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CHAPTER 1

POLITICAL SYSTEM AND ADMINISTRATION



Political System and Administration

Political Structure

Macao People Governing Macao and a High Degree of Autonomy

Macao became a Special Administrative Region (SAR) of the People's Republic of China on 20 December 1999. The SAR's constitutional document, The Basic Law of the Macao Special Administrative Region, came into force on the same day.

The Basic Law was adopted at the First Session of the Eighth National People's Congress and was promulgated on 31 March 1993. It lays out the central government's guidelines and policies regarding Macao and specifies the political and administrative framework of the SAR for 50 years from 1999.

The Basic Law also stipulates which systems are to be practised in the MSAR, to ensure the implementation of the central government's guidelines and policies. The systems and policies of the MSAR - including its social and economic systems; safeguards for the fundamental rights and freedoms of its residents; the executive, legislature and judiciary; and Government policies - are all based on the provisions of the Basic Law.

Under the Basic Law, the MSAR is entitled to a high degree of autonomy in all areas except defence and foreign affairs. It enjoys executive autonomy, legislative autonomy, an independent judiciary and the right to final adjudication. The executive and the legislature of the MSAR consist only of permanent Macao residents. The MSAR also maintains the status of free port, independent tariff region and international financial centre and may, under the name "Macao, China", independently maintain, develop relations with and sign agreements with various countries, regions and international organisations in fields such as the economy, trade, finance, transportation, communications, tourism, culture and sports.

The principles of "One country, two systems", "Macao people governing Macao" and "a high degree of autonomy" have passed their initial tests with flying colours, and are now broadly recognised in Macao and infused into its social political culture.

"Macao people governing Macao" means that the people of Macao are in charge of their own affairs. Macao's Chief Executive, principal officials, members of the Executive Council and the Legislative Assembly, the President of the Court of Final Appeal and the Public Prosecutor-General shall be permanent residents, and some of these positions may only be assumed by permanent residents of Macao who are also Chinese citizens.

"A high degree of autonomy" means that the National People's Congress (NPC) authorises the MSAR to exercise a high degree of autonomy in accordance with the Basic Law, and that the central government will not interfere in affairs that fall within the autonomy of the MSAR. The MSAR enjoys executive, legislative and independent judicial power and the power of final adjudication, as well as other powers authorised by the NPC, the Standing Committee of the NPC and the central government. However, a high degree of autonomy does not mean full autonomy. In order to maintain a unified China and to safeguard the sovereignty and territorial integrity of the country, the central government retains certain essential powers - for example, the central government is responsible for the MSAR's foreign affairs and defence.

The Chief Executive

The Chief Executive is the head of the MSAR and is accountable to the central government and the MSAR.

The Chief Executive shall be a Chinese citizen of not less than 40 years of age who is a permanent resident and has ordinarily resided in Macao for a continuous period of not less than 20 years. The Chief Executive is selected by election or through local consultations and is appointed by the central government. The term of office of the Chief Executive is five years and he or she may serve no more than two consecutive terms.

The Chief Executive is charged with the responsibility to lead the MSAR Government; implement the “Basic Law” and other laws applicable to Macao; sign bills passed by the Legislative Assembly and promulgate laws; sign budgets passed by the Legislative Assembly and report those budgets and final accounts to the central government for the record; make decisions on Government policies and issue executive orders; formulate by-laws and promulgate them for implementation; nominate and report to the central government candidates for the posts of Secretaries, Commissioner against Corruption, Commissioner of Audit, and leading officials of the Police and Customs Service, and recommend to the central government the removal of the above officials; appoint a proportion of the members of the Legislative Assembly; appoint and remove members of the Executive Council; nominate and report to the central government the appointment of the Public Prosecutor-General and recommend his or her removal; appoint or remove presidents and judges of the courts at all levels, public prosecutors and civil servants; and, under particular circumstances, dissolve the Legislative Assembly.

The incumbent Chief Executive of the MSAR is Edmund Ho Hau Wah.

The Executive Council

The Executive Council assists the Chief Executive in policymaking. Article 58 of the Basic Law stipulates that, except for the appointment, removal and disciplining of officials and the adoption of emergency measures, the Chief Executive shall consult with the Executive Council before making important policy decisions, introducing bills to the Legislative Assembly, formulating by-laws or dissolving the Legislative Assembly. If the Chief Executive does not accept a majority opinion of the Executive Council, the specific reasons should be put on record.

Article 57 of the Basic Law stipulates that the Executive Council shall be composed of seven to 11 Chinese citizens who are permanent residents of the MSAR. They shall be appointed by the Chief Executive from among principal officials, members of the Legislative Assembly and other public figures. The appointment or removal of Council members shall be decided by the Chief Executive. The term of office of members shall not last beyond that of the Chief Executive who appoints them, but the members shall remain in place until the new Chief Executive takes office.

Article 58 of the Basic Law stipulates that the Executive Council shall be presided over by the Chief Executive and meet at least once a month. The proceedings of the Executive Council meetings are confidential, but a spokesperson announces important decisions to the public. The Executive Council held 24 formal meetings in 2002.

The present Executive Council has 10 members, including the five Secretaries, two Members of the Legislative Assembly and three public figures.

The Legislature

According to the Basic Law, the MSAR enjoys legislative autonomy and the Legislative Assembly is the MSAR's sole legislature.

The Macao SAR has full legislative autonomy, which guarantees Macao's high degree of autonomy. The legislative power of the SAR is exercised solely by the Legislative Assembly. No other body or entity has legislative power. Laws formulated by the Legislative Assembly shall conform to the Basic Law.

The Legislative Assembly exercises its legislative power and supervisory power under the Basic Law and the Rules of Procedure of the Legislative Assembly.

Legislative Authority

Legislative authority generally refers to the power to formulate general and abstract laws applicable to the MSAR and its residents. More specifically, the powers of the Legislative Assembly include the right to make laws; the right to amend laws; the right to suspend the execution of laws; and the right to abolish laws.

