products to a few colleagues at the workplace.

After the CCAC informed the CPSP of the relevant situation, the latter initiated a disciplinary procedure against the aforesaid police officer and subsequently proved that he had violated the obligations provided for in Subparagraph f) of Paragraph 2 of Article 12 and Subparagraph b) of Article 16 of the *Statute of the Militarised Personnel of the Security Forces of Macao*. A fine was imposed on the police officer concerned as disciplinary punishment.

### (III)

#### **Consistent standards demonstrate fairness**

A citizen filed a complaint where he stated that he had already completed the work of installing air-conditioner drain pipes in an interior space within the stipulated period and according to the requirements of the Municipal Affairs Bureau (IAM) so as to improve the problem of water dripping from the air-conditioners. However, as the complainant did not proceed to remove the disused drain pipes that remained exposed, even though they no longer dripped, he received punishment from the IAM during the subsequent inspection work carried out by the latter for the reason that “the drain pipes are still exposed”. The complainant considered the punishment imposed by the IAM unfair and therefore requested intervention and investigation by the CCAC.

Following the investigation, it was found that the IAM, when carrying out the subsequent inspection, confirmed that there was no water dripping, but as the air-conditioner drain pipes were still exposed, the IAM immediately decided that the complainant had yet to comply with its technical recommendations to avoid the problem of water dripping from the air-conditioners within the time limit it had set. Subsequently, the complainant was punished according to the *General Regulations Governing Public Spaces* and the respective *List of Infringements*.

Judging from the content of the notification about improving the problem of water dripping from air-conditioners, the CCAC considered that the IAM aimed to urge the complainant to carry out, within the set time limit, necessary repair works to prevent the air-conditioners from dripping. Installation of air-conditioner drain pipes in an interior space was one of the examples listed as a technical suggestion. Therefore, as long as the measure may prevent water dripping from air-conditioners onto public areas, it should be considered that the requirement in the notification is met. Since the complainant completed the repair works to prevent water dripping from the air-conditioners within the set time limit, there was no legal basis for the IAM to punish the complainant simply due to the existence of the disused drain pipes that were exposed. At the prosecution and punishment stage, the complainant reiterated the improvements that had been made, but the IAM ignored them and did not analyse the reported improvements until the complainant had issued a statement of objection against the punishment decision.

The CCAC also believed that if the IAM had analysed the improvements reported and the photographs provided as evidence by the complainant, particularly taking measures to verify the actual situation with a pragmatic attitude, it not only would have avoided unnecessary disputes and doubts but would have avoided unnecessary subsequent procedures and thus saving manpower. In addition, it was also found that the IAM's view at the prosecution stage was not exactly the same as its view after the complainant had issued a statement of objection. It was even found that different persons responsible for handling the case might have different decisions on it. In order to avoid doubts about its laxity in deciding illegal acts or unlawful facts at the prosecution against the problem of water dripping from air-conditioners, the IAM must adopt measures to standardise the position of its personnel on the identical situations.

Therefore, the CCAC informed the IAM of the situations and gave the respective opinions. The IAM stated in its response that it accepted the CCAC's opinions and would review the statement of objection of the complainant and the

information submitted at the hearing stage. Finally, it was concluded that the improvements made by the complainant were sufficient to prevent the problem of water dripping from air-conditioners onto public areas. As a result, the respective punishment decision was withdrawn.

#### (IV)

##### **Doubts about legality arising from too much leniency**

A construction technician, who was registered with the Land, Public Works and Transport Bureau (DSSOPT) and had been working in that area for several years, lodged a complaint where he stated that after the entry into force of Law no. 1/2015 (*Regime of Qualifications in the Fields of Urban Construction and Urban Planning*), the Bureau still granted “conditional approval” to applicants who requested registration as technicians but did not meet the respective legal requirements. Believing the practice was lack of legal basis and unfair towards other applicants who met the legal requirements, he requested intervention and investigation of the CCAC.

According to Law no. 1/2015, holders of academic degrees legally provided for and those who have been registered with the DSSOPT on 5<sup>th</sup> January 2015, or those who have been engaging in the fields of urban construction and urban planning in Macao, are exempted from meeting the requirement of completing the internship and passing the accreditation examination and thus being able to obtain a professional certificate in the field of construction, provided that they have applied for registration with the Council of Architecture, Engineering and Urban Planning within two years from 1<sup>st</sup> July 2015. If they have yet to register on the aforesaid date or have registered for less than one year from the aforesaid date, they may only, according to the law, register or renew the registration after completion of a special training organised by the DSSOPT.

Following the investigation, it was found that, after the entry into force of Law no. 1/2015, the DSSOPT did, in fact, grant “conditional approval” to applicants who did not meet the legal requirements. Also, there was no

information showing the relevant legal basis. For cases of registration for less than one year or applications for new registration of applicants who had yet to complete the special training, the DSSOPT took the provisional measure to grant “conditional approval” as it took into account that Law no. 1/2015 was the first legislation introducing the professional qualification accreditation regime for the construction sector of Macao, and that during the enforcement of the new law, the sector once reflected that as some technicians specialising in construction works initially did not, during their career planning, consider making the registration for the purpose of performing the related work, when encountering opportunities to practice their profession, they would usually miss those opportunities as they did not have enough time to complete the special training. As a result, they could not obtain a professional certificate. Therefore, by allowing these individuals to complete the special training within a designated period and then approving their applications for registration or renewal of registration, it would help the sector to get prepared for the implementation of the new regime smoothly. Nevertheless, the participation of applicants in the special training depended on several factors, such as whether the DSSOPT would organise a training session, when these training sessions would start, or whether the applicants would make it to classes after application due to different reasons. Furthermore, the DSSOPT required technicians to attend, on two consecutive Saturdays, a training session lasting a total of 10 hours, and only after that they would be recognised for having completed the training. For this reason, the situation of not having completed the special training at the time the application for registration or renewal of registration was submitted (therefore not meeting the requirements of the law) could not be fully attributed to the applicants. This is the reason why there was “conditional approval” - registration or renewal of the registration would only be allowed after the applicants successfully completed the respective training.

Following analysis of the provisions of Law no. 1/2015, the CCAC considers that, since the legislator of the law did not make any exceptional transitional provision, according to the principle of legality, the registration or

renewal of registration may only be approved when the interested parties meet all the legal requirements. Therefore, the CCAC considers that the DSSOPT's practice of granting conditional approval to registration or renewal of registration lacked a legal basis and violated the principle of legality. As a matter of fact, the sector has clearly known from the outset that technicians who have not yet registered on the date of the entry into force of Law no. 1/2015 or have registered for less than one year from it need to complete the special training organised by the DSSOPT before registration or renewal of registration. Furthermore, the number of special training sessions currently organised by DSSOPT is sufficient to meet the relevant needs, so DSSOPT must strictly execute the respective legal provisions, and it should not continue to grant "conditional approval".

