

for an official visit with the Auditor General of the China National Audit Office (CNAO), Liu Jiayi. The two sides met to exchange views on various topics, such as assisting government in promoting the active role of audit work, discussing the optimisation and updating of the Auditor Office (Macao), and strengthening technical training for CA staff.

The Commissioner of Audit also attended the 9th General Assembly of the Supreme Audit Institutions of the Community of Portuguese-speaking Countries (OISC/CPLP) in the capital of Angola, Luanda, in September; and the 22nd Congress of International Organization of Supreme Audit Institutions (INTOSAI) in the capital of the United Arab Emirates (UAE), Abu Dhabi, in December.

Also, at the invitation of China Society of Audit, leading officials of CA led a delegation to participate in the Cross-Strait, Hong Kong and Macao Audit Theory and Practice Seminar 2016 held in Zhengzhou, Henan province, in December.

Regarding promotion and publicity, CA continued organising talks on auditing culture, for cadets of the Academy of Macao Public Security Forces and new government recruits. At the invitation of public departments, it also promoted the optimisation of the use of public funds to relevant staff. In all, 29 talks were held during the year, attended by about 1,000 participants.

## Macao's Courts Enhance Case-handling Efficiency and Prosecutors Combat Criminal Offences



## Numbers of Cases Handled by the Three-tier Court System

In 2016, a total of 25,001 cases were handled by the three tiers of courts, representing an increase of 3.3 percent over 2015, and exceeding 20,000 cases for the second consecutive year. Of these cases, 94 were filed with the Court of Final Appeal, 1,001 with the Court of Second Instance, 23,359 with the Court of First Instance (including the Examining Magistracy), and 547 with the Administrative Court.

The majority of the cases in the three-tier court system were criminal cases and criminal labour cases, which totalled 11,011 (excluding Examining Magistracy cases). Ranking second were civil and labour cases, which totalled 4,466. There were also 750 administrative cases, and 8,774 other cases.

The three-tier court system concluded 23,575 cases in 2016, of which 89 were concluded by the Court of Final Appeal, with 45 cases pending; 909 were concluded by the Court of Second Instance, with 621 cases pending; 22,439 were concluded by the Court of First Instance (including Examining Magistracy cases), with 12,936 cases pending; and 138 were concluded by the Administrative Court, with 528 cases pending.

## Law Promotion and Legal Consulting Services

To strengthen the promotion of law and foster the 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 2016, an accumulated total of 429 articles had been released, 90 of which were released in 2016.

The Information Centre of the Court of First Instance and the Small Claims Court continued to provide consulting services to parties involved in legal proceedings. In 2016, the staff of the Information centre received 8,033 inquiries, involving 7,590 cases, of which 6,958 were directly handled by the Information Centre, 520 were transferred to the Public Prosecutions Office, and 112 to other departments. Also, 3,821 telephone inquiries were handled; while the Small Claims Court handled 1,661 inquiries.

## Legal Assistance and Enforcement

Regarding delivery of judicial writs and assistance in investigations and evidence collection in civil and commercial cases, in 2016 the Court of Final Appeal received 172 judicial writs from mainland China courts, and delivered 56 judicial writs to mainland China courts on behalf of courts in Macao.

In 2016, the Court of Second Instance received 16 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.

## Declaration of Assets and Interests

In 2016, the Court of Final Appeal followed the regulations in Law No.11/2003 in the process of

receiving individuals for the declaration of assets and interests. It opened 152 individual dossiers, processed 2,010 documents for the declaration of assets that involved 1,556 people, and organised and updated the contents of the individual dossiers according to the law.

According to the regulations stipulated in Clause 1 of Article 4 in Law No.1/2013, effective from April 2013; and Clause 2 of Article 21 in Law No.11/2003, which was amended according to the former law, the office of the Court of Final Appeal has uploaded the 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 2016, the disclosure documents (Part IV) of 430 individual dossiers involving 294 people were published online, and can be retrieved. A total of 1,932 disclosure documents involving 592 people have been published online and can be retrieved.

## Review of and Outlook for Judicial Reform

Speaking at the Opening Ceremony of the 2016-2017 judicial year, President of the Court of Final Appeal Sam Hou Fai reviewed the reforms of the judicial system over the past 17 years.

Since the Handover of Macao, the Judicial Organisation Framework Law was amended twice; professionalisation of judges was facilitated through the establishment of special courts; manpower shortage of courts was alleviated by a gradual increase in the number of judicial officers and judicial support staff; proceedings were simplified through amending the relevant laws, thereby enhancing the efficiency and quality of litigation.

However, there is still plenty of room for improvement of the judicial system, operation and management. In this regard, it is hoped that the Government and the Legislative Assembly can put extra efforts into facilitating the amendment of the Judicial Organisation Framework Law, to further improve the operation of the judicial system. Emphasis should be put on adjusting and optimising jurisdiction, and making the best use of the existing resources of the courts, to raise judicial efficiency and protect the right of appeal of litigants, in order to enhance judicial justice.

First of all, the purview of the Collegial Panel of the Lower Court should be adjusted. To alleviate the burden on the Collegial Panel, the scope of participation of Judges of Single-judge Benches should be properly expanded to trials of civil litigation, labour civil litigation and administrative litigation cases.

Secondly, statutory claim limits of appeal cases for administrative, tax and customs litigation handled by the Court of Second Instance should be lowered, so that appeals can be made to the Court of Final Appeal in relation to the adjudication concerned.

Thirdly, the jurisdiction of the Final Court of Appeal and the Court of Second Instance over criminal cases should be adjusted, by assigning first-tier criminal cases that are currently handled by the Court of Final Appeal to the Court of Second Instance.