According to the Basic Law and the Rules of Procedure of the Legislative Assembly, Legislative Assembly members and the MSAR Government have the right to introduce bills and propose amendments. Bills or proposed amendments introduced by the Legislative Assembly members shall be signed by no more than six legislators, while any bill introduced by the MSAR Government shall be presented by the Chief Executive. It shall be specified that the Government has consulted with the Executive Council about the bill. Any bill involving Government policy that is introduced by a Legislative Assembly member, when exercising their sponsorship or co-sponsorship right, requires the written consent of the Chief Executive. The MSAR Government has exclusive sponsorship rights in four respects: electoral law for the Legislative Assembly, public income and expenditure, political structure and Government operation.

The laws adopted by the Legislative Assembly shall come into effect only after being signed and promulgated by the Chief Executive.

Supervisory Authority and Other Responsibilities

The Legislative Assembly is responsible for examining and passing budgets introduced by the Government; examining Government reports on budget implementation; deciding on Government motions on taxation and approving debts to be taken on by the Government.

Debating the policy addresses of the Chief Executive is also the Legislative Assembly's responsibility. The Chief Executive is accountable not only to the central government but also, as head of the MSAR Government, to the Legislative Assembly of the SAR. Therefore, the Chief Executive must make regular policy addresses to the Legislative Assembly on behalf of the Government, introducing and explaining administration guidelines and Government policies. The Legislative Assembly may debate the Chief Executive's report and any issue of public interest.

In addition, the Legislative Assembly is responsible for holding debates on issues of public interest.

Issues of public interest encompass all aspects of Macao society. The Legislative Assembly must hold meetings to discuss such issues and require Government officials to be present.

The Legislative Assembly also receives and handles complaints concerning the existing legal system, but does not directly handle private cases or applications for legal consultation.

The Legislative Assembly also has the authority to impeach the Chief Executive. If one third of the members of the Legislative Assembly accuse the Chief Executive of serious breach of law or dereliction of duty and the Chief Executive refuses to resign, the Legislative Assembly may decide to entrust the President of the Court of Final Appeal to set up an independent investigative committee. If the committee considers the evidence sufficient to substantiate such charges, the Assembly may pass a motion of impeachment by a two-thirds majority and report it to the central government for a decision.

Members of the Assembly may also address enquiries into Government work in accordance with the Legislative Assembly's Procedure for Inquiry into Government Work. While exercising the powers mentioned above, the Legislative Assembly may summon witnesses to testify or give evidence according to the Rules of Witness Testimony.

Composition and Term of Office of the Legislative Assembly

The Legislative Assembly consists of permanent residents of the MSAR. The majority of its members are elected and the term of office, except for the first term, is four years.

The first Legislative Assembly of the MSAR had 23 members, eight of whom were elected directly, eight indirectly and seven appointed by the Chief Executive. Their term of office expired on 15 October 2001. The second Legislative Assembly has 27 members, 10 of whom were elected directly, 10 indirectly and seven appointed by the Chief Executive. Their term will expire in 2005. Subsequent Legislative Assemblies will have 29 members, 12 of whom will be elected directly, 10 indirectly and seven appointed by the Chief Executive.

If, after 2009, the method for forming the Legislative Assembly needs to be changed, amendments require the endorsement of a two-thirds majority of the Assembly and the consent of the Chief Executive. The amendments shall also be reported to the Standing Committee of the National People's Congress for the record.

The Legislative Assembly has one president and one vice president, elected by and from among its members. The president and vice president shall be permanent Chinese residents who have lived continuously in Macao for at least 15 years.

Structure and Operation of the Legislative Assembly

The structure of the Legislative Assembly comprises the president, the Executive Board, the Committee on Rules and Statutes, three standing committees and any provisional committees that may be set up. The president represents the Legislative Assembly and leads and coordinates the Assembly's work. The president performs his or her duties in accordance with the Basic Law and the Rules of Procedure of the Legislative Assembly.

Each Legislative Assembly serves four sessions. Each session of the Legislative Assembly lasts one year, normally from 16 October to 15 August of the following year. Chinese and Portuguese are the languages used in the Legislative Assembly.

The Executive Board

The Executive Board of the Legislative Assembly consists of the president, the vice president and two secretaries (elected in the same manner as the president). The power of the Executive Board is clearly laid down in the Rules of Procedure of the Legislative Assembly. The Executive Board assists the president and vice president in the performance of their respective duties and reviews all issues assigned by the plenary meeting or the president. The Executive Board exercises its administrative powers in accordance with the Legislative Assembly Organisational Law.

Legislative Assembly Committees

The committees of the Legislative Assembly include the Committee on Rules and Statutes, standing committees and provisional committees. The number of members of the standing and provisional committees is recommended by the Executive Board and decided by the plenary meeting. Every legislator must be a member of one or more committees (Articles 23, 28 and 30 of the Rules of Procedure of the Legislative Assembly, adopted in Resolution No. 1/1999).

Committee on Rules and Statutes

The Committee on Rules and Statutes consists of five legislators, all of whom are elected by the plenary meeting. Its main responsibilities (under Articles 26 and 27 of the Rules of Procedure of the Legislative Assembly) are to initiate and comment on procedures for disputes regarding election qualification and for the disqualification and dismissal of legislators; to investigate events in the Legislative Assembly that may tarnish the reputation or dignity of legislators; to comment on any explanation of, or amendment to, an omission in the Rules of Procedure of the Legislative Assembly; to comment on proposed revisions of the Rules of Procedure of the Legislative Assembly; and to make decisions when jurisdictional conflicts of arise between committees.

