

culture, for cadets of the Academy of Macao Public Security Forces, new government recruits and community organisations, to promote optimised use of public funds. In all, 25 talks were held during the year, and were attended by about 900 participants.

Adjudicating according to the law and judicial independence, and prosecuting to secure justice and rule of law



Numbers of cases handled by the three-tier court system

2018	Court of Final Appeal	Court of Second Instance	Court of First Instance (including the Examining Magistracy)	Administrative Court	Total
Cases handled	121	1,204	19,401	96	20,822
Cases concluded	110	1,219	19,971	1,478	22,778
Cases pending	76	725	12,632	103	13,536

The majority of the cases in the three-tier court system were criminal cases and

criminal labour cases, which totalled 7,403 (excluding Examining Magistracy cases). Ranking second were civil and labour cases, which totalled 5,103. There were also 327 administrative cases, and 7,989 other cases.

Law promotion and legal consulting services

To strengthen the promotion of law and foster transparency of the judicial system, starting from 9 October 2013, the court issues press releases about typical concluded cases, and publishes them on the websites of the court and the Government Information Bureau. Various media may republish and report on these cases, which will hopefully promote legal awareness and law abidance in society, and inform the public regarding the judicial approaches and methods for settling various disputes. As at the end of 2018, an accumulated total of 555 articles had been released, 89 of which were released in 2018.

Summary of consulting services provided by the Court of First Instance is as follows:

2018	Criminal Courts	Civil Courts	Court for Minor Civil Cases	Total
Total number of inquiries	6,210	4,649	1,482	12,341
Number of cases	6,362	4,313	1,482	12,157
Number of cases directly handled by the information centre	6,249	3,897	1,482	11,628
Number of cases transferred to the Public Prosecutions Office	100	366	-	466
Number of cases transferred to other departments	13	50	-	63
Number of telephone inquiries	598	875	-	1,473

Legal assistance and enforcement

Regarding delivery of judicial writs and assistance in investigations and evidence collection in civil and commercial cases, in 2018 the Court of Final Appeal received 188 judicial writs from mainland China courts, and delivered 52 judicial writs to mainland China courts on behalf of courts in Macao.

In 2018, the Court of Second Instance received 21 requests for reviewing and endorsing judgments made by mainland China courts or arbiters; of these, three judgments endorsed by the Court of Second Instance were sent to the Court of First Instance for enforcement.

Declarations of assets and interests

In 2018, the Court of Final Appeal followed the regulations in Law No.11/2003 amended by Law No.1/2013 in the process of receiving individuals for the declaration of assets. It opened 201 individual dossiers, processed 2,071 documents for the declaration of assets that involved 1,575 people, and organised and updated the contents of the individual dossiers according to the law.

According to the stipulations in Law No.11/2003, which was amended according to Law No.1/2013, the office of the Court of Final Appeal has uploaded Part IV of the disclosure document of asset declaration to the website of the Courts of Macao, ensuring it is available in the public domain as required by law. In 2018, the disclosure documents (Part IV) of 457 individual dossiers, involving 319 people, were published online and can be retrieved. A total of 2,727 disclosure documents, involving 712 people, are now published online and can be retrieved.

Adhering to legal judgments to uphold judicial independence, promoting justice to support Greater Bay Area development

Speaking at the opening ceremony of the 2018-2019 judicial year, the President of the Court of Final Appeal, Sam Hou Fai, said that the courts put the judiciary at the heart of struggles pertaining to the MSAR's policies, economy and society in the previous judicial year, since they handled typical cases of judicialisation of politics and cases involving significant public interest and interests of corporate legal persons. The judiciary had no other choice but to face these challenges.

However, some people deviated from the basic requirements of fairness and justice of the judiciary, and criticised the judges of rigid adjudication or even openly requested the judicial officers handling certain cases to adjust the mainstream judicial opinions for different interests, when there was no change in law. Yet, judicial officers could only execute laws but not create new laws or amend or revoke old laws that were still in force, and could not bend laws with judicial opinions to satisfy claims by certain parties.