After the CCAC stated its position to the DSSOPT and presented its opinions, the latter replied that it fully accepted them, adding that the aforesaid provisional measure of "granting conditional approval to registration" was no longer taken. Regarding the technicians who were once granted "conditional approval" for registration or renewal of registration and whose registration is still within the validity period, they have completed all the special training currently.

## (V)

### **Reasonable price consultation periods are conducive to fair competition**

According to a report, the Macao Polytechnic Institute (IPM), during its two price consultation procedures for the purchase of removal services, asked the invited companies to submit their written quotations before 17:30 on the day following the explanation sessions. As one day was a too short duration for submission of a quotation, the complainant doubted if the institute only adopted the method of "invitation to tender" nominally while it had predetermined the suppliers of the services internally. Therefore, the CCAC was requested to investigate if there was transfer of benefits.

Following the investigation, it was found that during its procurement, the IPM usually gave companies a very short period (usually one or two days) to



prepare their quotations in writing, so there was no illegality in the procedure in question or other evidence that allows to conclude that the companies that won the tenders were predetermined internally or that there was transfer of benefits. However, such short preparation time would often give rise to a situation where the number of companies submitting quotations in writing represents only a half or less than a half of the total number of companies invited to give a quotation. While other possible reasons for the failure to submit the quotations are not discussed here, the reasonableness of this practice needs reviewing.

In addition, the CCAC considers that in a procurement process, it is necessary to ensure that all competitors, including “novice” competitors, have sufficient time to prepare their tenders, or it might lose potential qualified competitors in the market, which not only causes services to lose choices but is also not conducive to fair competition. Therefore, the CCAC urged the IPM to take the necessary improvement measures.

The IPM agreed on the opinions and suggestions presented by the CCAC, adding that new internal guidelines have been issued after a holistic review of the procurement procedures, which require that the deadlines for submission of written quotation for acquisition of goods and services and for works should not be less than five and seven work days respectively. This aims to improve the existing procurement mechanism.

## **(VI)**

### **Convenience and prudence**

### **Balance and appropriateness**

There was a complaint alleging that according to points 7.2 and 7.5 of the announcement on the economic housing allocation scheme launched by the Housing Bureau (IH) in November 2019 and the “Application Notice”, applicants with incomes from business activities were required to submit a financial report (including the income statement and the balance sheet) signed by an accountant together with the application form, which caused doubts that

the requirement might violate the *Economic Housing Law*. The complaint also alleged that making a financial report signed by an accountant was time and money consuming. Therefore, the CCAC was requested to intervene into the matter.

Following an investigation, it was discovered that the IH took the said measure based on the experience in the scheme of allocation of one-bedroom and other types of economic housing units carried out in 2013 and a review of the problems encountered in practice. It was because in the vetting stage of the previous schemes, the IH always found that many applicants were excluded because they were not able to provide relevant proof for various reasons (e.g. the applicants did not keep the data of incomes from business activities, loss of documents, closing down of the company, having difficulties in providing the data, etc.). The IH even found situations of making false declaration where the applicants filled in the data of their financial status and incomes in an arbitrary way. In order to conduct the process in a prudent manner, the IH decided to request applicants to submit relevant documentary proof when making the application in order to prevent such situations that would cause exclusion. Meanwhile, applicants with incomes from business activities were also requested to submit a financial report signed by an accountant in order to ensure that they filled in the data such as the amount of income and value of assets with clear knowledge of their own financial status and to prevent situations of false statement or filling of untrue data.

Following an analysis, the CCAC considered that the said measure was taken by the IH in good faith and in the hope that applicants for economic housing could fill in the data on their financial situations prudently, correctly and factually so that they would not be excluded for such reasons. However, it seems that the IH overlooked the financial burden and inconvenience that the requirement for financial report had caused to the relevant applicants. In fact, the requirement went against the principle of appropriateness provided for in the *Administrative Procedure Code*.

During the investigation, the IH also received relevant complaints and opinions from the public. Then it actively adopted measures for follow-up and improvement according to the situations and amended the relevant requirements of application for economic housing. In March 2020, the bureau published an announcement allowing applicants who ran their own business to submit a financial report that only indicated the incomes from sale or service provision, expenses, costs and gains, losses and other incomes before tax, while accountant's signature was not required.

The CCAC paid close attention to the Government's reaction to the matter and found that the IH still has not provided the public with the sample format of the financial report. In particular, it did not regulated the contents, the degree of specificity and the scope of the declaration. Therefore, the CCAC sent a letter to the IH, where it requested the latter to provide the public with the sample of the financial report and the declaration guidelines.

The IH replied that it agreed on the CCAC's opinions and suggestions. Subsequently, the bureau formulated the sample of the relevant documents and the guidelines and made the information available on its website.

## **(VII)**

### **Follow-up on and punishment for violation of duty of assiduity**

There was a report alleging that a worker of the Municipal Affairs Bureau (IAM) was always absent from duty without punching out and wearing uniform during a certain period of time every day. Therefore, the CCAC was requested to investigate into the matter.

It was found in the investigation that the IAM also received the same report. According to the IAM's finding, the worker left his workplace without his superior's approval on a total of 10 days in March 2019. Therefore, a disciplinary procedure was initiated against the worker and he was sentenced to suspension from work. However, when the IAM made the punitive decision, the worker had

already resigned for retirement. Therefore, the IAM replaced the penalty of suspension with a fine.

Following an analysis on the *Statute of Personnel of the Public Administration of Macao*, the CCAC considered that written reprimand, fine, suspension, compulsory retirement and dismissal are disciplinary penalties at different levels. The penalty is measured and determined depending on the situation, the degree of the offender's fault and his personality. There is neither substitutional relationship between different disciplinary penalties nor any mechanism enabling replacement. Nevertheless, for retired workers, Paragraph 2 of Article 300 and Paragraph 1 of Article 306 of the statute stipulate that suspension shall be replaced with loss of pension with an amount equivalent to that of the salary for the period of the suspension. In the event that it is replaced with a fine, the amount shall not exceed that equivalent to 20 days' pension. There is no stipulation allowing replacement of the penalty of suspension sentenced to workers in such situation with a fine.