Standing Committees

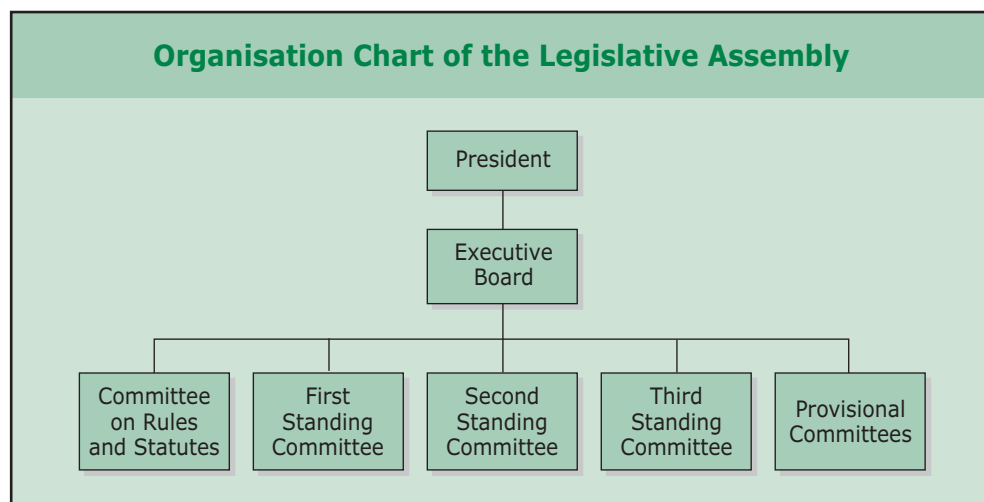
The number, establishment, name and composition of the standing committees of the Legislative Assembly are all recommended by the Executive Board and agreed at the first plenary meeting of each session of the Legislative Assembly. The responsibilities of the standing committees are to review and report on bills, motions, resolutions and amendment overtures submitted to the Legislative Assembly; to discuss petitions submitted to the Legislative Assembly; to vote on the details of documents adopted by the plenary meeting; and to review issues assigned by the plenary meeting or the president.

At present, the Legislative Assembly has three standing committees: the First Standing Committee, the Second Standing Committee and the Third Standing Committee.

Provisional Committees

The Legislative Assembly may set up provisional committees for specific events or purposes. The motion to set up a provisional committee should be tabled by at least three legislators. A provisional committee reviews the subject for which it was established and submits a report or comments

within a time period specified by the plenary meeting or the president (Articles 30 and 31 of the Rules of Procedure of the Legislative Assembly).



Administrative Agencies and Technical Support Offices

The administrative agencies of the Legislative Assembly include the president, the Executive Board and the Administrative Committee, all of which are responsible for the administrative affairs of the Assembly.

In administrative management, the primary responsibilities of the Executive Board (as specified in Article 9 of Law No. 11/2000) are to formulate and implement general administrative policies; monitor the finances of the Legislative Assembly; supervise the staff of the Legislative Assembly's technical support offices; appoint and relocate civil servants, service personnel and temporary personnel attached to the technical support offices; enforce disciplinary measures in accordance with civil service laws and regulations; formulate internal rules and regulations for the technical support and administrative offices of the Legislative Assembly; and publish such rules and regulations in the second section of the Journal of the Legislative Assembly

The Legislative Assembly's technical support offices report directly to the Executive Board. If the term of the Legislative Assembly expires or if the Legislative Assembly is dissolved, the Executive Board shall retain the responsibilities outlined above until the first meeting of the new Legislative Assembly. The technical support offices consist of the staff of the Legislative Assembly, led by the president and the Executive Board and reporting directly to the Secretary-General. The technical support offices are divided into sections to handle different portfolios and to provide the Legislative Assembly and its administrative agencies with technical and administrative support.

Public Feedback System of the Legislative Assembly

The Legislative Assembly has set up a public feedback system to collect opinions, suggestions and criticism of legislation, Government activities, policies and other issues of public interest. The

system also aims to explain the work of the Legislative Assembly and help citizens to exercise their rights to make petitions and complaints.

The citizens may use the feedback system in person or by telephone, post, fax or e-mail. The service is available Mondays to Fridays from 9am-1pm and 2.30pm-5.30pm.

In addition, legislators receive citizens by appointment from noon to 1pm from Monday to Friday. Legislators make themselves available according to a roster compiled by the Legislative Assembly.

Electoral Law

The electoral law of the MSAR is based mainly on the Elector Registration Law (Law No. 12/2000) and Electoral Law (Law No. 3/2001) promulgated on 5 March 2001. These laws specify the procedures for direct and indirect elections of the Legislative Assembly of the SAR and the appointment of Legislators as stated in Annex II (1) of the Basic Law.

The Elector Registration Law has 55 clauses, regulating registration procedures for individual and corporate voters for the direct and indirect Legislative Assembly elections. The Electoral Law has 200 clauses, specifying the procedures for the direct and indirect election of the members of the Legislative Assembly.

Electoral System for the Legislative Assembly

The Electoral Law specifies two election modes: direct and indirect.

In direct elections, any individual of 18 years of age or older and who is a permanent resident of the MSAR may, after registration under the Voter Registration Law, vote for the 10 directly elected members of the second Legislative Assembly. According to Annex II (1) of the Basic Law, there shall be 12 directly elected members of the third and subsequent Legislative Assemblies.

In indirect elections, representatives of social organisations may, after being registered for at least three years with the Identification Department under the Voter Registration Law, vote for the 10 indirectly elected members of the Legislative Assembly.

Under the two election systems, the method used for converting the number of votes into the seats in the Legislative Assembly is as follows: the first candidate on each civic group list receives a number of points equal to the number of votes recorded for that list. The second candidate on each list receives a number of points equal to half the number of votes recorded for that list. The third candidate on each list receives a number of points equal to a quarter of the number of votes recorded for that list. And so on. The Legislative Assembly seats are then awarded to the candidates who, among all group lists, have the highest numbers of points. If two candidates from different groups have the same number of points, the seat shall be given to the group that has yet to win a seat. If both groups have won one or more seats, the seat shall be given to the group that received the higher number of votes. If both groups won the same number of votes, a ballot for the seat shall be held.

The Chief Executive should appoint seven legislators to the Legislative Assembly within 15 days of receiving the final verified results, as stipulated in paragraph two of Article 134 of the Electoral Law.

Election Commission of the Legislative Assembly

The Election Commission of the Legislative Assembly is responsible for promoting, coordinating and supervising the elections.

The Election Commission is appointed by the Chief Executive 15 days after the election date is proclaimed. The commission has one chairman and four members, elected from among appropriately qualified citizens. The Public Administration and Civil Service Bureau will provide support to the committee.

