

procedures, and facilitate the development of electronic governance in the Government’s auditing work. The upgraded “Auditor Office” will be fully deployed for account auditing in 2021.

Regarding publicity and promotion, the CA continued organising talks on auditing culture for public department workers, cadets of the Academy of Macao Public Security Forces who were attending promotion preparation programmes, and newly recruited public administration workers, to promote optimised use of public funds.

Courts uphold fairness and justice, procuratorate safeguards Macao’s interests



Numbers of cases admitted by the three-tier court system

2020	Court of Final Appeal	Court of Appeal	Base Court (including the Examining Magistracy)	Administrative Court	Total
Cases admitted	216	1,206	16,861	135	18,418
Cases concluded	165	1,276	16,896	134	18,471
Cases pending	99	526	12,342	120	13,087

The majority of the cases in the three-tier court system were criminal cases and criminal labour cases, which totalled 6,207 (excluding Examining Magistracy cases). Ranking second were civil and labour cases, which totalled 4,190. There were also 415 administrative cases, and 7,606 other cases.

Law promotion and legal consulting services

To strengthen the promotion of the 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 can 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 2020, an accumulated total of 741 articles had been released, 96 of which were released in 2020.

Summary of consulting services provided by the Base Court in 2020:

2020	Criminal Courts	Civil Courts	Small Claims Court	Total
Total number of inquiries	1,646	4,264	1,699	5,910
Number of cases	1,765	4,025	1,699	5,790
Number of cases handled directly	1,703	3,782	1,699	5,485
Number of cases transferred to the Public Prosecutions Office	59	197	---	256
Number of cases transferred to other departments	3	46	---	49
Number of telephone inquiries	404	969	---	1,373

Legal assistance and enforcement

Regarding delivery of judicial writs and assistance in investigations and evidence collection in civil and commercial cases, in 2020 the Court of Final Appeal received 220 judicial writs from mainland China courts, and delivered 86 judicial writs to mainland China courts on behalf of courts in Macao.

In 2020, the Court of Appeal received 19 requests for reviewing and endorsing judgments made by mainland China courts or arbiters; four judgments endorsed by the Court of Appeal were sent

to the Base Court for enforcement.

The MSAR Government and the HKSAR Government signed the Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards between the Hong Kong Special Administrative Region and the Macao Special Administrative Region on 7 January 2013; this came into effect on 16 December 2013. As at the end of 2020, the Court of Appeal had admitted four cases requesting an endorsement of an arbitral decision.

Besides, the MSAR Government and the HKSAR Government signed the Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Cases between the Macao Special Administrative Region and the Hong Kong Special Administrative Region on 5 December 2017; this came into effect on 1 August 2020. As at the end of 2020, the Court of Final Appeal had received two judicial writs from Hong Kong courts, and delivered six judicial writs to Hong Kong courts on behalf of courts in Macao.

Declarations of assets and interests

In 2020, the Court of Final Appeal followed the stipulations in Law No.11/2003, which had been amended according to Law No.1/2013, in the process of receiving individuals for the declaration of assets and interests. It opened 213 individual dossiers, received 2,055 documents for the declaration of assets and interests that involved 1,537 people, and sorted and updated the contents of the individual dossiers according to the law.

According to the stipulations in the aforementioned Law No. 11/2003, 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 the Macao SAR, ensuring it is available in the public domain as required by law. In 2020, the disclosure documents (Part IV) of 588 individual dossiers involving 382 people were published online. In all, there are 3,665 disclosure documents, involving 841 people.

Summary of the work by and outlook for the MSAR courts

Mr Sam Hou-fai, the President of the Court of Final Appeal, delivered a speech at the Opening Ceremony of the Judicial Year 2020/2021, giving a comprehensive summary of the work of the courts of the Macao SAR in the Judicial Year 2019/2020.

Due to the impact of the COVID-19 pandemic, the three-tier court of the Macao SAR operated at a limited scale, within a restricted time period. Meanwhile, many litigation parties or witnesses who do not reside in Macao could not attend court proceedings as scheduled, due to entry and exit restriction measures. Thus, there were delays in the commencement of some trials, affecting the courts' case admission work. With the prompt implementation of measures in response to the pandemic, and the joint efforts of the judicial sector, the courts were able to maintain normal operations. The conclusion rates of various types of cases of the three-tier court were not affected, and the number of pending cases constantly decreased.

