

A General Description of the Decade of Rule of Law in the Macao Special Administrative Region

XU Chang*

The legal framework of the Macao Special Administrative Region (hereinafter as “the Macao SAR”) is a special part of the overall system of rule of law in China with Chinese characteristics. While excising a high degree of autonomy in accordance with the Constitution of the People’s Republic of China (hereinafter as “the Constitution”) and the Basic Law of the Macao Special Administrative Region of the People’s Republic of China (hereinafter as “the Basic Law”), the Macao SAR is one of the three sub-judicial jurisdictions (or four if Taiwan is included) within China. Over the decade since Macao’s return to China, there has been significant progress in rule of law while previous legal and social systems in Macao remained unchanged. This proves again the viability and vitality of the “One Country, Two Systems” approach.

I. Basic approach for rule of law in the Macao SAR

1.1 Foundation and constitutional basis for rule of law in Macao

1.1.1 Macao’s legal system

According to the Constitution and the Basic Law enacted in accordance with the Constitution, the high degree of autonomy enjoyed by the Macao SAR has been authorized by the State.

The laws in force in the Macao SAR which are subordinate to the Basic Law can be grouped into three categories based on their origins. The first includes the Basic Law and 11 national laws applicable to the Macao SAR which mandated by the National People’s Congress (NPC) and its standing committee incorporating in the Annex III of the Basic Law. The second includes the previously existing laws which have been adopted to be applicable after Macao’s return according to the “Decision of the Standing Committee of the National People’s Congress on the Laws Previously in Force in accordance with Article 145 of the Basic Law of the Macao Special Administrative Region.” They cover the laws, decrees, administrative regulations and other normative acts previously issued or enacted in Macao prior to its handover. Because the Portuguese side was not able to provide a complete list of valid laws and regulations, the Preparatory Committee for the Macao SAR under authorization from the NPC Standing Committee conducted a review limited to the period from 1976 to the first half of 1999 which produced 975 laws and regulations. These and other types of laws previously in force which do not contravene the Basic Law have remained in force, except those that may need be amended or nullified by new laws.

* Research Fellow of Professor Grade, One Country Two Systems Research Center, Macao Polytechnic Institute

These laws and decrees form the main body of Macao's current legal system. The third category cover the laws and regulations enacted by the Macao SAR, including laws promulgated by the Legislative Council, administrative regulations issued by the Chief Executive and other normative documents issued by relevant government agencies of the SAR.

1.1.2 Political system of the Macao SAR

In accordance with the Basic Law, the Macao SAR adopts a system which is executive-led, with checks and balances and cooperation between the executive and legislative branches, and an independent judiciary. In such a political system, the Chief Executive is both the head of the region and head of the government. He is accountable both to the central authorities and the SAR. He operates according to procedures where the Chief Executive assumes overall responsibility. The senior government leadership consists of five secretaries who assist the Chief Executive in administration and are responsible for the different secretariats of Administration and Justice, Economy and Finance, Social Affairs and Culture, Security and Transport and Public Works.

The Legislative Council consists of directly elected members, indirectly elected members and members appointed by the Chief Executive. The Assembly exercises legislative powers and reviews and examines the policy and financial matters of the SAR government. The courts of the SAR exercise judicial power and the power of final adjudication, which are the only institutions privileged to exercise judicial functions. The procuratorates exercise procuratorial functions as vested by law.

1.2 The SAR Government policies in support of rule of law in the Macao SAR

Macao law was broadly based on Portuguese law during the Portuguese administration. The Civil Code, the Civil Procedure Code, the Penal Code and the Criminal Procedure Code were adapted from the Portuguese law and localized for Macao during the transition period. The adaptation and localization were concluded within a short period by the Portuguese without sufficient participation by Macao residents who felt strongly a "sense of alienation and rejection". Lack of professional personnel and experience in administrative, legislative and judicial areas in Macao also led to internal inadequacies in Macao's rule of law.

Immediately upon establishment of the SAR Government, it set up a goal of "Consolidating Macao SAR Legal System". Chief Executive Edmund Ho in his first Policy Address in early 2000 defined one of the core imperatives as "strengthening the legal system, improving executive and legislative cooperation and upholding judicial independence." In April 2002, the Government introduced a "Short and Medium Term Plan for Drafting or Amending Administrative Regulations", listing a total 179 regulations to be drafted or amended, of which nearly 100 were completed by the end of 2004. In 2005, the Law Reform Office and Law Reform Advisory Committee were added to the existing framework of Legal Affairs Bureau and the International Law Bureau under the Secretariat for Administration and Justice. In 2007, "The Roadmap for Public Administration Reform 2007-2009" was adopted and is still being implemented with considerable success.