The main responsibilities of the Election Commission are to ensure that the campaigning activities of all candidates are fair; to examine allegations of election misconduct; to report any illegal acts to the appropriate agencies; to ensure security during the elections; to recommend to the Chief Executive the TV and radio air time which should be allocated to each candidate list; and to examine whether campaign finances conform to regulations. The Election Commission shall be dismissed 90 days after the ballot is validated and verified.

The Judiciary

The courts of the MSAR have judicial autonomy. They are subordinate only to the law and are guaranteed to be free from any interference. The MSAR has a Court of First Instance, a Court of Second Instance and a Court of Final Appeal. The power of final adjudication is vested in the Court of Final Appeal.

The Court of First Instance of the MSAR may, when necessary, establish special courts. The previous criminal prosecution system has been maintained after the establishment of the MSAR.

The MSAR also has an Administrative Court, which is responsible for administrative and tax litigation. Defendants and plaintiffs finding the ruling of this court unsatisfactory can file an appeal to the Court of Second Instance.

MSAR judges at all levels are appointed by the Chief Executive on the recommendation of an independent commission composed of local judges, lawyers and prominent members of the community. The presidents of the courts are appointed by the Chief Executive from among judges. The President of the Court of Final Appeal shall be a Chinese citizen who is a permanent resident of the SAR. Any appointment or removal of the President of the Court of Final Appeal shall be reported to the Standing Committee of the NPC for the record.

The Public Prosecutions Office of the MSAR is independent and free from interference, as defined by law.

The Public Prosecutor-General shall be a Chinese citizen who is a permanent resident of the SAR. He or she is nominated by the Chief Executive and appointed by the central government. Other public prosecutors shall be nominated by the Public Prosecutor-General and appointed by the Chief Executive. The structure, powers, functions and remit of the Public Prosecutions Office are prescribed by law.

Relationship between the MSAR and the Central Government

The MSAR is a local administrative region with a high degree of autonomy under the central

government of the People's Republic of China. No central government department, province, autonomous region or municipality may interfere in the SAR's internal affairs, as specified in the Basic Law. Any person from another province, autonomous region or municipality must apply for approval to enter Macao. If there is a need for central government departments, provinces, autonomous regions or municipalities to set up office in Macao, they must obtain the consent of the SAR Government and the approval of the central government.

The central government is responsible for the MSAR's defence and foreign affairs. However, it authorises the MSAR to conduct certain external affairs on its own, under the name of "Macao, China". The central government appoints and removes the Chief Executive, principal officials and the Public Prosecutor-General.

Laws enacted by the legislature of the MSAR must be reported to the Standing Committee of the National People's Congress for the record. However, such reporting shall not affect the entry into force of such laws.

National laws shall not be applied in the MSAR except the following, which shall be promulgated or legislated by the MSAR:

Resolution on the Capital, Calendar, National Anthem and National Flag of the People's Republic of China;

Resolution on the National Day of the People's Republic of China;

Nationality Law of the People's Republic of China;

Regulations of the People's Republic of China Concerning Diplomatic Privileges and Immunities;

Regulations of the People's Republic of China Concerning Consular Privileges and Immunities;

Law of the People's Republic of China on the National Flag;

Law of the People's Republic of China on the National Emblem;

Law of the People's Republic of China on Territorial Sea and the Contiguous Zone;

Law of the People's Republic of China on the Exclusive Economic Zone and the Continental Shelf;

Garrison Law of the Macao Special Administrative Region of the People's Republic of China.

The MSAR has no jurisdiction over acts of state such as defence and foreign affairs.

Chinese citizens who are residents of the MSAR are entitled to participate in the management of state affairs according to law.

Liaison Office of the Central People's Government in the Macao SAR

The predecessor of the Liaison Office of the Central People's Government in the MSAR was the Macao branch of the Xinhua News Agency. The Liaison Office received its present name after the establishment of the MSAR and held its opening ceremony on 18 January 2000. It will continue to contribute to the development and stability of Macao.

As a working agency stationed in Macao by the Central People's Government, the Liaison

Office shall, in the light of the “One country, two systems” and “Macao people governing Macao” principles, support the SAR Government in administration in line with the Basic Law, and be responsible for liaison between the mainland and the SAR.

The Liaison Office is responsible for contacting the MSAR Commission of the Ministry of Foreign Affairs of the PRC and the Macao Garrison of the People’s Liberation Army; contacting and assisting mainland authorities to manage Chinese-funded organisations in Macao; promoting social and economic exchanges and cooperation between the mainland and Macao; reporting to the Central People’s Government the opinions of Macao people about the mainland; handling Taiwan-related affairs in the MSAR; and handling any other matters assigned by the Central People’s Government.

The Liaison Office shall, through various channels, promote ties with all social segments in Macao, pay attention to development and stability issues, and provide assistance wherever necessary.

Office of the Commissioner of the Ministry of Foreign Affairs of the People’s Republic of China in the Macao Special Administrative Region

Under the Basic Law, the Central People’s Government is responsible for handling foreign affairs related to the MSAR. To this end, the Office of the Commissioner of the Ministry of Foreign Affairs of the People’s Republic of China in the Macao Special Administrative Region was established on 20 December 1999.

The Commissioner’s Office handles foreign affairs related to the MSAR that are to be managed by the central government. It also serves as a channel between the MSAR Government and the central government over such affairs. The main functions of the Office include handling and coordinating foreign affairs related to the MSAR that are to be managed by the central government, and undertaking any other matter assigned by the central government and the Ministry of Foreign Affairs.

The Commissioner’s Office has four departments: the office of foreign policy study, the department of miscellaneous affairs, the department of consular affairs and a general office.

Macao Garrison of the People’s Liberation Army

The Macao garrison of the People’s Liberation Army (Macao garrison) took up its role in Macao on 20 December 1999 with the establishment of the MSAR.

According to the Garrison Law of the Macao Special Administrative Region of the People’s Republic of China, the Macao garrison is responsible for the defence of Macao without interfering in the local affairs of the MSAR. The MSAR Government may, if necessary, ask the central government for assistance from the Macao garrison in maintaining social order and relieving natural disasters.