Therefore, the CCAC sent a letter to IAM pointing out the said problem concerning application of law. Later, the IAM expressed its agreement in its reply and rectified the relevant disciplinary procedure report. At the same time, it also promised to strengthen the supervision on its workers' attendance.

### **(VIII)**

#### **Responsibility for supervision of effective provision of service under the contract**

There was a report alleging that over the years, the Government Information Bureau (GCS) directly awarded the contracts of reporting and editing services for the Chinese, Portuguese and English versions of *Macao Magazine* respectively to three companies without public tender and inquiry for price. The service costs for each version totalled around MOP10 million to MOP20 million. Moreover, the GCS also directly awarded the contract of operation of the economic and trade information website to one of the companies without tender

and price inquiry. The content of the website was merely transcription of local news from other media, but the cost for the contract reached several million patacas every year, giving rise to suspicion that the practice of the GCS was inappropriate. Therefore, the CCAC was requested to investigate into the matter.

At first, the CCAC carried out an investigation within its scope of competence and ruled out the possibility that the direct award of the contracts by the GCS to the said three companies involved inappropriate exploitation of duty, corruption or power abuse committed by public servants.

Meanwhile, it was found in the investigation that between 2005 and 2009, the GCS made the first award of the contracts of reporting and editing services for the Chinese, Portuguese and English versions of *Macao Magazine* through public tender. After that, the contracts were then awarded directly to the companies every year due to satisfaction with the services they had provided and good cooperation between both sides in accordance with the stipulation of exemption of public tender and price inquiry provided by Subparagraphs a) and b) of Paragraph 2 of Article 7 and Paragraphs 1 and 4 of Article 8 of Decree-Law no. 122/84/M.

In October 2005, the GCS directly awarded the contract of operation of the economic and trade information website for the reasons that the construction of the website was still in the experimental and initial stage and Macao lacked companies with professional experience in journalism in Asia, Europe, Africa and South America. After that, the CGS continued to directly award the contract to the same company every year for the reasons that the company was one of a few companies having relevant professional experience in Macao, the service it had provided was satisfactory and the cooperation between both sides was good as well as for the purpose of maintaining consistency of the operation style in accordance with the aforesaid provisions under Decree-Law no. 122/84/M.

Although the GCS renewed the relevant service contracts every year through direct award by taking account into the performance of the companies,

and the benefits of the good operation between both sides to the maintenance of the reporting, editing and layout style and the sustainability and stability of the distribution and promotion network, following the investigation, the CCAC did not find that the said three companies clearly accorded with the conditions of exemption prescribed in Subparagraphs a) or b) of Paragraph 2 of Article 7 of Decree-Law no. 122/84/M.

In fact, during the investigation into the GCS's supervision on the operation and quality of the economic and trade information website, the CCAC found that although the GCS mentioned in some proposals for direct award that the contractor had professional reporting teams and networks of experienced journalists in different countries and regions and that the company was different from other companies which only provided users' companies with information simply collected on the internet through application software, the bureau did not have the concrete data on the situation in hand for the reasons that the contractor adopted various ways to edit the articles and that classification of the articles was difficult. The CCAC also did not find that the GCS had any clear requirement for how to collect and organise the contributions and that it had regularly supervised and verified whether the service provided by the contractor was worth the money paid by the Public Administration, which reflected that the supervisory measures currently taken by the GCS are inadequate.

In addition, the CCAC also challenged the terms of the contracts of the relevant service, which was only one year, since reporting and editing services for a magazine are long-term services in general. The GCS should consider extending the terms of the relevant contracts from the perspective of streamlining administrative procedures and formalities.

Therefore, the CCAC expressed the aforesaid opinions to the GCS and suggested the latter reviewing and improving the current supervisory approach. At least it should classify and carry out statistics and supervision of the articles published on the website and the sources of information. Later, the GCS expressed its agreement and stated in its reply that it would initiate a public

tender process for the reporting and editing services for the magazine and the operation of the website in an orderly way. The GCS also planned to extend the terms of the contracts of reporting and editing services for the magazine appropriately and review and improve the supervision on the operation of the website.

## **(IX)**

### **Listen to public opinion for the sake of openness and transparency**

According to a complaint, the website of the Urban Planning Council (CPU) only kept the videos of the latest six plenary meetings, but the minutes of the plenary meetings were not made available on the website for the public. In addition, the explanations for drafts of urban condition plans and public opinions on the urban planning information website of the Land, Public Works and Transport Bureau (DSSOPT) were removed after the expiry of the consultation periods of the plans. Only the drafts of the plans were kept on the website, giving rise to suspicion that such practices went against the principles of transparency and promotion of public participation and publicity. Therefore, the CCAC was requested to follow up the matter.

In accordance with Administrative Regulation no. 3/2014, in non-confidential situations, the plenary meetings of the CPU are held publicly. Those who are interested may attend the meetings upon prior registration. Although it is not mandatory in accordance with the law, the council still publicises the minutes and videos of the latest six plenary meetings on its website. Therefore, it seems that there was no violation of the principles of transparency and promotion of public participation and publicity. Regarding citizens' expectation for access to information, the CCAC has sent a letter to the CPU, stating the opinions and suggesting that more live videos of plenary meetings being kept on the website. The CPU replied that it would keep on obtaining opinions from different sectors in society and optimising and reinforcing the functions of the website.

Regarding the request for keeping the explanations for drafts of urban condition plans and public opinions on the website, based on an analysis on the provisions under the *Regulations for the Implementation of the Urban Planning Law*, the availability of the urban condition plans on the website and in the database of the DSSOPT was mandatory. Apart from that, the act of the bureau to make other information such as the explanations for drafts of urban condition plans and public opinions available on its website was carried out solely based on the principles of good faith, convenience to the public and publicity and transparency of information. Therefore, the CCAC considered that the regular removal of the information whose availability was not mandatory was not an administrative illegality or irregular act.

Nevertheless, the CCAC agreed that since the drafts of urban condition plans only indicated the urban conditions and the relevant grounds were only mentioned in the explanations for the drafts during the public consultations carried out by the DSSOPT, the bureau should publicise the respective explanations together with the drafts of the urban condition plans so as to fully satisfy the intent of the relevant provisions under the *Regulations for the Implementation of the Urban Planning Law* and facilitate the public to raise opinions on the plan. In addition, due to the fact that the explanations for the drafts and public opinions were not confidential data, if the DSSOPT could continue to keep the relevant information available to the public after the urban conditions plans were publicised in order to let the public know the complete process and information of the making of the plans, the principles of good faith, convenience to the public and publicity and transparency of information would be better implemented and realised.