Fourthly, the jurisdiction of the Court of Final Appeal should be properly expanded, so that cases of high significance, with wide-ranging impact or involving material legal issues, could be considered by the Court of Final Appeal for final judgement. This would better reflect the nature and status of the Court of Final Appeal in exercising the right of final adjudication ascribed to it by the Basic Law.

## Public Security Safeguarded Through Combating Criminal Offences

In 2016, the Public Prosecutions Office initiated investigations of 14,876 criminal cases, representing an increase of 414 cases, or 2.86 percent, over 2015 – a somewhat lower increase than in 2015. Meanwhile, the Public Prosecutions Office adjusted its strategy by focusing on further implementation of policies for raising prosecution and case-handling efficiency. During the year, a total of 17,283 cases were concluded, representing an increase of 1,672 cases or 10.71 percent over 2015, which gradually proved the effectiveness of the measures.

Among the above-mentioned concluded cases, 4,479 involved prosecution against 6,151 people, of whom 2,615 or 42.51 percent were Macao residents; 2,422 or 39.38 percent were residents of mainland China; 254 or 4.13 percent were residents of Hong Kong; and 860 or 13.98 percent were residents of Taiwan and other places. This showed that public order was complex, as foreign offenders continued to account for a notable proportion of the total number of offenders.

In all, 4,866 cases of theft, robbery and property damage were filed for investigation, accounting for the largest share of the filed cases; ranking second and the third were offences against physical integrity, and illegal immigration and related crimes, with 1,637 and 1,362 cases, respectively. Besides, there were 796 cases of illegal gambling and loan-sharking, as well as 223 cases of money-laundering, representing a considerable increase of about 35 percent over the previous year. There was a notable decrease in the number of fraud cases, work-related crimes, crimes related to traffic accidents and computer crimes.

## Monitoring Law Enforcement and Safeguarding Legal Rights



Apart from criminal investigations and legal proceedings, the Public Prosecutions Office also participates in litigation on behalf of the Government, and monitors law enforcement to safeguard legal rights, including acting as the legal representative of workers and their families, and representing persons with disabilities, and unknown and missing persons in legal actions.

In 2016, the Public Prosecutions Office handled trial hearings for 10,147 criminal cases, as well as 386 cases involving appeals and answers to appeals in criminal cases. It also handled 75 procedural dossiers for exercising its authority to establish parenthood; 86 litigations concerning regulations on exercising parental rights; and 18 litigations related to disputes over parenthood.

In addition, 1,079 administrative cases were initiated in 2016, which included cases related to regulations of the exercise of parental rights, social protection, custodial rights, adoption, disputes over parenthood, and settlement of unclaimed estates. It also completed the handling of 1,457 internal administrative cases.

Regarding labour litigation, the Public Prosecutions Office initiated 692 cases, of which 264 were ordinary labour litigation, and 428 were work-related accidents and occupational diseases. The Public Prosecutions Office attempted to mediate with the parties involved in these cases according to the law. Mediation agreements were reached for most of the cases. Only 23 cases of labour litigation and 48 cases of work-related accidents and occupational diseases required litigation due to failure to reach an agreement. The Public Prosecutions Office will continue actively performing its duties to protect labour rights, so that they are well protected by the laws.

Regarding administrative litigation cases, the Administrative Court office of the Public Prosecutions Office handled a total of 354 administrative cases, including 291 judicial appeals, 13 litigation cases of varied nature, 26 cases involving urgent procedures, and 13 cases of administration of taxation, and participated in 11 litigation procedures on behalf of the Macao SAR.

In 2016, the Public Prosecutions Office participated in 1,118 cases before the Court of Final Appeal and the Court of Second Instance. These included criminal, civil and administrative cases, conflicts between jurisdictional and judicial power, and recognition of extra-jurisdictional verdicts. The office issued 907 written opinions and attended 182 court hearings or consultation meetings.

## **Initiating Legal Assistance and Strengthening External Exchange**

In 2016, the Public Prosecutions Office handled 85 cases involving judicial assistance regarding mainland China, Hong Kong, and Taiwan, as well as 20 countries, including legal assistance for criminal, civil and administrative cases. As communications between the Macao SAR and mainland China and the rest of the world become more frequent, the establishment of an effective legal assistance system will lay an important foundation for Macao's external economic and cultural exchanges.

To perform the responsibilities of provision of enquiry services by the Public Prosecutions Office, as stipulated by the Judicial Organisation Framework Law, during 2016 the Office of the Prosecutor General submitted 12 items of legal advice to the Chief Executive; provided 790 legal consultations and opinions to public departments, community organisations and the public; and participated in 164 procedures for open tenders conducted by public departments for construction work, financing and labour services.

Regarding external exchanges, delegations were sent to attend the 29th International Conference of the International Society for the Reform of Criminal Law, the 21st Annual Conference and General Meeting of the International Association of Prosecutors (IAP), the 14th Portuguese-speaking Countries Procurators-General Conference, the 10th China and ASEAN Countries Procurators-General Conference, the 14th Shanghai Co-operation Organization Prosecutors General Conference, and the 1st BRICS Prosecutors General Conference.

Also, the Public Prosecutions Office received visits from the Supreme People's Procuratorate, the Supreme People's Court, the Consulate General of France in Hong Kong & Macao, the Portuguese Public Prosecution Service, and the Mozambique Public Prosecution Service. The Public Prosecutions Service also arranged exchange visits to mainland China for delegations from Portugal and Mozambique, fulfilling the role of Macao as the bridge between China and Portuguese-speaking countries.