The Macao garrison has strictly observed the Basic Law and the Garrison Law, loyally fulfilled its duty, strengthened exchanges with various sectors of Macao society, and actively participated in charitable activities.

Executive Structure

The MSAR Government is the executive authority of Macao. The Chief Executive is the head of the Government, supported by Secretariats, Bureaux, Departments and Divisions.

Secretariats: there are five secretariats in the MSAR Government, namely the Secretariat for Administration and Justice, the Secretariat for Economy and Finance, the Secretariat for Security, the Secretariat for Social Affairs and Culture, and the Secretariat for Transport and Public Works. Each is headed by a Secretary. The Secretaries, in the above order of seniority, stand in for the Chief Executive when the Chief Executive is unable to perform his or her duties.

Bureaux: units directly under the Secretariats, performing designated functions.

Departments: units affiliated to the Bureaux, responsible for establishing operational procedures.

Divisions: units affiliated to the Bureaux or Departments, responsible for operational duties.

In addition, affiliated units such as Teams and Sections also exist within the structure of the MSAR Government.

The principal officials of the MSAR Government are the Secretaries, the Commissioner Against Corruption, the Commissioner of Audit, and leading police and customs service officials. Principal officials of the MSAR shall be Chinese citizens who are permanent residents of Macao and who have been ordinarily resident in Macao for a continuous period of not less than 15 years.

The MSAR Government is responsible for formulating and implementing policies; conducting administrative affairs; managing external relations as authorised by the central government under the Basic Law; drawing up and introducing budgets and final accounts; introducing bills and motions and drafting by-laws; and designating officials to attend meetings of the Legislative Assembly to listen to opinions or to speak on behalf of the MSAR Government.

The MSAR Government must abide by the law and be accountable to the Legislative Assembly of the MSAR; implement laws passed by the Legislative Assembly and already in force; present policy addresses regularly to the Legislative Assembly; and answer questions raised by members of the Legislative Assembly.

Secretary for Administration and Justice

The Secretary for Administration and Justice holds authority in areas including: public administration; civil affairs; legal translation and promotion; international legal and judicial affairs; the social rehabilitation of discharged prisoners; civil and criminal records; regulation of the registration and notarisation system; and the publication of the *Macao SAR Gazette*.

Secretary for Economy and Finance

The Secretary for Economy and Finance is responsible for the Government budget; supervision of industry, commerce and gaming; offshore businesses (except those under the jurisdiction of other Secretaries); the currency, foreign exchange and monetary system (including the insurance sector); administration of public finances and the tax system; statistical data; labour and employment; vocational training; social security; and consumer rights.

Secretary for Security

The Secretary for Security holds authority over the internal security of the MSAR; criminal investigation; immigration control; supervision of maritime traffic and the application of penalty provisions; civil protection; coordination and management of the prison system; and Customs affairs as defined in Law No. 11/2001.

Secretary for Social Affairs and Culture

The Secretary for Social Affairs and Culture is responsible for education, health, social affairs, culture, tourism, sport and youth affairs.

Secretary for Transport and Public Works

The Secretary for Transport and Public Works is responsible for land regulation; traffic management; the aviation and port affairs; infrastructure and public projects; transport and communication; environmental protection; home-ownership scheme housing and public housing; and meteorology.

Commission Against Corruption

The Commission Against Corruption functions independently. The Commissioner Against Corruption shall be appointed by the central government on the nomination of the Chief Executive. The Commissioner is accountable to the Chief Executive.

The Commission Against Corruption is responsible for tackling corruption and fraud. It investigates, in accordance with the law, corruption and fraud among civil servants and among individuals involved in voter registration and elections. It also promotes the protection of human rights, freedoms, legal guarantees, and legitimate rights and interests, as well as ensuring the justice, legitimacy and efficiency of the public administration.

Commission of Audit

The Commission of Audit is set up in accordance with the Basic Law. It functions independently and is not subject to interference. The Commissioner of Audit is accountable to the Chief Executive.

The main responsibilities of the Commission of Audit are to monitor the implementation of the MSAR Government budget, to conduct a “value-for-money” audit, and to supervise the expenditure management and the efficiency and effectiveness of the Government.

The Commission of Audit has the power to obtain and review the combined financial statements and annual statements for the MSAR as delivered by the Finance Services Bureau; to require the department leader or anyone who is the subject of the audit to explain or provide information so the Commission of Audit can perform its duties; to require the subject of the audit to submit a budget or revenue and expenditure plan, budget implementation plan, final accounts, financial statements, audit reports issued by certified public auditors or other information regarding financial revenue and expenditure; to review and extract information from any book, file or record belonging to the subject of the audit at no expense; to access all records, books, vouchers,

documents, cash receipts, stamps, securities, materials and any other Government property held by the subject of the audit. It shall declare to the Public Prosecutions Office anything it deems appropriate.

Unitary Police Service

The Unitary Police Service, part of the MSAR internal security system, is responsible for the coordination of the MSAR's security affairs. It commands and leads police units, including the Public Security Police, the Judicial Police and other bodies stipulated by law.

The Commissioner-General, the head of the Unitary Police Service, is appointed by the central government on the nomination of the Chief Executive, to whom the post is accountable. However, this shall not affect the supervisory power of the Secretary for Security granted through by-laws.

Customs Service

The MSAR Customs Service, a public body with administrative autonomy, established in accordance with the Basic Law, is responsible for directing, implementing and supervising customs policy as well as conducting policing functions such as customs administration and supervision. (Article 1 of Law No. 11/2001)

The head of the Macao Customs Service, the Director-General, is appointed by the central government on the nomination of the MSAR Chief Executive, to whom he or she is accountable. However, this shall not affect the supervisory power of the Secretary for Security granted through by-laws (as specified in the sixth paragraph of Article 50 in the Basic Law and Article 6 of Law No. 11/2001).

Office of the Macao Special Administrative Region in Beijing

The Office of the Macao Special Administrative Region in Beijing, which reports directly to the Chief Executive, represents the MSAR in Beijing and has administrative autonomy. The Director of the Office, appointed by the Chief Executive for a fixed term, represents and leads the Office and plans its activities, also assisting the Chief Executive in liaising with public departments and bodies in Beijing or other regions of the country.