Therefore, the CCAC expressed its stance and raised the relevant opinions to the DSSOPT. The bureau stated in the reply that it accepted the opinions and had already taken actions to optimise the content of the urban planning information website. Since 2020, the urban condition plans made by the bureau and the relevant information including the plans, the drafts, the explanations for



the drafts and public opinions have been made available within the respective periods of validity.

#### **IV. Retrospective review**

In order to put into practice the “retrospective review” mechanism mentioned in Policies and Measures, the CCAC has been closely following up the cases on the list of the “retrospective review”, maintaining communication with the services or entities involved and carrying out the handling work. Some of these cases will be announced to the public in due course.

##### **(I)**

In order to enhance the vetting of applications for investment residency, in July 2013, the CCAC suggested the Macao Trade and Investment Promotion Institute (IPIM) that before the Identification Services Bureau (DSI) grants the right of permanent residency to applicants, the IPIM should take steps to review the applications in order to confirm whether there have been any changes in the status of the immovable property used to apply for temporary residence permits.

In order to review the implementation of the retrospective review mechanism, the CCAC carried out the respective follow-up work.

According to the information obtained, following the recommendation of the CCAC, the IPIM communicated with the DSI and established a regime for confirming temporary residency in September 2013. According to the regime, when applicants for investment residency have completed seven years of temporary residence in the Macao SAR and intend to apply to the DSI for the issuance of the Permanent Resident Identity Card (BIRP), they must first apply to the IPIM for a “Confirmation Declaration” which proves that, during the seven years of temporary residence (between the approval of temporary residence and the application for issuance of a BIRP), the applicants maintain the status that their temporary residence is approved. The DSI will only handle the application for the issuance of the BIRP after receiving the “Confirmation Declaration”. It

was expected that the aforesaid regime will help strengthen the inspection of applicants' compliance with the legislation on investment residence.

However, in an investigation and review carried out by the CCAC, it was found that starting from September 2014, the IPIM changed the criteria and the interpretation of the "confirmation", which was only adopted for one year. Instead of reviewing and confirming whether the applicants maintained the status that temporary residence was approved during the seven years, the IPIM believed that the passage of seven years from the approval of temporary residence already starts to produce full effects and to justify the legality of the residence of the applicants in the Macao SAR, which means the legality of the applicants' residence in Macao does not arise from the temporary residence permits - it is a right directly conferred by law. Therefore, the IPIM, from then on, issued "Confirmation Declarations" to the applicants due to the mere fact that seven years has passed since the granting of the temporary residence permits.

In the CCAC's opinion, the aforesaid handling approach of the IPIM went against the legislation in force, since when there is a change or extinction of the legal situation that justifies the approval of the application for investment residence, the IPIM should verify these situations and follow them up according to the law. Therefore, prior to the issuance of the "Confirmation Declarations", the IPIM should be responsible for verifying and confirming if, from the approval of temporary residence permits to the application for the BIRPs, the applicants still meet the requirements for investment residence and the approval conditions. In other words, the IPIM should not, without taking into account other reasons, directly issue the "Confirmation Declarations" merely based on the fact that the duration of the approved temporary residence permits has reached seven years.

Given the above situation, the CCAC presented its opinion to the IPIM. The latter replied that starting from May 2018 it did not use the reason that the duration of the applicants' temporary residence permits has reached seven years as the legal basis to maintain its approval of investment residence, adding that it

would vet and handle cases in strict accordance with the legislation on investment residence.

Also, regarding the situation where applicants of investment residence had managed to obtain the BIRPs, it was later verified that the respective approval of renewal of temporary residence permits by the Public Administration might have violated the principle of legality. Therefore, the CCAC suggested the IPIM that it should inform the Public Prosecutions Office of the cases as soon as possible so that they would be followed up appropriately. In addition, the CCAC also presented opinions and suggestions to the IPIM on amending the legislation in question.

In its reply the IPIM stated that it agreed on the opinions of the CCAC and that when amending Administrative Regulation no. 3/2005 in the future, the inspection upon approval of temporary residence permits should be strengthened and the respective work should also be improved.

## (II)

In an inquiry carried out by the CCAC upon receipt of a complaint against a functional head of the Macao Government Tourism Office (MGTO) who was found to have been absent from the service during office hours many times, it was found that the MGTO detected the irregularity as alleged in the complaint and did open disciplinary proceedings against the personnel concerned. However, although it was ascertained that the personnel had been absent from the service without justification for seven intermittent days, only the penalty of written reprimand was imposed on him. According to the MGTO, given the proven fact did not meet the circumstances referred to in Subparagraph e) of Paragraph 2 of Article 314 of the *Statute of Personnel of the Public Administration of Macao* (ETAPM), that is, absence without justification for 5 to 9 consecutive days or 10 to 19 intermittent days in the same calendar year, the penalty of suspension could not be imposed. In addition, the MGTO considered that the circumstances referred to in Paragraph 2 of Article 313 of the ETAPM only involve the

performance of functions and that there is no concrete provision for circumstances related to the violation of the duty of assiduity. Therefore, the penalty of a fine could not be imposed in this case. Finally, given that there was no loss caused to or discredit brought on the service, the functional head in question was only subject to written reprimand according to Article 312 of the ETAPM.

Beyond doubt, considering the various circumstances of the facts found in the disciplinary proceeding and taking into account the degree of fault of the offender and his personality, the Public Administration can legally apply, among the different penalties provided for (written reprimand, fine, suspension, compulsory retirement and dismissal), a lower or higher penalty. However, with full respect for the MGTO's understanding, it excluded the application of penalty of fine provided for in Paragraph 2 of Article 313 of the ETAPM, based on the grounds that the circumstances described in the aforesaid article only involve the performance of functions and there is no concrete provision for the circumstances related to the violation of the duty of assiduity. The CCAC did not agree on the application of the law to the facts.

It is widely known that the circumstances foreseen by the legislator and included in the ETAPM for the various disciplinary penalties are not exhaustive (except the penalty of written reprimand). Paragraphs 1 of the articles in question, which provide for the penalties, refer to their general legal application requirements (see Paragraphs 1 of Article 313, Article 314 and Article 315). Regarding the application of the law to the facts, the Public Administration does have a certain degree of discretion.

In the opinion of the CCAC, the duty of assiduity is one of the functional obligations that civil servants must fulfil. In this specific case, as a functional head, the personnel was absent from work without justification for seven intermittent days. Despite that the number of days of unjustified absence did not reach the number of days provided for in Subparagraph e) of Paragraph 2 of Article 314 of the ETAPM for the application of the penalty of suspension, the

situation was far more serious than those provided for in Article 312 of the ETAPM. Therefore, the MGTO should at least consider the application of the fine penalty.