II. Legislative system of the Macao SAR

2.1 Evolution and improvement of the legislative system

Prior to Macao handover, the legislative regime in Macao was a dual-level and dual-track

system based on the Estatuto Orgânico de Macao (Organic Statute of Macao) which had been formulated by the Portuguese sovereign authorities. From the vertical source, laws and regulations which were issued by Portuguese sovereign authorities (including its President, the Assembly of the Republic, the government and courts) and were applicable to Macao would take effect in Macao upon their publication in the Boletim Oficial de Macao (Macao Gazette). The Estatuto Orgânico de Macao further defined rules governing their effectiveness in relation to laws enacted locally in Macao. Horizontally, the laws enacted by the Legislative Council and decrees issued by the Governor of Macao exercising his legislative powers were of the same level. Both the Legislative Council and the Governor enjoyed legislative competence defined by law. The Legislative Council could also authorize the Governor to promulgate decrees independently on matters subject to its competence. The Legislative Council and the Governor also had overlapping legislative competence on a wide range of matters, effectively creating a dual-track legislative structure. In addition, the Governor also exercised executive authority to issue decrees and instructions which had binding power externally.

Following Macao's return, the previous legislative structure underwent fundamental changes according to the Basic Law. The SAR Legislative Council is vested with legislative power on all matters within the scope of a high degree of autonomy while the Chief Executive may formulate administrative regulations. According to the Regime Jurídico de Enquadramento das Fontes Normativas Internas (Regulation on the Formulation of Internal Norms) (Statute No. 3/1999), one of a series of laws passed at the special midnight legislative session following inauguration of the SAR, laws and regulations that become effective upon their publication in the Boletim Oficial de Macao include: laws enacted by the Legislative Council, administrative regulations formulated by the Chief Executive, resolutions adopted by the Legislative Council, executive orders and other external normative instructions issued by the Chief Executive, external normative instructions by principal officials of the SAR government, and international agreements entered into by Macao. In addition, other laws and regulations that require publication include: the Basic Law and its amendments and interpretations, national laws and their interpretations, legislative documents related to the Macao SAR that are adopted by the NPC Standing Committee, normative documents in relation to preparation for the founding of the Macao SAR issued by the Macao SAR Preparatory Committee of the NPC, authorization documents, other relevant orders, instructions and approval documents by the NPC, its Standing Committee and the central authorities in relation to the Macao SAR, international agreements applicable to the Macao SAR, and mutual legal assistance agreements that the Macao SAR entered externally under authorization by the central authorities. All these laws, regulations and other normative documents constitute the current legal framework of the Macao SAR.

The Regime Jurídico de Enquadramento das Fontes Normativas Internas adopted by the Legislative Council in 2009 stipulates: a) the applicability and rules of effectiveness for laws enacted by the Legislative Council, and independent and supplementary administrative regulations issued the Chief Executive; b) the precedence of laws over administrative regulations and other normative acts; c) the power of the Legislative Council to enact, amend, suspend or repeal laws on any matter within the scope of a high degree of autonomy, while reserving a total of 19 matters that must be regulated by law; d) a total of seven matters for which independent administrative regulations can be formulated as primary normative regulations provided that they are not already regulated by law; e) supplementary administrative regulations can be formulated as necessary

measures to implement relevant laws. This statute provides further definitions on a number of important matters concerning the legislative system of the SAR, including in particular the demarcation of laws and administrative regulations and rules of their hierarchical relation, which has an important role in improving relevant procedures and strengthening the basis of rule of law for government.

2.2 Legislative progress over the decade

Over the decade since the Macao SAR was founded, a total of 141 laws were enacted by the Legislative Council and 322 administrative regulations were issued by the Chief Executive. See table 1.

Table 1: Laws by Legislative Council and Administrative Regulations by the Chief Executive

Year	Items	Number of Laws enacted by the Legislative Council	Number of Administrative Regulations by the Chief Executive
1999*		11**	12
2000		13	29
2001		19	35
2002		10	36
2003		13	41
2004		12	42
2005		9	25
2006		10	20
2007		7	22
2008		16	26
2009 (up to November 16)		21	34
Total		141	322

* Midnight legislation refers to a group of laws passed in the first legislative session on the early morning of 20th December 1999 immediately after the founding of the Macao SAR. Laws enacted in 1999 refer to those passed 20th-31st December 1999.