Besides, with the influence of the epidemic, there was a change in terms of type and form of crimes. For example, the proportion of phone fraud and Internet fraud cases increased, especially cases related to fraudulently selling medical products. Moreover, due to restrictions on transportation

between Macao and its neighbouring cities, especially Hong Kong, there was an increase in drug trafficking through waterborne transport, or other clandestine ways such as parcels sent directly by post.

It is worth noting that during the COVID-19 pandemic, to support the Government's anti-pandemic efforts and promptly deal with behaviour violating infection control measures, the Base Court accepted and quickly admitted several COVID-19 pandemic-related cases. For instance, the Civil Courts and Criminal Courts accepted many cases related to compulsory quarantine for infectious disease patients, submission of false health declaration forms, leaving designated quarantine sites, and surgical mask e-shopping scams.

This year marked the 21st anniversary of the return of Macao to the motherland. The implementation of "One country, two systems" in Macao entered an interim phrase. Mr Sam Hou-fai, the President of the Court of Final Appeal, believed that apart from summarising the experience and inadequacies in Macao's implementation of the "One country, two systems" principle, challenges and issues faced throughout the legal adaptation process should also be seriously examined and investigated, given the judiciary system in Macao originated from Portugal, due to historical reasons.

As Portugal is in continental Europe, its judiciary system is affected by many aspects, such as its entrenched ethic and morality, values and attitudes, and customs and traditional culture. In comparison, Macao, an oriental community with a millennium-long history of traditional culture, which is mainly Chinese, is very different. And in fact, the system, which was originally applicable to a population of more than ten million, was transferred from a distant country with an area of approximately 100,000 square kilometres, to a micro jurisdiction, a special administrative region of China with an area of only 32 square kilometres and a population of approximately 0.6 million. Therefore, this difference can only be addressed by being exceptionally prudent throughout the process of formulating and implementing laws.

For example, the avoidance system in relation to conflict of interests that is in force under the public law is a specific system established with a view to ensuring impartiality and justice, and to prevent transfer of benefits. In the light of the stipulations of the laws currently in force in Macao, the avoidance system is established in the operational systems of administration, legislation, and judiciary. Despite some differences in regulatory details, public officials must avoid conflict of interests in exercising their authority in the event that they are considered to have a certain degree of connection to the addressed aim or involved party.

Implementing this system within a large jurisdiction may have limited influence on the functioning of jurisdictional agencies, and the probability of violating this system may also be smaller due to its vast geographic size and large population. But the problem becomes evident in Macao, as it is a small, closely-knit Chinese community with intricately linked interests among community organisations.

Given Macao's social features and environment, law enforcement must be stricter and with higher criteria, in order to safeguard impartiality and justice. Only in this way can the administrative, legislative and judicial agencies in Macao gain people's trust and respect, to uphold their dignity, and effectively safeguard and protect the public interest and fairly ensure justice.



Operations of the MSAR's Public Prosecutions Office in 2020 are summarised as follows:

1. Given the fact that the COVID-19 pandemic resulted in a decrease in the population flow, there was a drop in the number of cases handled by the Public Prosecutions Office in 2020, compared with the previous year's figure. However, there was an increase in the number of cases for which the Public Prosecutions Office participated in the Court of Final Appeal proceedings, with around 30 percent of these cases involving disputes over land acquisitions. Upholding the principle of impartiality and subjectivity, the Public Prosecutions Office will strive to safeguard the national land resources and benefits of MSAR's public properties.
2. There were varying declines in numbers of cases initiated regarding various kinds of crime; the decrease was particularly marked for crimes related to illegal gambling. However, there were notable increases in numbers of cases initiated regarding "pornography related to minors" and suspected sexual offences against minors. Hence, the Public Prosecutions Office will step up the efforts to crack down on criminal activities violating the rights of minors, increase protection of minors' sense of social awareness, and set up a safety net for minors.
3. During the COVID-19 pandemic, different countries imposed anti-pandemic measures strictly prohibiting group gatherings, which resulted in corresponding changes in types and forms of crime. For instance, there was a decrease in the cases of incoming criminals involved in drug trafficking in Macao. However, drug trafficking was found being conducted in new, rarely seen ways, such as using express parcel services or using boats to deliver drugs. Meanwhile, there was also a rise in the number of cases initiated for cybercrime and fraud cases using "fake notes for bank use".