The Office assists the Chief Executive to plan overall relations between the MSAR and the central government; liaise with Beijing representative offices set up by departments of the central government, provinces, autonomous regions and municipalities directly under the central government; publicise the social and cultural conditions of the MSAR and develop tourism and cultural exchanges, with a focus on promoting Macao as a tourist destination; liaise, consult and discuss with mainland departments in line with the Chief Executive's instructions to promote exchanges and cooperation in fields such as the economy, trade, tourism, culture and training; provide logistic and information support to the MSAR; assist the MSAR's public administrative staff working in Beijing or other regions of the mainland, those staying temporarily for business or training, and non-civil servants or non-service personnel staying temporarily for training or for other activities organised by the MSAR; and execute, within its scope of duties, other special tasks or plans assigned by the Chief Executive.

Macao Economic and Trade Office in Portugal

Formerly known as the Macao Liaison Office in Lisbon, the Macao Economic and Trade Office in Portugal was given its present name upon the establishment of the MSAR, under By-law No. 37/2000. The Office, which reports directly to the Chief Executive, represents and supports the MSAR in Portugal and has administrative autonomy.

The Office, based in the Portuguese capital of Lisbon, is composed of the Director and the Administrative Committee. The Director, selected and appointed by the Chief Executive, represents the interests of the Office and the MSAR; assists the Chief Executive with economic and trade liaison and cooperation between the MSAR and Portugal; leads departmental and management staff; and coordinates the work of Office advisers.

The Office is responsible for strengthening the relationship between the MSAR and Portugal; defending Macao's interests in Portugal; boosting economic and trade benefits by establishing relations with organisations, enterprises and public or private bodies in Portugal; explaining the MSAR's social and cultural conditions and developing tourism and cultural exchanges, with a focus on promoting Macao as a tourist destination; assisting in training local staff in Portugal, and training local staff in Macao in conjunction with Portuguese public or private organisations; offering assistance to civil servants, public or private bodies of the MSAR and to those having an interest in relations with the MSAR; and providing logistic and information support to the MSAR Government.

Besides organising regular activities for the promotion of Chinese culture, the Office also holds courses in Portuguese specifically designed for Chinese people residing in Portugal as well as courses about Putonghua and Chinese culture for the Portuguese public.

Macao Economic and Trade Office to the European Union

The Macao Economic and Trade Office to the European Union is based in Brussels, the headquarters of the European Union. It is composed of a Director and an Administrative Committee. The Director, selected and appointed by the Chief Executive, represents the interests of the Office and the MSAR; assists the Chief Executive with economic and trade liaison and cooperation between the MSAR and the European Union; and directs departmental and management staff.

The role of the Office is to strengthen relations between the MSAR and the European Union; improve the economic and trading reputation of Macao in the European Union and among its member countries; defend the MSAR's interests in the European Union; promote bilateral economic relations between Macao and the European Union and its member countries; monitor the decision-making process of the European Union in regard to the MSAR's interests; collect, handle and provide the Chief Executive with important information about the European Union; follow up and manage trade agreements between the MSAR and the European Union; monitor cooperation agreements between the MSAR and the European Union and its member countries, and participate in planning and prepare projects related to such agreements; defend, in accordance with general guidelines set by the Chief Executive, other interests of the MSAR, especially in terms of tourism; and cooperate with the Economic Services Bureau and the Macao SAR Customs Service to foster relations between Macao and the World Trade Organisation, the World Customs Organisation, the International Textiles and Clothing Bureau and other economic and trade

organisations headquartered in Europe. The Office must defend the interests of Macao when the Chief Executive makes such a decision.

CIDECM (OMC) - Preparatory Committee for the Macao Economic and Trade Office to the World Trade Organization

The Preparatory Committee for the Macao Economic and Trade Office to the World Trade Organization or CIDECM (OMC) was established in accordance with Executive Order No. 183/2002, issued on 19 August 2002.

According to Article 141 of the Basic Law, the Preparatory Committee shall promote and facilitate the preparatory work necessary to establish the Macao Economic and Trade Office to the World Trade Organization (CIDECM) in Geneva. The Preparatory Committee's responsibilities include studying and drafting regulations, establishing an efficient organisational structure, and preparing human and logistical resources for the establishment of the Office.

The Preparatory Committee shall draw up the responsibilities and powers of the Office in accordance with the Executive Order, while drafting the organisation's structure in respect of: developing economic and trade activities with the WTO and its members; assisting the MSAR Government in managing and implementing multilateral economic and trade treaties as outlined above; and the provision of information and services within its competence.

The Preparatory Committee, under the direct supervision of the MSAR Chief Executive, is composed of the president and two members who are appointed by an Executive Order for terms of one year.

Municipal Services

On 14 December 2001, the Legislative Assembly adopted Law No. 17/2001, which dissolved the transitional Provisional Municipal Council of Macao and Provisional Municipal Council of the Islands and established the Civic and Municipal Affairs Bureau on 1 January 2002.

The Civic and Municipal Affairs Bureau inherited most of the functions of the former municipal bodies to continue providing cultural, recreational, environmental and health services. It also took up responsibility for affairs concerning people's livelihoods and living environment; formulating and organising civic education activities; and assisting non-governmental organisations and developing community spirit. The body resolves the practical problems of Macao residents by receiving and handling requests and complaints concerning people's daily lives.

The Civic and Municipal Affairs Bureau is composed of an Administration Committee, a Consultative Committee and a Supervisory Committee.

The Administration Committee, an executive body made up of one president, two vice presidents and not more than five members, supervises the subordinate departments of the Civic and Municipal Affairs Bureau. It holds regular closed meetings to deal with issues and announces decisions of public interest to the media in the briefing session following each meeting. To strengthen communication with the public, the Administration Committee arranges a public meeting every month to listen directly to suggestions, opinions or criticism by citizens.