** Given a lack of tallying and compilation of laws passed by the SAR government, the number of laws and regulations referred to in this table and other related descriptions include all proposed bills that have been passed by the Assembly. Therefore it is possible that bills that are amendments to existing laws, bills to repeal an exiting law, laws that have been replaced or cease to be effective are counted in the total number of legislations.

The laws enacted by the Legislative Council could be divided into the following ten categories based on their contents:

(1) For the organization of the Macao SAR Government and its operations, including Lei de Bases da Orgânica do Governo (Organic Law on Government), Lei de Bases da Organização Judiciária (Organic Law on the Judiciary), Da Legislatura e do Estatuto dos Deputados à Assembleia Legislativa (Statute on the Legislature and Members of the Legislative Council), Lei Orgânica da Assembleia Legislativa da Região Administrativa Especial de Macau (Organic Law on the Legislative Council of the Macao SAR), Lei Eleitoral para o Chefe do Executivo (Law on Election of the Chief Executive), Regime Eleitoral da Assembleia Legislativa da Região Administrativa Especial de Macau (the Electoral System for the Legislative Council of the Macao SAR) and etc.

(2) For the implementation of the Basic Law and national laws, including Lei de Reunificação (Unification Law), Protecção das Instalações Militares (Law on the Protection of Military Installations) and etc.

(3) For protecting the rights of the residents, including Lei sobre Residente Permanente e

Direito de Residência na Região Administrativa Especial de Macau (Law on Permanent Residents and Right of Residency in the Macau SAR), Lei do Recenseamento Eleitoral (Voter Registration Law), Regime do Bilhete de Identidade de Residente da Região Administrativa Especial de Macau (Rules on the Issuance of Resident Identity Cards in the Macao SAR), Princípios Gerais do Regime de Entrada, Permanência e Autorização de Residência (General Principles for the Entry, Residency and System of Residency Permit), Lei da Protecção de Dados Pessoais (Law on the Protection of Personal Data) and etc.

(4) For rule of law procedures, including *Publicação e Formulário dos Diplomas* (the Publication and Format of Administrative Regulations), *Lei Relativa ao Cumprimento de Certos Actos de Direito Internacional* (Law on Compliance with Certain Requirements of International Law), *Regime Tributário em Caso de Dupla Tributação Regional ou Internacional* (Tax Regime Relating to Regional or International Double Taxation), *Regime Jurídico de Enquadramento das Fontes Normativas Internas* (Regulation on the Formulation of Internal Norms) and etc.

(5) For criminal law, including *Prevenção e Repressão do Crime de Branqueamento de Capitais* (Law on Prevention and Punishment of the Crime of Money Laundering), *Lei de Combate à Criminalidade Informática* (Law on Combating Computer Crime), *Prevenção e Repressão dos Crimes de Terrorismo* (Law on Prevention and Suppression of Crimes of Terrorism) and etc.

(6) For civil and commercial laws, including the revised *Código Comercial* (Commercial Code), *Código do Registo Comercial* (Commercial Registry Code), *Define Promessas de Alienação e Oneração Hipotecária de Imóveis* (On the Appointment for Real Estate Transfer and Mortgage Arrangement) and etc.

(7) For procedural matters, including *Código de Processo do Trabalho* (Code of Labour Litigation Procedures), *Lei da Cooperação Judiciária em Matéria Penal* (Law on Judicial Cooperation in Criminal Matters) and etc.

(8) For the management of civil servants, including *Estatuto dos Magistrados* (General Principles for Court Judges), *Declaração de Rendimentos e Interesses Patrimoniais* (Law on Public Office Holders and Public Servants to Submit Statement of Income and Property Interests), *Princípios Relativos à Avaliação do Desempenho dos Trabalhadores da Administração Pública* (Principles Governing the Assessment of Performance of Public Servants), *Regime de Previdência dos Trabalhadores dos Serviços Públicos* (Provident Fund Scheme for Public Services Employees), *Disposições Fundamentais do Estatuto do Pessoal de Direcção e Chefia* (Basic Rules regarding General Principles for Leaders and Supervisors), *Regime das Carreiras dos Trabalhadores dos Serviços Públicos* (Policy for Public Service Careers) and etc.