Given the above situation, the CCAC presented its opinions and suggestions to the MGTO. The MGTO responded that the disciplinary proceeding was filed after the execution of the penalty of written reprimand. In accordance with the principles of legality and *ne bis in idem* enshrined in Article 3 of the *Administrative Procedure Code*, Article 40 of the *Basic Law of Macao* and Paragraph 7 of Article 14 of the *International Covenant on Civil and Political Rights*, the disciplinary proceeding should not be reopened, unless the accused requests a review according to Article 343 of the ETAPM. In addition, without a legal basis, neither the penalty for the disciplinary offence in question could be revoked nor another penalty could be imposed for the same facts.

Judging from the handling of the aforesaid disciplinary proceeding by the MGTO, it is likely that the MGTO might deviate from the ETAPM's legislative intent again when applying the law, so it might not accurately impose disciplinary penalties or achieve the purpose of the establishment of disciplinary proceedings and the respective penalties. Therefore, according to the powers provided for in Subparagraph 7) of Article 4 of the *Organic Law of the CCAC*, the CCAC requested that the MGTO should, in the following two years, inform the former of the establishment and handling of all its disciplinary proceedings, so that they can be subject to its review.

In July 2020, the CCAC received the first notification from the MGTO relating to the carrying out of an inquiry of disciplinary nature. The MGTO also promised that it would continue to communicate with the CCAC on the relevant matters. To date, the work in relation to the retrospective review is still being followed up.

**PART IV**

**PROMOTION & EDUCATION**

## PART IV

### PROMOTION & EDUCATION

In the light of the pandemic and suspension of classes in 2020, most of the seminars and public events had to be cancelled and postponed in the first half of the year. However, the CCAC, with the aim to promote the idea “To act with Virtue, to live with Integrity”, disseminated the awareness of integrity and honesty to all citizens of Macao by different means. With the use of online resources, the CCAC was able to further strengthen and take initiative to keep up with its promotion and education efforts of the work of integrity.

#### I. Education on corruption prevention for public and private sectors

In 2020, the CCAC held a total of 303 seminars and talks on different topics, which recorded 17,232 participants who were mainly public servants, employees of private companies, ordinary citizens, teenagers, students of higher education institutions, secondary and primary schools. The statistics are shown in the following table:

**Statistics of seminars and talks in 2020**

Topic	Target	No. of sessions	No. of participants
Integrity and Observance, Noble Character and Righteous Conduct, Public Procurement, Declaration of Assets and Interests	Public servants	75	2,974
Seminar on the law of <i>Prevention and Suppression of Bribery in the Private Sector</i>	Private entities, public departments, educational institutions	34	1,706

Integrity Awareness	Associations, educational institutions, government departments	7	250
Education on Integrity	Teenage students	187	12,302
<b>Total</b>		<b>303</b>	<b>17,232</b>

### **(1) Seminars on integrity for public servants**

In order to consolidate the probity culture of the public departments and the awareness of integrity of the public servants, the CCAC continues to hold seminars on integrity with different topics including “Integrity and Observance”, “Noble Character and Righteous Conduct”, “Public Procurement” and “Declaration of Assets and Interests”. A total of 75 seminars were held for 2,974 public servants from 21 departments/institutions in 2020.

### **(2) Launch of “Webpage on information about integrity for public servants”**

In order for the public servants to easily grasp the legal provisions on honesty and integrity, the CCAC, in November 2020, launched the “Webpage on information about integrity for public servants” where the information about integrity and uprightness for public servants was fully compiled. In the webpage, more interactive elements including lighthearted animations, video clips on real cases, questions and answers, comics and infographics are introduced which facilitate the public servants to understand the in-depth concepts of duty-related crimes, enhance their alertness to corruption and conflict of interests, and remind them of the upholding of integrity.

### **(3) Seminars on integrity for the private sector**

In 2020, the CCAC continuously organised talks for civic associations,



private entities and educational institutions on the law of *Prevention and Suppression of Bribery in the Private Sector*, where the legal provisions were introduced and explained with cases and examples which were selected and tailor-made for the individuals and organisations in different circles. A total of 34 talks were held for 1,706 participants who were employees of banks, hotels, small and medium-sized enterprises and subsidised institutions.

## II. Integrity education for teenagers

In collaboration with the education sector, the CCAC keeps up its effort to promote integrity and honesty culture and instill correct moral values to teenagers, students of higher education institutions and secondary and primary schools through diversified approaches. In 2020, the CCAC organised multi-faceted education and publicity activities to 12,302 teenagers, students of secondary and primary schools to promote correct moral values.

### Statistics of seminars and activities for teenagers in 2020

Programme	No. of sessions	No. of participants
Integrity and Honesty Seminar for Higher Education Students	6	320
Education Programme on Integrity for Teenagers	80	4,994
A Talk on Integrity for Secondary School Graduates	16	840
New Generation of Integrity – Education Programme on Honesty for Primary Students	71	2,398
“Integrity Week” in Secondary Schools	2	640
“Get through the Pandemic with William” – a live broadcasting event	1	310
“Love Integrity” – “Integrity Week” Series in Primary Schools	11	2,800
<b>Total</b>	<b>187</b>	<b>12,302</b>

## **(1) Integrity and honesty education for higher education students**

### **1. Integrity and Honesty Seminar for Higher Education Students**

In 2020, the CCAC continued to organise the Integrity and Honesty Seminar for Higher Education Students basing on the law of *Prevention and Suppression of Bribery in the Private Sector*, where a video clip was presented and the elements of active corruption and passive corruption were introduced. The seminar aims to encourage students to reflect on the harmful effects of corruption on society and individuals and help them develop a zero-tolerance attitude towards corruption. In 2020, a total of six seminars were held for 320 students from three higher education institutions.

### **2. Touring exhibition for higher education institutions**

In order to strengthen the integrity education for teenage students, between September and December 2020, the CCAC organised a touring exhibition in the campuses of four Macao higher education institutions, including the University of Macau, Macao University of Science and Technology, Macao Polytechnic Institute and the Macao Institute for Tourism Studies. Through display panels and comics of real cases, the CCAC disseminated the message of integrity and law-abidingness to teaching staff and students about the topics of clean election, business ethics, introduction of laws related to corruption in public and private sectors, ombudsman's work, an introduction to the CCAC and case sharing.