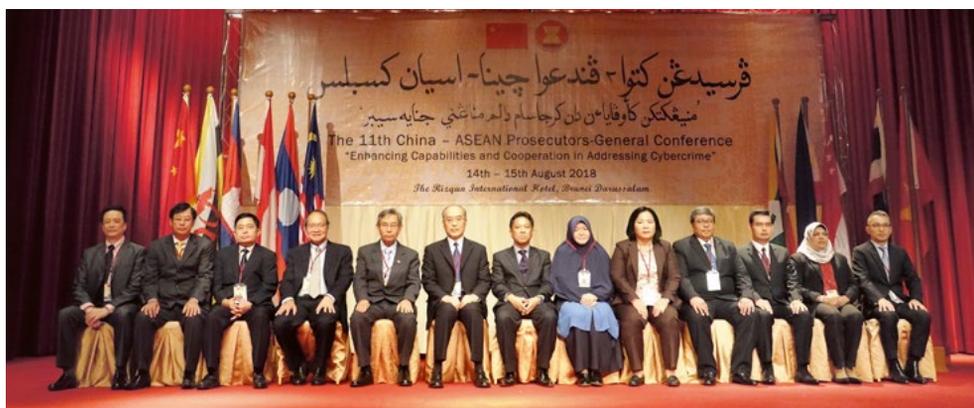
People should adhere to the rule of law, and society's requirements and expectations regarding the judiciary and judicial officers, when attempting to resolve various conflicts and disputes with the judicial mindset and legal means.

Judicial independence was the premise and foundation of a fair judiciary, and respect for judicial authority and maintenance of judicial independence were the core values of Macao. When the judiciary was not independent and judicial authority was not respected, the judiciary would not be free of interference and judicial decisions could be ignored. If so, the law would no longer be the fair standard of judgment, and the judiciary would no longer be the last line of defence in protecting the public interest. The value of a fair judiciary and authority of law could not be maintained.

The President of the Court of Final Appeal, Sam Hou Fai, also mentioned that the development of the Guangdong-Hong Kong-Macao Greater Bay Area was a major decision of the Central People’s Government for the national development strategy, with “One country, two systems” as its significant characteristic and advantage. Since its establishment was a result of the cooperation between different judicial systems, judiciaries and legal systems, legal conflict is an inevitable challenge.

Regarding civil and commercial legal assistance, although the MSAR has signed five agreements on mutual legal assistance with mainland China and Hong Kong, there remained a problem regarding how to increase the efficiency of legal assistance, which requires reviewing and revising the existing arrangements in response to the establishment of the Guangdong-Hong Kong-Macao Greater Bay Area.

Regarding criminal legal assistance, Macao has only signed an agreement on arrangements for the transfer of sentenced persons with Hong Kong. However, work has not commenced on the arrangements for delivery of documents, investigations and collection of evidence, transfer of fugitives, and recognition and enforcement of criminal judgments. Notably, there was no agreement on arrangements for criminal legal assistance between Macao and mainland China. Therefore, it was necessary to focus on promoting criminal legal assistance throughout the region, and striving to make progress in formulating and implementing supporting laws and regulations regarding regional criminal legal assistance, as prescribed in Article 93 of the Basic Law.



The operations of the MSAR's Public Prosecutions Office in 2018 are summarised as follows:

1. Actively performed its prosecution duties to fight crime and maintain fairness and justice in rule of law and society;
2. Performed its prosecution functions to maintain legality, remained concerned about pressing issues in society, and protected the public interest and society's legitimate rights and interests;
3. Strengthened legal research to provide assistance with legislation and professional recommendations for refining and developing Macao's legal system;
4. Strengthened communications and coordination with government departments and provided legal opinions for legislation and legal amendments;
5. Continued enhancing internal administration of the Office of the Public Prosecutor-General, and strengthening the technical and administrative assistance functions of the Office of the Public Prosecutor-General, and judicial work of the Public Prosecutions Office; and
6. Continued enhancing information technology infrastructure to improve quality and efficiency of prosecutions.

Regarding cases in 2018, the number of criminal cases initiated by the Public Prosecutions Office was 14,418, 0.42 percent more than the 14,358 cases in 2017. The number of cases concluded by the Examining Magistracy was 14,453, representing a decrease of 11.35 percent; the number of prosecutions was 4,264, representing a decrease of 2.27 percent; the number of cases filed was 9,906, representing a decrease of 14.98 percent; and the number of cases reopened due to discovery of new evidence was 263, representing an increase of 5.62 percent.

There were slight decreases in the numbers of cases concluded and filed, and prosecutions, mainly due to the efforts of the Examining Magistracy of the Public Prosecutions Office's judicial officers in clearing old cases while handling newly initiated cases in 2018. The three major reasons for cases being filed were failure to identify offenders after investigations, victims of reported crimes no longer wishing to hold the purported offenders accountable, and insufficient criminal evidence.