There are 12 directly subordinate departments and 38 divisions under the Administration Committee, all performing duties on behalf of the Civic and Municipal Affairs Bureau. The 12 directly subordinate departments comprise the Office of Civil Affairs; the Culture, Recreation and Sports Department; the Health Inspection Department; the Environmental Sanitation and Licensing Department; the Garden and Green Zoning Department; the Construction and Equipment Department; Road Maintenance and Drainage Services Department; the Transport Department; the Office of Quality Control; the Technical Support Office; the Administrative Support Department; and the Finance and Computer Department.

The Macao Foundation

The Macao Foundation was established on 11 July 2001 as the result of the merger of two similar public foundations. It is a public legal body under the supervision of the Chief Executive and is autonomous in administration and financial management. Its goal is to promote, develop and implement research relating to Macao's cultural, social, economic, educational, scientific, academic and philanthropic activities, including those activities that are intended to promote Macao.

Concentrating its efforts within Macao, the Macao Foundation is committed to exchanging information and cooperating with local and overseas organisations in related fields.

The Macao Foundation is composed of a Trust Committee, an Administrative Committee and a Supervisory Committee. The Administrative Committee manages the daily operation of the Foundation; its affiliated units include the sponsorship application and follow-up department, the administration department, the finance department, the UNESCO Centre of Macao, and a preparatory group for the Macao Science Center.

Public Service System

Individuals meeting the following conditions may qualify to become public servants: permanent residents of Macao of Chinese or Portuguese nationality; aged between 18 and 50 years; possessing the appropriate schooling or work experience; capable of performing the role required; having no criminal record or other conditions that render a person inappropriate for the proposed post or job on full-time or part-time basis according to law; of sound health and mind; and resident in Macao. In exceptional cases, foreign nationals may be employed for technical, professional, academic or teaching posts.

Public servants are recruited either by appointment or through contract. All public servants on the regular payroll shall be recruited by appointment, including permanent appointments, temporary appointments and fixed-term appointments. Non-permanent public administrative personnel are employed on temporary contracts or on an as-needed basis.

The promotion and re-assignment of public servants are prescribed by law. Public servants in breach of disciplinary rules may be sanctioned by written warning, fines, suspension, forced retirement or dismissal.

Continued service, appointment and employment of public servants: under Articles 98 and 99 of the Basic Law, upon the establishment of the MSAR, public servants, including the police and

supporting members of the judiciary, previously employed in Macao may all remain in employment. They may continue in public service and retain their seniority with pay, allowances, benefits and conditions of service no less favourable than before. The MSAR Government shall pay to such public servants, or to their dependents, all pensions and allowances due to them on terms no less favourable than before, and irrespective of their nationality or place of residence.

The MSAR Government may employ Portuguese and other foreign nationals previously employed in the public service in Macao, who are permanent residents of MSAR, to serve as public officials in Government departments at all levels, unless otherwise prohibited by the Basic Law. The Government may also employ Portuguese and other foreign nationals as advisers or to fill professional and technical posts. These persons shall be employed only in their individual capacities and shall be responsible only to the MSAR Government.

By the end of 2002, Macao had 17,368 public servants (excluding 492 people recruited through personal working contracts, employment contracts signed under private law, outsourcing contracts or labour contracts. These persons are not regarded as public administrative personnel as defined by the law), of whom 17,323 were recruited locally and 45 from elsewhere. Male and female public servants accounted for 65.32 percent and 34.68 percent respectively. Those with higher education qualifications numbered 4,720 or 27.18 percent of the total. Among bureau directors and department heads, division and section chiefs, 523 (82.36 percent of the total) held higher education qualifications.

Reform of the Public Service System

The MSAR Government intends to maintain a stable civil service team. Through public statements and stricter management, the Government has reinforced the message of “serving the SAR, serving the citizens”. This is regarded as the starting point for improving the administrative operations of the MSAR Government.

The MSAR Government is working on several ways of reforming the civil service system. These include: streamlining administrative structure and procedures; modifying the performance evaluation system for public servants and introducing quantitative evaluation; reviewing and revising the rules and regulations governing public servants; taxing public servants; launching the “Performance Pledge” programme to improve the efficiency of public services and the accountability of public officials; and reviewing and improving the complaints mechanism. All of these reforms are intended to modernise the public administration of the MSAR.

Public Administration and Civil Service Bureau

The Public Administration and Civil Service Bureau, under the supervision of the Secretary for Administration and Justice, conducts research, improves managerial skills of public administrative staff and promotes administrative modernisation. It also provides appropriate technical support. In addition, it promotes the application of modern information technologies in all public departments; provides legal and technical support to all departments and their staff; conducts technical support for elections; offers a public feedback service and provides official information to the public; provides translation and interpretation between the two official languages; and provides additional benefits for current or retired public administrative staff.

Training of Public Servants

The Training Division under the Public Administration and Civil Service Bureau promotes and coordinates training programmes for public servants and studies and analyses programmes organised by public bodies. The training of public servants includes the following:

Specific training: to help civil servants attain specific knowledge and skills to enable them to improve efficiency and service quality with the aim of fostering social development.

Language training: Chinese, Putonghua, Portuguese and English courses are offered continuously.

Professional training: courses in law, management, administration, computing, secretarial skills, public relations, social psychology and communication.

Official Languages

In accordance with Article 9 of the Basic Law, in addition to the Chinese language, Portuguese may also be used as an official language by the executive authorities, the legislature and the judiciary of the SAR.

The Flag and Emblem of the MSAR

The flag of the MSAR has identical patterns and colours on both sides, with the five stars, lotus flower, bridge and seawater design on the front and back. The rectangular flag has a green background and a 3:2 length-height ratio. A white, three-petal lotus flower is in the centre of the flag. Five golden stars, including a larger one in the middle, form an arch over the lotus flower. Below the lotus flower, a white bridge and seawater are represented as green and white stripes (See Appendix II of Law No. 6/1999).