(9) For regulating economic management, including *Regime Jurídico da Exploração de Jogos de Fortuna ou Azar em Casino* (Gambling Ordinance), *Lei do Comércio Externo* (Foreign Trade Law), *Regime Jurídico da Concessão de Crédito para Jogo Ou para Aposta em Casino* (Legal System for Credit Facility for Gambling or Betting In Casinos), *Lei das Relações de Trabalho* (Labour Relations Act), *Lei da Contratação de Trabalhadores Não Residentes* (Law on Hiring of Non-residents) and etc.

(10) For public administration, including *Lei de Prevenção, Controlo e Tratamento de Doenças Transmissíveis* (Communicable Disease Prevention Law), *Lei do Trânsito Rodoviário* (Road Traffic Ordinance) and etc.

III. Rule of law practiced by the Macao SAR Government

The executive organs of the Macao SAR led by the Chief Executive implement the Basic Law and laws in the SAR, fulfil government obligations by exercising their functions in accordance with law, and ensure sound governance and public services.

3.1 Administrative regulations formulated by the Chief Executive

On the basis of Government proposing bills, the Chief Executive exercises the power for proposing bills and formulating administrative regulations. The administrative regulations formulated by the Chief Executive play an important function in the legal framework of Macao. Out of the multitude of such regulations on a wide range of topics, the key ones include: Define as instituições do Governo Popular Central Estabelecidas em Macau (Defining Entities and Offices of the Central Government Established in Macao), Constituição da Zona de Reserva Militar (Establishment of Zones Reserved for the Military), Estabelece o regime sancionatório das infracções administrativas cometidas contra instalações militares da Guarnição em Macau do Exército de Libertação do Povo Chinês (Policy on Penalties for Administrative Offences Against Military Installations of the Macao Garrison of the People's Liberation Army), Aprova o Regimento do Conselho Executivo (Rules on Procedures of the Executive Council), Define o Regime do Subsídio de Escolaridade Gratuita (Policy on Allowances in Free Public Education), Regulamenta o Concurso Público para a Atribuição de Concessões para a Exploração de Jogos de Fortuna ou Azar em cCasino, o Contrato de Concessão e os Requisitos de Idoneidade e Capacidade Financeira das Concorrentes e Das Concessionárias (Regulation on The Public Tender for Concessions for the Operation of Gaming and Casino Industry, Granting the Concession Contract and the Requirements of Good Repute and Financial Standing for Bidding), Regula as Condições de Acesso e de Exercício da Actividade de Promoção de Jogos de Fortuna ou azar em Casino (Regulation on the Qualifications and Rules for the Intermediaries in the Gaming and Casino Industries) and Determina a Organização, Competências e Funcionamento dos Serviços e Entidades Públicos (Organization, Duties and Functions of Public Services and Entities).

3.2 Rule of law in the operation of the Macao SAR Government

First, the Lei de Bases da Orgânica do Governo (Organic Law on Government) is relatively complete defining clear structure and supported by policies and laws for the civil service, including general principles for public service employees, leaders and supervisors, and policies for public service careers. Government organs and agencies are organized in accordance with laws and regulations, with goals and powers defined by laws and regulations. The government organs include general offices, administrative divisions, financial divisions and their legal representatives, government financial institutions, public corporations, public consortium, public enterprises and public bodies, which together form the complete system of public and administrative organizations under a legal framework. Second, laws and policies on administrative processes and administrative procedural laws provide fundamental principles including legality for public administration, public interest, equality and fairness, and the principle regarding official languages. They also define categories of and legal requirements for administrative contracts, regulations and policies, the legally required content of administrative procedures and method of publication and standard formats for administrative acts. They also define methods for administrative appeal, complaints and

dissension, and clarify the scope, filing, litigation, judgment and appeal of administrative procedural cases, effectively placing all government administrative activities under regulation by laws and normative policies. Third, a considerable number of laws and regulations discussed above were enacted during the transition and retained after handover as part of previously existing laws. Some regulations and policies inevitably contain serious pitfalls due to the short-term interest of the former colonial administrators and other complex factors. There have also been problems in actual practice, mainly in areas of overlapping and strict policies over the middle and lower ranking public service employees while significantly more discretionary space allowed for senior level officers in their decision making, allowing potential un-scrutinised exceptions. This has caused irregularities in land grant and contracts for public works.