## **(2) Integrity seminars for secondary students**

### **1. Education Programme on Integrity for Teenagers**

The “Education Programme on Integrity for Teenagers” has been implemented in secondary schools for many years, gaining support and cooperation from the schools. In 2020, the CCAC continued to send staff to give talks and discuss with secondary students on topics related to integrity with cases and examples selected and tailor-made for different age groups. The seminar guides them to think about the importance of integrity through different

approaches including video clips, daily life examples and current issues with an aim to inspire them to develop righteous character. In 2020, there were 16 schools which had joined the programme and a total of 80 seminars were held for 4,994 students.

## **2. A Talk on Integrity for Secondary School Graduates**

In order for the secondary students to have a better understanding of the anti-corruption laws in force in Macao and the corruption prevention knowledge before they graduate from secondary schools, the CCAC organises the seminar entitled “A Talk on Integrity for Secondary School Graduates” for the new graduates. The seminar aims to enhance students’ legal knowledge and encourage them to abide by the law and avoid falling into the traps of corruption after graduation through case studies and explanation of the laws in an easily understandable way. In 2020, there were eight schools which had joined the programme and a total of 16 seminars were held for 840 students.

### **(3) “Integrity Week” in secondary schools**

Every year, the CCAC co-organises the “Integrity Week” with different secondary schools in Macao, where a series of theme-based activities with the topic of “integrity and honesty” is held in the campuses which enables the students to have an in-depth understanding and reflection on such topic.

In 2020, the CCAC co-organised the “Integrity Week” with Luís Gonzaga Gomes Luso-Chinese Secondary School, where the “Integrity - Slogan Design Competition” was held in the school. The CCAC set up display panels and arranged quiz games in the school in order to facilitate them to better understand the integrity work of Macao. The CCAC also sent staff to the school to hold themed seminars and had interaction and discussion with the students. Through different topics, the students were able to understand that integrity and honesty were essential parts of good moral character.

#### **(4) “New Generation of Integrity” – Education Programme on Honesty for Primary Students**

The renovation of the Branch Office of CCAC at Areia Preta was completed in January 2020 and the Commissioner Against Corruption officiated at the reopening ceremony on 6<sup>th</sup> March. The teaching area and the reception rooms for citizens were reopened to the public with a brand new look. The area at the ground floor which serves for the purposes of primary school education and reception of visitors and associations is renamed as “Galaxy of Integrity”. Moreover, the area is equipped with multi-media facilities and intelligent teaching elements, which fully enhances the effectiveness of promotion and education. The “New Generation of Integrity – Education Programme on Honesty for Primary Students” resumed following the resumption of school in June. This year, a total of 71 sessions were held, recording 2,398 participating students from 13 schools.

To further attract the primary students by way of teaching activities, the CCAC commissioned the science and research team of the Macau University of Science and Technology to design an AI robot based on the cartoon character of the CCAC, “William”, with an aim to integrate the AI technology with the everyday integrity education activities. The AI robot, William, is placed at the Branch Office of CCAC at Areia Preta, which assists in receiving visitors and provides support to the teaching staff at classes.

#### **(5) “Love Integrity” – “Integrity Week” series in primary schools**

In 2020, the CCAC officially rolled out the “Love Integrity” – “Integrity Week” series in primary schools. During the week, activities were held during lunch breaks or in classes in accordance with the teaching arrangements of the schools to disseminate the message of integrity and honesty amongst primary students in the formats of booth games, curricular activities, short stories of integrity, video clips, VR games and quiz games on panel gallery. In 2020, the “Love Integrity” – “Integrity Week” series was held in Fu Luen School and Pui

Ching Middle School.

## **(6) Strengthening online education activities**

### **1. “Get through the Pandemic with William” – a live broadcasting event for the Children’s Day**

Every year, the CCAC arranges for a special teaching activity during the period of the Children’s Day at schools. This year, considering that the primary schools of Macao had not resumed classes during the said period due to the pandemic, on 30<sup>th</sup> May, the CCAC organised a live broadcasting event for the Children’s Day – “Get through the Pandemic with William” targeting at primary students. It was a multi-faceted programme featuring the teaching of parent-child aerobics on the topic of “integrity” and the showing of puppet animation and interactive quiz games so as to enable the children who stayed at home to receive integrity education and learn the importance of honesty and law-abidingness. The activity was co-organised with four local schools, including Sacred Heart Canossian College (English Section), Colégio Dom Bosco (Yuet Wah), Our Lady of Fatima Girls’ School and Pui Ching Middle School, where the activity was promoted to the parents by the schools. The activity recorded over 300 participants watching online.

### **2. Enriching the “Resources Database of Integrity Education”**

To provide the teachers with timely and suitable integrity education materials, the CCAC earlier launched the “Resources Database of Integrity Education”. To tie in with the arrangement of suspension of classes for secondary and primary schools due to the pandemic early this year, the CCAC prepared two lesson plans for secondary students which were uploaded at the “Resources Database of Integrity Education” for use by teachers. The lesson plans featured some news about the pandemic, through which the students were able to, by means of real cases, reflect the impact of such dishonest and irresponsible acts of providing false whereabouts and failing to obey the isolation measures on the individuals and the society.

Moreover, some selected excellent entries collected in the “Integrity Lesson Plan Design Collection Activity” were added in the moral education column of the “Resources Database of Integrity Education”. A number of excellent winning entries of the activity, which are classified by different stages of education (secondary and primary schools and early childhood) are presented and regularly updated for the browsing and use by education workers.

For the primary students and children, the CCAC has enriched the column of “Integrity Stories for Children” of the database. More stories about honesty and non-greed coupled with illustrations, audio animated stories and quiz games are created for primary students so as to facilitate the teachers to produce online teaching resources. Parents can also broadcast online stories for children to learn at home.

## **(7) Competitions and other activities**

To tie in with the policy address and further strengthen and encourage teenage students’ more participation in integrity education, in 2020, the CCAC organised two publicity activities targeting at two different groups, including the “Integrity Lesson Plan Design Collection Activity” and the “Dissemination of Integrity in Schools” – Training of teenage ambassadors of honesty and integrity in practice project in schools.

### **1. Integrity Lesson Plan Design Collection Activity**

To further promote the society’s concern about integrity education, foster educational and professional exchanges and raise the quality of teaching design on integrity, the CCAC launched the “Integrity Lesson Plan Design Collection Activity” in January 2020. Through the lesson plan collection activity, the CCAC aims at encouraging the education workers to draw on their teaching experiences to produce teaching resources catered to students of secondary and primary schools and kindergarten.