4. With regard to illegal behaviour which disrupts the anti-pandemic order, the Public Prosecutions Office expedited investigations and made prompt prosecutions. The office also disclosed progress with investigation of related cases to the public in a timely manner, and strengthened protection of the public interest regarding the MSAR's anti-pandemic efforts through litigation procedures.
5. To prevent and curb domestic violence, the Public Prosecutions Office closely cooperated with various departments and related community organisations to provide legal protection for harmony and care in families, and promote social harmony and stability.
6. To safeguard the safety and stability of Macao's financial system, the Public Prosecutions Office closely cooperated with finance-related departments to prevent and curb money laundering. The overall rate of money laundering remained controllable.
7. To ensure the stability and sound utilisation of the human resources comprising judges and judicial support staff, the Public Prosecutions Office will closely cooperate with the legal departments to facilitate the establishment of mechanisms for ongoing occupational training, induction training and internship of judges, to improve the mechanism for managing judicial support staff.
8. Deploying scientific means for improving the quality and efficiency of its work, the Office of the Public Prosecutor-General continues developing and refining the internal case management system of the Public Prosecutions Office. Meanwhile, the Public Prosecutions Office will also closely cooperate with legal departments to consolidate judicial resources, promote e-judicial litigation and develop a digital platform for sharing litigation information in a timely manner.

In 2020, 10,852 criminal cases were initiated by the Public Prosecutions Office, 27 percent less than the 14,923 cases in the previous year. The number of cases concluded was 13,302, 13.87 percent less than the cases in 2019, with 3,658 prosecutions made upon investigation, and 9,378 cases filed; these figures were down 11.39 percent and 14.61 percent, respectively, from 2019. The Public Prosecutions Office initiated 48 criminal case appeals, and 410 replies to criminal case appeals – down by 35.14 percent and 6.82 percent respectively, from 2019.

Breaking down the statistical information on cases initiated in 2020, the five types of crimes with the most investigations were:

1. Theft, robbery and property damage – 3,359 cases (down 33.18 percent year on year)
2. Fraud and extortion – 1,182 cases (down 35.20 percent year on year)
3. Offences involving physical assault – 1,173 cases (down 19.44 percent year on year)
4. Crimes related to traffic accidents – 1,002 cases (down 11.01 percent year on year); and
5. Illegal immigration and immigration-related crimes – 853 cases (down 16.54 percent year on year).

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

- Forgery – 566 cases (down 25.82 percent year-on-year);
- Cybercrimes – 372 cases (up 27.40 percent year-on-year);
- Crimes against public authority – 222 cases (down 27.45 percent year-on-year);
- Crimes against sexual freedom and sexual consent – 220 cases (up 44.74 percent year-on-year); and
- Illegal gambling and related crimes – 181 cases (down 78.78 percent year-on-year).

With regard to civil and labour litigation cases, the Office of the Administrative Court participated in handling 588 civil labour cases in 2020, 4.85 percent less than the figure of 618 cases in the previous year; conducted 62 maternity or paternity investigations; initiated 709 civil and labour litigation cases, 8.87 percent less than the figure of 778 cases in 2019; initiated 1,067 pre-suite cases, 15.79 percent less than the figure of 1,267 cases in 2019; and completed 1,372 pre-suite cases, 0.29 percent more than the figure of 1,368 cases in 2019.

With regard to labour cases, there were 367 newly initiated cases involving labour accidents and occupational diseases, and 412 such case were successfully mediated, while 24 cases required litigation due to failure to agree on mediation; 221 ordinary labour litigation cases were newly initiated, with 238 such cases successfully mediated, while further litigation was required for 12 cases; 650 workers were involved in successful mediation procedures conducted by the Public Prosecutions Office, and 137 workers were involved in cases initiated following failure to achieve mediation.

In 2020, the Prosecutorial Office at the Administrative Court received 114 new cases, 50.65 percent less than the figure in the previous year, including four cases of claims involving land concessions forfeited by the Government.

The Prosecutorial Office at the Court of Final Appeal and the Court of Appeal participated in 1,248 proceedings of the Court of Appeal, 10.54 percent less than the figure of 1,395 cases in the previous year, with 14 of these cases related to land; participated in 194 cases of the Court of Final Appeal, 22.78 percent more than the figure of 158 cases in the previous year, with 58 of the processed cases related to land.