3.3 Overview of the public service

According to statistics by the Public Administration and Civil Service Bureau at the end of 2008, the total number of the public services employees stood at 22,683, which represented a substantial increase of 31.56% from 17,239 at the time of handover in 1999. Out of the total number, 20,653 were appointed permanent workers or those employed on contract basis while 2,030 were project, professional services or and individual labour contractors. The average age of "currently employed" public sector workers was 40.43. Of these currently employed workers 9,193 were under confirmed appointment, 675 under temporary appointment, 651 under termed appointment within approved staff headcount, 207 under termed appointment beyond the approved staff headcount, 4,890 as contract workers beyond the approved staff headcount, 4,513 as salaried contract workers, 360 as salaried contract workers within approved staff headcount, and 21 re-appointed retired officers. Among the total number of public sectors employees, 705 were senior officers and departmental heads, 54 court judges, 61 advisors and technical consultants, 2,151 senior technicians, 446 teachers, 1,897 technicians, 4,076 professional technicians, 1,110 administrative personnel, 6,074 security forces personnel, and 4,079 workers and assistants. These figures do not include key government leaders, who are on government payroll, or officers and employees of public foundations and other public bodies, such as the Monetary Authority of Macao, University of Macau and Macao Polytechnic Institute. The public sector employees accounted for four to five per cent of the total of permanent residents of Macao.

3.4 Role of public supervisory authority

The Macao SAR Commission against Corruption (CCAC), its predecessor being the High Commission against Corruption and Administrative Illegality, is responsible for carrying out preventive actions against acts of corruption or fraud, investigations into any crimes of corruption and fraud committed by civil servants, and investigations into any allegation of corruption and fraud in electoral registration and election. In August 2009, its mandate was expanded to cover criminal investigation in the private sector. According to CCAC statistics, the number of cases investigated is listed in Table 2.

Competence of The Macao SAR Commission of Audit include: carrying out audit supervision over the budget execution, final accounts, the management and use of non-budgetary funds of the Government, conducting audit and preparing audit report on the General Accounts and annul profit and loss of the Macao SAR submitted by the Financial Services Bureau; carrying out "value for money" performance audit, examining the level of economy, efficiency and effectiveness of their

performance. By the time of this article, audit reports for a total of 12 accounts have been published by the Commission of Audit.

Table 2: CCAC investigated cases

Items Year	New or reopened cases	Cases carried forward from last year	Investigated cases in the year	Closed cases	Combined or filed cases	Passed onto Procurators	Cases with successful criminal conviction
2000	83+13	132	229	124	101	23	3
2001	112+1	105	218	140	100	40	6
2002	115	82	197	133	133	24	N/A
2003	85	64	149	73		8	N/A
2004	75	70	145	80	68	12	N/A
2005	69	65	134	78	57	21	N/A
2006	112		205	68	50	18	N/A
2007	66	47	113	34		11	6
2008	31	80	111	46	36	10	9

Source: Annual report of CCAC / CCAC website.

3.5 Administrative appeal and administrative disciplinary actions

No detailed data is publicly available regarding internal supervisory and disciplinary actions by organs of the SAR Government. According to the CCAC annual reports, data regarding administrative appeals being handled are in the following table:

Table 3: Administrative appeals applications reviewed by CCAC

Items Year	Appeals/ Complaints received	Appeals carried forward from previous year or combined appeals	Appeals Handled	Processed / Filed cases	Investigations Pursued	Warning or Recommendations issued
2000	135	165	213	212	52	38
2001	164	111	275	196	22	27
2002	192	79-22	249	182	34	22
2003	232	67-43	256	162	55	4
2004	311	94-40	365	282	57	2
2005	220	83-31	272	238	-	2
2006	254	34-28	260	203	45	3
2007	236	57-27	266	211	50	6
2008	243	50-24	269	207	8	-

Source: Annual reports of CCAC / CCAC website.

IV. Organization and operation of the Macao judiciary organs

4.1 Structure of the three-level court system

In accordance with the Basic Law and Lei de Bases da Organização Judiciária (Organic Law on the Judiciary), the Macao SAR adopts a three-level courts system as part of the new SAR Government structure. The Courts of First Instance consist of the Lower Court and the Administrative Court. The previously existing Criminal Preliminary Hearing Court has been retained.

The lower court has 22 judges with three civil and four criminal tribunals and one civil misdemeanour tribunal, each hearing cases in its assigned category in accordance with law. The administrative court only has one judge and is responsible for cases related to public administration, taxation, customs and other wide ranging administrative matters.