During the year, the Public Prosecutions Office initiated investigations regarding:

- 4,938 theft, robbery and property damage cases (up 3.83 percent year on year);
- 1,559 offences involving physical assault (down 8.24 percent year on year);

- 1,482 fraud and extortion cases (up 26.78 percent year on year);
- 11,153 crimes related to traffic accidents (down 7.17 percent year on year); and
- 915 illegal immigration and immigration-related crimes (down 15.04 percent year on year).

In addition, the Public Prosecutions Office initiated relatively high numbers of investigations of the following crimes:

- 817 cases of illegal gambling and loan-sharking (up 2.77 percent year on year);
- 509 cases of forgery (up 56.62 percent year on year);
- 395 crimes against public authority (down 37.2 percent year on year); and
- 352 computer crimes (up 79.59 percent year on year).

Also in 2018, the Public Prosecutions Office initiated investigations of 53 money laundering cases, 8.62 percent less than 58 such investigations in 2017; and 190 investigations of drug-related crimes, 23.39 percent less than 248 such investigations in 2017. These figures revealed success in prevention of money laundering and drug-related crimes in 2018.

Each year since 2015, the Public Prosecutions Office has referred an average of over 4,000 prosecutions to the Lower Court. In 2018, besides handling criminal case trials and executing cases, the judicial officers of the Public Prosecutions Office handled 82 judicial appeals and 437 replies to appeals.

The judicial officers of the Public Prosecutions Office also handled litigation regarding civil and labour cases, and pre-litigation procedures for related cases, to help ensure the impartiality of the judiciary.

When handling labour cases, to maintain the rights of the relatively weak working class to the greatest extent and as quickly as possible, the Public Prosecutions Office attempted mediation to protect labour interests in accordance with the Code of Labour Procedure; in 2018, the Public Prosecutions Office was involved in 735 cases in the Labour Tribunal, as follows:

- 397 cases involving labour accidents and occupational diseases (395 were successfully mediated, while 28 cases required litigation due to failure to reach a mediation agreement);
- 338 ordinary labour litigation procedures were initiated (366 were successfully mediated, while further litigation was required for nine cases).

During 2018, 761 workers were involved in the successful mediation procedures

conducted by the Public Prosecutions Office, and 89 workers were involved in the cases initiated following failure to achieve mediation.

In addition, to protect the interests of minors and disadvantaged groups and the public interest, the Public Prosecutions Office handled civil cases involving minors, missing persons and incapacitated persons. In 2018, the Office investigated 44 maternity or paternity cases, and initiated 140 court actions for minors (18.64 percent more than the 118 such actions in 2017); and handled 564 proceedings concerning interdiction, disqualification, custody, litigation fees, bankruptcy, mandatory property inventories and settlement of unpaid taxes on behalf of the Finance Services Bureau (increased by 7.02 percent compared to 527 in 2017).

The Public Prosecutions Office also initiated 1,238 civil and labour pre-suite cases (administrative cases) in 2018, 16.14 percent more than the figure of 1,066 cases in 2017, in order to commence related civil and labour legal proceedings.

In 2018, the Administrative Court Office of the Public Prosecutions Office received 71 judicial appeals, 10 litigation cases and six cases involving urgent procedures, participated in four litigation procedures, completed 2,614 pleadings, and concluded 408 cases.

In 2018, the Public Prosecutions Office received fewer cases than in 2017. However, it also handled several cases that were received in 2017 and transferred to 2018, including administrative penalty cases concerning Uber, litigations related to public projects, arbitrations concerning qualifications of Home-Ownership Scheme and public housing, cases of medical incidents involving public medical services, and cases involving illegal guesthouses and taxation. Through the joint efforts by all staff of the Administrative Court office of the Public Prosecutions Office, the case conclusion rate was significantly higher in 2018 than in 2017.

In 2018, the five judicial officers of the Public Prosecutions Office before the Court of Final Appeal and the Court of Second Instance participated in 1,272 criminal, civil and administrative proceedings of the Court of Second Instance in the Court of Second Instance. They issued 1,354 opinions on appeals and replies to appeals, handled 129 cases of the Court of Final Appeal, and issued 102 opinions on appeals and replies to appeals.