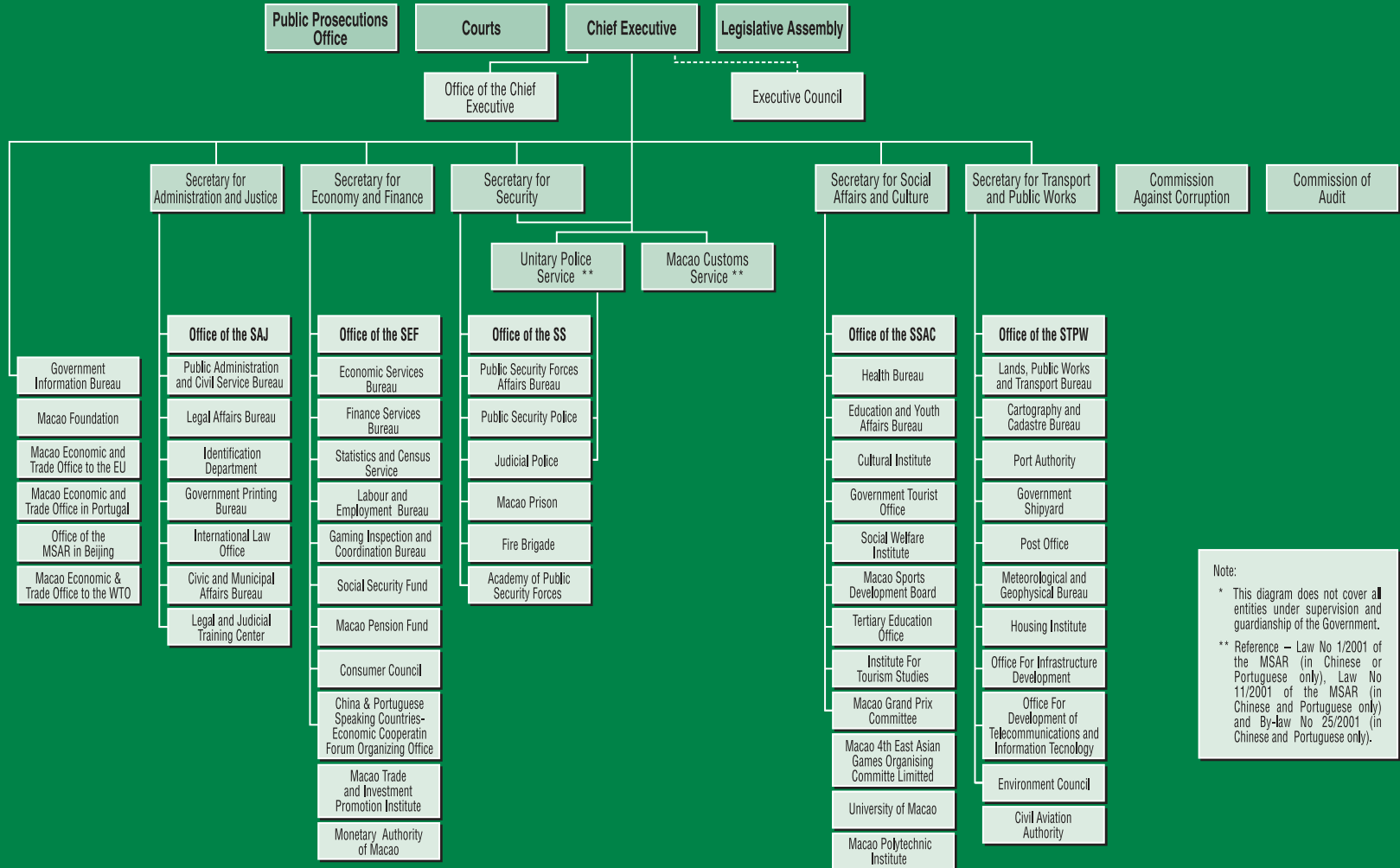
The Flag of the MSAR

The circular MSAR emblem consists of a narrow green border, a ring of characters on a white background, a green inner circle and elements including stars, a lotus flower, a bridge and seawater. The outer ring of characters lies between the narrow green border and the green inner circle. In the upper half of the ring of characters, 14 Traditional Chinese characters meaning “The Macao Special Administrative Region of the People’s Republic of China” are set in a standard traditional font, evenly distributed along the width of the arch. The lower portion of each character points to the centre of the emblem. In the lower half of the ring of characters, the Portuguese word “Macao” is printed in a standard font. The letters are evenly spaced, with the upper portion of each letter pointing to the centre of the emblem. Both the Chinese and Portuguese characters are distributed symmetrically on opposite sides of a vertical axis through the emblem. A white lotus flower with three petals is in the centre of the green inner circle. Above the lotus flower, five golden stars, of which the middle one is largest, radiate from the centre of the emblem. The lower points of the stars are directed at the emblem centre. Below the lotus flower, a white bridge and seawater are represented as green and white stripes.



The Emblem of the MSAR

Structure of the Macao SAR Government *



Note:

* This diagram does not cover all entities under supervision and guardianship of the Government.

** Reference – Law No 1/2001 of the MSAR (in Chinese or Portuguese only), Law No 11/2001 of the MSAR (in Chinese and Portuguese only) and By-law No 25/2001 (in Chinese and Portuguese only).



Secretary for Administration and Justice Florinda Chan officiates at an inauguration ceremony for senior personnel of the Civic and Municipal Affairs Bureau



The Meteorological and Geophysical Bureau introduces its performance pledges at a press conference



More than 470 heads and supervisors of various Government departments attend the Seminar on Government policy guidelines in the field of public administration



Seminar on Government policy guidelines in the field of public administration



The Commission Against Corruption (CCAC) holds a tea gathering, entitled "A Society Without Corruption", with media during the Chinese New Year



A training course for civil servants

The first meeting
of the Macao
Public Adminis-
tration Observa-
tory



Participants in the Executive Management Development
Programme bid farewell to Florinda Chan, Secretary for
Administration and Justice, before they leave for training
in Singapore



The Government Printing Bureau receives ISO 9001:2000 certification at a special ceremony

The Identification Department holds a press conference about the issuance of the new Macao resident identity card





Chief Executive Edmund Ho delivers the Policy Address 2003 at the Legislative Assembly

Secretary for Administration and Justice Florinda Chan officiates at the opening ceremony of the International Conference on Reform in Public Administration and Social Services in Asia