The activity was divided into the Open Group and the Student Group. The

lesson plans are expected to embody the theme of integrity such as honesty, non-greed, fair competition, law-abidingness and defending justice. The activity gained much support from the teachers and students in different schools and elicited good response. The CCAC received a total of 68 entries from 24 schools and higher education institutions, from which a total of 23 Excellent Lesson Plans and 38 Commendable Lesson Plans were selected by a professional jury panel in July 2020. The CCAC held the awards ceremony in the Luso-Chinese Technical and Vocational School on 29<sup>th</sup> August, during which teachers and students who won in the activity were awarded. The winning entries have been uploaded to the webpage of the CCAC for references by teachers.

## **2. “Dissemination of Integrity in Schools” – Training of teenage ambassadors of honesty and integrity in practice project in schools**

In order to disseminate the message of integrity and honesty to teenagers and encourage them to take the initiative to spread the awareness of integrity in campuses and everyday life, the CCAC held the “Dissemination of Integrity in Schools” – Training of teenage ambassadors of honesty and integrity in practice project in schools for the first time targeting at Form 3 to Form 5 full-time students of Macao. Participants may take part in the activity in groups of three to five persons, who will then receive training in order to become teenage ambassadors of honesty and integrity. Subsequently, they will design and launch appropriate integrity activities in their schools basing on the characteristics of the respective schools and teaching content.

The enrolment of the activity started in September 2020, attracting 13 schools to form groups to participate in. The CCAC finally registered 20 groups and held the launch ceremony and a series of training activities in October, including the seminar for introducing the CCAC, a visit to the Branch Office of CCAC at Areia Preta and a two-day team training programme. A total of 87 teenage ambassadors of honesty and integrity completed the training.

Between January and March 2021, the teenage ambassadors of honesty and

integrity will launch their own designed integrity activities in their schools aiming at spreading integrity to their classmates and disseminating the message of integrity and honesty to the campuses and everyday life.

**(8) Launch of “Integrity education WeChat account”**

To strengthen the liaison with the teachers from different schools, the CCAC has specially created a dedicated account on WeChat and has invited teachers to join the WeChat group, through which the latest lesson plans and activities can be sent to them. The WeChat account facilitates the education workers to obtain the latest education resources on integrity and honesty and enables the CCAC to have a better exchange with the education sector and the youngsters.

**III. 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 continue to exert their function by providing convenient channels for citizens to lodge complaints, report cases and seek consultation. In 2020, the two Branch Offices received a total of 588 complaints/reports, requests for consultation and simple enquiries, representing an increase of 51 counts compared with 537 counts received in 2019. Details are as follows:

**Statistics of reports or requests from residents in 2020**

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
28	15	81	256	208
Subtotal: 43		Subtotal: 545		
<b>Total: 588</b>				



## **(2) Developing community relations**

### **1. Participating in community activities**

In 2020, the CCAC sustained its efforts in actively participating in different community activities in order to develop the network of community relations. The CCAC participated in the “51<sup>st</sup> Caritas Macao Charity Bazaar” where booth games were set up. Also, the CCAC organised its staff and volunteers to participate in the “Virtual Walk for a Million”.

### **2. Visiting civic associations and receiving visits**

In 2020, the CCAC visited many civic associations, higher education institutions and secondary schools, where their opinions and suggestions on integrity building of Macao, particularly those on integrity education were collected. In July, the CCAC visited the Chinese Educators Association of Macau and the Macao Catholic Schools Association and was warmly received by the two educational associations. Both parties exchanged ideas on integrity education. The two associations assured the CCAC’s achievement on integrity education and would continue to support and cooperate with the relevant work of the CCAC.

The CCAC also visited four local higher education institutions and two secondary schools, including the University of Macau, the Macau University of Science and Technology, the Macao Polytechnic Institute, the Macao Institute for Tourism Studies, Macao Choi Nong Chi Tai School and Macau Pui Ching Middle School. The CCAC introduced to the leadership of the schools and the institutions as well as the coordinators of moral education about this year’s work plans and activities on integrity education targeting at teenage students and enlisted the support and participation of the schools and institutions.

Moreover, in order for the leadership of the schools and the teaching staff to know about the new look of the Branch Office in Areia Preta after renovation and learn about the latest integrity education activities of the CCAC, the CCAC arranged the leadership of the schools to pay a visit to the Branch Office. The

schools which paid the visits included Hou Kong Middle School, Fu Luen School, Saint Paul School, Santa Rosa de Lima Secondary School, Yuet Wah College, Keang Peng School and Escola de Santa Teresa Macau. The leadership of the schools recognised the efforts of the CCAC on the work of integrity education and welcomed its measure of establishing the Resources Database of Integrity Education for use by teachers.

### **3. United Nation’s International Anti-Corruption Day**

In line with the United Nation’s International Anti-Corruption Day on 9<sup>th</sup> December, between 9<sup>th</sup> and 18<sup>th</sup> December, the CCAC offered an array of publicity activities to arouse the society of Macao to concern and attach great importance to the issue of corruption. The activities included producing the “United Nation’s International Anti-Corruption Day” promotional video clips, holding touring exhibitions in the community and flash quiz games at Areia Preta Urban Park and Central de Taipa Park, producing themed-based infographics, showing advertisements or promotional video clips on radio channels, mobile applications, buses and public screens of public departments.

### **4. Launch of “All for Integrity (I) – Chapter on Public Servant” WeChat quiz games**

To tie in with the CCAC’s 2020 promotion plan of “All for Integrity (I) – Chapter on Public Servant”, between June and October, the CCAC held two quiz games on its official WeChat account in order to deepen public understanding of the concepts of “public servant” and “those equivalent to public servants”. The two games attracted a total of 23,213 participants.

### **5. Media publicity**

To widely disseminate the message of suppression and prevention of corruption to the society, the CCAC continues its efforts in promoting its channels to lodge complaints and other integrity related messages by way of various approaches such as different types of advertisements, press releases, internet and new media in order to encourage the public to report and prevent

corruption and increase integrity awareness. In order to extensively use the internet as a promotion channel and stay abreast of the times, this year the CCAC stepped up efforts to do promotion through its WeChat account. Infographics such as “Integrity Trivia Series” and “Honesty Reading Series” were offered in the formats of comics, animations or video clips in a lighthearted way in order to vividly put across anti-corruption messages amongst citizens and deepen their understanding of the work of the CCAC and the integrity work of Macao.

### **(3) Integrity Volunteer Teams**

To increase the strength of the volunteer team, in 2020, the CCAC recruited volunteers twice. New volunteers under the “Integrity Volunteer Team – Parent-Child Volunteer Group” and the “Integrity Volunteer Team” were recruited. A total of 278 volunteers from different strata of the society were enrolled in these two recruitments.