The court of second instance consists of seven judges who conduct reviews and hearings on cases according to the appellate jurisdiction and cases submitted by the court of first instance. The Court of Final Appeal is the highest level of the judiciary and consists of three judges who conduct reviews and hearings on cases within the scope of its appellate jurisdiction and cases submitted by court of first instance in accordance with law. It also reviews conflicts regarding scope of jurisdiction of different courts and coordinates legal opinion in accordance with procedural laws.

Presidents and judges of courts at all levels are appointed by the Chief Executive on the recommendation of the independent commission for recommending judicial appointments. The Council of Judges is responsible for the management and disciplinary actions for court judges and judicial support staff. The general administrative management of courts is the responsibility of the President's Office for the Court of Final Appeal under the leadership of its president.

4.2 Court Hearings

With the further strengthening of rule of law in Macao, there has been a steady increase in the number of cases that Macao courts handled and closed over the years. On a number of important cases, such as the bribery case involving former Transport and Public Works Secretary Ao Man Long and the case regarding wage calculation for employees of SJM Holdings, Macao judiciary fully demonstrated their competence and important role. However, the judiciary system has also been bogged down by the large backlog of cases and caused prolonged waiting which has had some impact on its image of justice and fairness.

Table 4: Cases handled by Courts at different levels from 2004 to August 2009

Courts	Cases registered	Cases heard and closed
Final Appeal	398	388
First Instance	4,856	4,296
Lower Court	120,828	80,748
Criminal Preliminary Hearing	89,215	29,004
Administrative	1,337	1,390
Total	126,082	115,826

Source: Speech by President of the Court of Final Appeal at Launch of the 2009-2010 Judiciary Year

Table 5: Cases handled by the Court of Final Appeal

Item Year	Cases pending from previous year	Cases registered in current year	Cases to be heard in the year	Cases closed in the year	Cases to be carried forward to next year	% cases closed
2000	0	21	21	18	3	85.71
2001	3	19	22	18	4	81.82
2002	4	25	29	21	8	72.41
2002	8	34	42	36	6	85.71
2004	6	48	54	45	9	83.33
2005	9	36	45	36	9	80.00
2006	9	57	66	50	16	75.76
2007	16	64	80	41	39	50.00
2008	39	62	101	89	12	88.12
2009 (Jan-Aug)	12	32	44	34	10	77.27

Table 6: Cases handled by the Court of Second Instance

Item Year	Cases pending from previous year	Cases registered in current year	Cases to be heard in the year	Cases closed in the year	Cases to be carried forward to next year	% cases closed
2000	64	234	298	219	79	73.48
2001	79	262	341	206	135	60.41
2002	135	278	413	261	152	63.2
2002	152	328	480	373	107	77.71
2004	107	364	471	410	61	87.05
2005	61	375	436	308	128	70.64
2006	128	686	814	579	235	71.13
2007	235	835	1,070	599	471	55.98
2008	471	786	1,257	630	627	50.12
2009 (Jan-Aug)	627	708	1,335	711	624	53.25

Source: Data collected from Macao Judiciary Web Portal and relevant web pages.

Table 7: Cases handled by the Court of First Instance

Item Year	Cases pending from previous year	Cases registered in current year	Cases to be heard in the year	Cases closed in the year	Cases to be carried forward to next year	% cases closed
2000	4,050	5,912	9,962	6,341	3,621	63.65
2001	3,621	6,259	9,880	5,601	4,279	56.69
2002	4,279	6,772	11,051	6,876	4,175	62.22
2002	4,175	7,745	11,920	6,953	4,967	58.33
2004	5,657	9,275	14,932	8,606	6,326	57.63
2005	6,469	9,619	16,088	7,773	8,315	48.32
2006	8,315	10,357	18,672	9,723	8,949	52.07
2007	8,949	12,216	21,165	10,075	11,090	47.6
2008	11,090	12,879	23,969	10,424	13,545	43.49
2009 (Jan-Aug)	13,270	9,589	22,859	9,517	13,342	41.63

Source: Data collected from Macao Judiciary Web Portal and relevant web pages.

Table 8: Cases handled by the Administrative Court

Item Year	Cases pending from previous year	Cases registered in current year	Cases to be heard in the year	Cases closed in the year	Cases to be carried forward to next year	% cases closed
2000	166	193	359	178	181	49.58
2001	84	253	337	209	128	62.02
2002	128	119	247	113	134	45.75
2002	134	102	236	152	84	64.41
2004	84	105	189	86	103	45.5
2005	103	86	189	148	41	78.31
2006	42	113	155	118	37	76.13
2007	37	124	161	80	81	49.69
2008	81	200	281	137	144	48.75
2009 (Jan-Aug)	144	93	237	179	58	75.72

Source: Data collected from Macao Judiciary Web Portal and relevant web pages.

Table 9: Cases handled by the Criminal Preliminary Hearing Court

Item Year	Cases pending from previous year	Cases registered in current year	Cases to be heard in the year	Cases closed in the year	Cases to be carried forward to next year	% cases closed
2000	247	2,939	3,186	1,895	1,291	59.84
2001	1,302	2,926	4,228	2,811	1,417	66.49
2002	1,381	2,592	3,973	2,552	1,421	64.23
2002	1,424	2,720	4,144	2,787	1,357	67.25
2004	1,357	2,576	3,933	2,741	1,462	62.83
2005	1,462	3,000	4,462	2,991	1,471	67.03
2006	1,475	3,301	4,776	3,255	1,521	68.15
2007	1,521	3,695	5,216	3,714	1,502	71.20
2008	1,502	3,834	5,336	3,878	1,458	72.68
2009 (Jan-Aug)	1,415	2,653	4,068	2,650	1,418	65.14

Source: Data collected from Macao Judiciary Web Portal and relevant web pages.

4.3 Public prosecution system: its organization, duties and work

Macao's public prosecution system consists of the SAR Procuratorate with the Public Prosecutor-General, Assistant Public Prosecutor-General and Public Prosecutors respectively appointed to work with three different levels of the courts. The Public Prosecutor-General is nominated by the Chief Executive and appointed by the Central People's Government, and Prosecutors are appointed by the Chief Executive. The Council of Prosecutors is responsible for the assessment and disciplinary actions for procuratorate personnel and supporting staff. The office of the Prosecutor-General under the leadership of Prosecutor-General is responsible for general administrative work of the Procuratorate. There are currently 30 prosecutors.

Cases handled by The Macao SAR Procuratorate are tallied in the following table:

Table 10: Criminal cases handled by the Macao SAR Procuratorate

Item Year	Cases investigated	Cases closed	Cases prosecuted	Cases for filing	Number of the prosecuted	Number of detainees
2000/2001	10,024	6,829	1,326	-	1,809	203
2001/2002	9,662	6,065	1,656	-	1,278	113
2002/2003	9,648	10,372	1,146	-	1,527	153
2003/2004	10,453	10,029	1,522	8,507	2,054	188
2004/2005	10,296	10,976	2,101	8,875	2,627	195
2005/2006	11,914	12,889	2,707	10,182	3,497	204
2006/2007	11,762	13,113	2,498	-	3,225	-
2007/2008	>12,000	>12,000	2,668	-	3,417	245
2008/2009	12,169	13,156	3,112	1,0043	3,867	221
2000/2001	10,024	6,829	1,326	-	1,809	203

Source: Data referred to in the Speech by Prosecutor-General at the annual launch of the Judiciary Year

V. Rule of law in Macao society

5.1 Public outreach and education on the Basic Law

The Macao SAR government attaches great importance to the promotion of and public education on the Basic Law. The efforts have been effective with official commitment and public support. The regular training programs for civil servants at all levels organized by the government

have all included modules on the Basic Law. The Associação de Divulgação da Lei Básica de Macau, a non-governmental organization, has launched various seminars, training programs, public fairs, knowledge contest, etc. Some of the elementary and middle schools also listed the Basic Law as part of their civic education programs. The SAR Government has also set up the One Country Two Systems Research Center at the Macao Polytechnic Institute, as a government designated research institution dedicated to academic and policy research, the only such institution in the whole nation including the two SARs.

5.2 Protection of fundamental rights of Macao residents

The SAR has a well-established legal framework to protect the fundamental rights of residents. A total of over ten laws concerning residency, electoral right, freedom of speech, press, association, assembly, procession, demonstration and other rights, protection of personal freedom, freedom of entry into and departing Macao, freedom of religion, protection of labour and employment, judicial relief, freedom of education, academic research and artistic expression, youth rights and social welfare. These demonstrate that a legal framework for the protection of human rights has been well established in Macao.