The Integrity Volunteer Team continued to assist the CCAC in various integrity education and publicity activities, including assisting the CCAC in booth games of the “Caritas Macao Charity Bazaar”, participating in the touring exhibition of “United Nation’s International Anti-Corruption Day” in the community and the “Virtual Walk for a Million” as well as affixing CCAC’s posters in street promotion boards of Macao and residential buildings near the Branch Office of CCAC at Areia Preta.

**PART V**

**EXCHANGE & TRAINING**

## **PART V**

### **EXCHANGE & TRAINING**

In 2020, in face of the raging novel coronavirus pandemic, the CCAC still actively maintained international and regional communication and liaison via video conferencing and other means as well as enhanced communication with local institutions in order to make joint efforts to promote the building of integrity continuously.

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

In 2020, due to the novel coronavirus pandemic, the CCAC reduced attendance in exchange activities and cancelled non-essential meetings. Since the pandemic subsided in the second half of the year, the CCAC actively strengthened liaison with local institutions and received delegations from the Court of Final Appeal of Macao and those from the training courses of the University of Macau, where the parties exchanged and shared work experiences as well as discussed the cooperation of various plans.

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

In 2020, the CCAC participated in regional and international meetings and paid visits outside Macao, including:

- The visits to the National Supervisory Commission, the Supreme People’s Procuratorate, the Supreme People’s Court, the Ministry of Public Security and the Hong Kong and Macao Affairs Office of the State Council of the People’s Republic of China in Beijing, where the parties exchanged views on work, strengthened exchange and cooperation between the CCAC and the enforcement agencies of China as well as promoted the long-term development of integrity building.

- The participation in the international meeting held by the Asian Development Bank (ADB) and the Organisation for Economic Co-operation and Development (OECD) via video conferencing, where the impact of the pandemic on the anti-corruption enforcement agencies was discussed.
- The participation in the 24<sup>th</sup> Steering Group Meeting of ADB/OECD Anti-Corruption Initiative for Asia and the Pacific via video conferencing.
- The visits to the University of Macau, Macau University of Science and Technology, Macao Polytechnic Institute and the Macao Institute for Tourism Studies, where the CCAC introduced its promotion and education work as well as its different activities. It also proactively strengthened liaison with the universities and the institutions in order to promote integrity and honesty in their campuses.
- The visits to the Macao Catholic Schools Association and the Chinese Educators Association of Macau to establish diversified ways of cooperation between the CCAC and the schools. Both sides also developed cooperation opportunities and made joint efforts to promote integrity education in the campuses.

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

In September 2020, the CCAC sent delegates to participate in the 11<sup>th</sup> Session of the Implementation Review Group for the United Nations Convention against Corruption (UNCAC) via video conferencing, where different countries and regions introduced how they implemented the Convention and shared the challenges met in the carrying out of the work. Also, other topics including taking initiative to increase and consolidate the transparency of the operation of the anti-corruption mechanism and promoting the public disclosure of the assets and interests of the officials were discussed. The CCAC will draw on the experiences and suggestions from the enforcement agencies and actively improve different

systems.

In November 2020, the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China forwarded the reply from the Central Government to the CCAC concerning the self-assessment checklist of the UNCAC. Upon asking for the opinions from the various departments of China and the SAR Government, the CCAC adjusted the length of the checklist and gave details of the cited cases in order to proactively cooperate with the Central Government on the implementation review work. Subsequently, China would submit the checklist to the Secretariat of the UNCAC for discussion and review.

#### **IV. Personnel training**

The CCAC plans to strengthen training work jointly with the National Supervisory Commission. The training, which will be conducted in a flexible and innovative way, will mainly be about learning and understanding the daily investigation work of similar institutions through case studies and acquisition of professional experiences in order to enhance the mutual understanding of Macao and the National Supervisory Commission. Also, the national education about everyone "dares not and does not want to be corrupt" is strengthened.

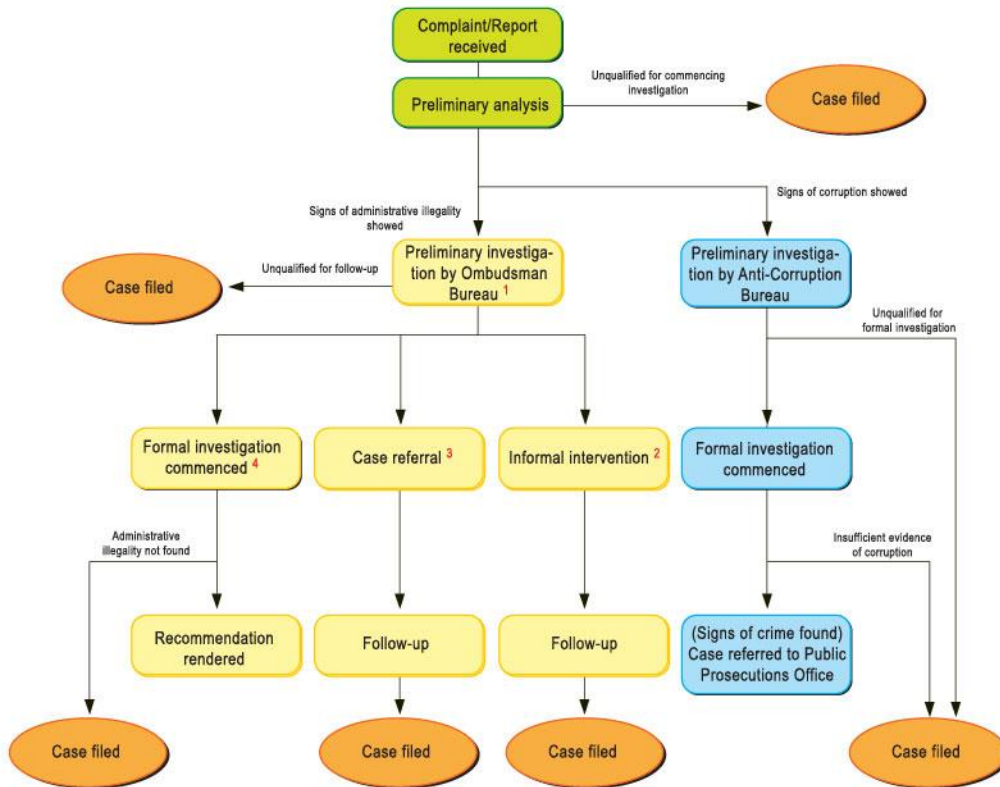
**PART VI**

**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 Subparagraph 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