5.3 Public education on rule of law

Significant resources have been committed by the SAR on publicity and public education relating to rule of law. The Legislative Council, the Legal Affairs Bureau, the Law Reform and International Law Bureau, and the Printing Bureau all have established websites for public legal information, making it possible for the public to access legislative information from bill reading to promulgation. The Public Administration and Civil Service Bureau has also set up and maintained Macao legislative data system, meeting the public need for data in understanding and applying the laws. The Printing Bureau publishes the Gazette of the Macau SAR, the Legislative Council publishes its compilations of the SAR laws, and the courts have also strengthened collection and compilation of legal data, with publications of cases.

Legal Affairs Bureau and other relevant departments regularly conduct public outreach and education programs following promulgation of major legislations. Legislative enquiries have also proved effective in motivating and encouraging the public to learn and understand the relevant laws.

Both University of Macau and Macao University of Science and Technology have Law Schools teaching legal studies programs and conduct relevant research. Other universities have included legal education component in their formal curricula.

VI. External relations for Macao's rule of law

6.1 Mutual judicial assistance between Macao and other regions of the Mainland

In accordance with the Basic Law, the Macao SAR can seek mutual judicial assistance through consultation with the judicial organs of other parts of the country. It has so far concluded four inter-regional mutual legal assistance agreements, including the Acordo sobre os Pedidos Mútuos de Citação ou Notificação de Actos Judiciais e de Produção de Provas em Matéria Civil e Comercial entre os Tribunais do Interior da China e os da Região Administrativa Especial de

Macau (Arrangements on Mutual Service of Legal Documents and Transfer of Evidence between the Mainland and The Macao SAR for Civil and Commercial Cases) in 2001, Acordo entre o Governo da Região Administrativa Especial de Macau e o Governo da Região Administrativa Especial de Hong Kong sobre a Transferência de Pessoas Condenadas (Arrangement on Transfer of Sentenced Persons between the Government of Macao SAR and the Government of Hong Kong SAR) in 2005, Acordo sobre a Confirmação e Execução Recíprocas de Decisões Judiciais em Matéria Civil e Comercial entre o Interior da China e a Região Administrativa Especial de Macau (Arrangement between the Mainland and the Macao SAR on the Mutual Recognition and Enforcement of Civil and Commercial Judgments) in 2006, and Acordo sobre a Confirmação e Execução Recíprocas de Decisões Arbitrais entre o Interior da China e a Região Administrativa Especial de Macau (Mutual Recognition and Enforcement of Arbitration Rulings between the Mainland and the Macao SAR) in 2007. In addition, mutual judicial assistance activities have been carried out in investigation, transfer of evidence and handing over fugitives for criminal cases between courts, prosecutors and public security, supervisory departments on the Mainland and the Macao SAR courts, Procuratorate, the Commission against Corruption, Judiciary Police and the Public Security Police.

6.2 Macao's foreign judicial contact

According to the Basic Law, the Macao SAR with assistance and authorization by the Central People's Government can make appropriate arrangements for mutual legal assistance with foreign governments. So far framework agreements containing such arrangement have been signed with Portugal and East Timor governments.

6.3 Application of international treaties in the Macao SAR

In accordance with the Basic Law, a diplomatic note from the PRC Government to the United Nations Secretary-General upon Macao's return stated that there were a total of 158 multilateral agreements on foreign affairs, defence and other categories that China had entered with their application now covering Macao as of 20th December 1999. Other international agreements applicable to Macao under Portuguese administration, though they were not the ones that China had entered, continued to be applicable to the Macao SAR after handover. Following the handover and completion of relevant procedures by the central authorities, the Macao SAR published notices of applicability for several dozen multilateral agreements in Macao. According to information on the website of the International Law Bureau of the Macao SAR, as of February 2006, a total of 224 multilateral international conventions were applicable in Macao, of which 40 were related to foreign affairs and defence matters, 15 on civil aviation, five on customs, four on anti-narcotics, seven on economic and financial matters, four on education, science and technology, and culture, 13 on resources and environmental protection, three on public health, 18 on human rights, four on intellectual property rights, eight on cross border crimes, 36 on labour issues, 30 on maritime matters, ten on international private law, two on road and transportation, two on post and telecommunications, and 23 on establishing international organizations. In 2007, the SAR government published five resolutions by the United Nations Security Council and eight multilateral agreements, topping the total of international conventions applicable to Macao to 237. The SAR Government in compliance with the above listed conventions and their requirements has submitted reports to relevant international organizations on fulfilling Macao's obligations.