

Political System

Macao People ruling Macao with a High Degree of Autonomy

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

The Basic Law of the MSAR stipulates the system to be practised in Macao, and lays down the political and administrative framework of the MSAR for 50 years from 1999.

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.

The principles of "One country, two systems", "Macao people governing Macao" and "a high degree of autonomy" are being successfully implemented, and are now broadly recognised in Macao and infused into its social and political culture.

The principle of "Macao people ruling Macao" means that the people of Macao govern Macao. The Chief Executive, principal officials, members of the Executive Council and the Legislative Assembly, the President of the Court of Final Appeal and the Procurator-General of the MSAR must be permanent residents of the Region. Some of these posts can only be assumed by Chinese citizens who are also permanent residents in Macao.

A high degree of autonomy means that the National People's Congress (NPC) of China authorises the MSAR to exercise a high degree of autonomy in line with the Basic Law of the MSAR, and the Central People's Government will not interfere in the affairs that fall within the scope of autonomy of the MSAR. The high degree of autonomy to be exercised by the MSAR includes the administrative power, legislative power and independent judicial power, which includes the power of final adjudication, as well as other powers bestowed by the NPC, the NPC Standing Committee and the Central People's Government.

But a high degree of autonomy does not mean complete autonomy. To safeguard China's unification and uphold state

sovereignty and territorial integrity, the Central People's Government retains necessary power over the MSAR. For instance, the Central People's Government shall be responsible for the foreign affairs and defence relating to the MSAR.

Executive Authorities

The Government of the Macao Special Administrative Region is the executive authority of the MSAR. The Chief Executive is the head of the Government, and general secretariats, directorates of services, departments and divisions are established in the MSAR Government.

The principal officials of Macao shall be Chinese citizens who are permanent residents of the region and have ordinarily resided 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; conducting external affairs as authorised by the Central People's Government under the Basic Law of the MSAR; drawing up and introducing budgets and final accounts; introducing bills and motions and drafting administrative regulations; and designating officials to sit in on the meetings of the Legislative Assembly to hear opinions or to speak on behalf of the Government.

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

The Chief Executive

The Chief Executive is the head of the MSAR and is accountable to the Central People's 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 of Macao 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 consultations held locally and is appointed by the Central People's Government. The term of office of the Chief Executive is five years and may serve for not more than two consecutive terms.

The Chief Executive is responsible for leading the Government of the MSAR; implementing the Basic Law and other laws which apply in

the MSAR; signing bills passed by the Legislative Assembly and promulgating laws; signing budgets passed by the Legislative Assembly and report the budgets and final accounts to the Central People's Government for the record; deciding on government policies and issuing executive orders; formulating the administrative regulations and promulgating them for implementation; nominating and reporting to the Central People's Government for appointment of the Secretaries, Commissioner Against Corruption, the Commissioner of Audit, the leading members of the Police and the Customs and Excise department, and recommending to the Central People's Government the removal of the above-mentioned officials; appointing part of the members of the Legislative Assembly; appointing or removing members of the Executive Council; nominating and reporting to the Central People's Government for appointment of the Procurator-General and recommending to the Central People's Government the removal of the Procurator-General; appointing or removing presidents and judges of the courts at all levels, procurators, holders of public office and, under certain circumstances, dissolving the Legislative Assembly.

The Executive Council

The Executive Council of the MSAR is an organ for assisting the Chief Executive in policy-making. The Executive Council is presided over by the Chief Executive and the meeting of the Executive Council should be held at least once a month. Its members are appointed by the Chief Executive from among the principal officials of the executive authorities, members of the Legislative Assembly and public figures. The Executive Council is composed of seven to 11 persons. The Chief Executive may, as he or she deems necessary, invite other persons concerned to sit in on meetings of the Executive Council. The Executive Council consists of seven to eleven members.

The Legislature

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

The majority of the members of the Legislative Assembly of the MSAR, which is composed of permanent residents of Macao, are elected. The term of office of the Legislative Assembly, 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. The second Legislative Assembly had 27

members, 10 of whom were elected directly, 10 indirectly and seven appointed by the Chief Executive. The third and the fourth Legislative Assembly had 29 members, 12 of whom were elected directly, 10 indirectly and seven appointed by the Chief Executive. The fifth and the succeeding Legislative Assembly will have 33 members, 14 of whom are elected directly, 12 indirectly and seven appointed by the Chief Executive. However, the aforementioned does not apply to the amendments made through legal procedures to the method for forming the Legislative Assembly of the Macao Special Administrative Region.

The Legislative Assembly has a President and a Vice President who are elected by and from among the members of the Legislative Council. The President and Vice President of the Legislative Assembly are Chinese citizens who are permanent residents of Macao and have ordinarily resided in Macao for a continuous period of not less than 15 years.

The Legislative Assembly has powers to enact, amend, suspend or repeal laws; to examine and approve budgets introduced by the Government; and to examine the report on audit introduced by the Government.

The Legislative Assembly exercises the powers and functions of deciding on Government motions on taxation and approving debts to be undertaken by the Government, receiving and debating the policy addresses of the Chief Executive and debating any issue concerning the public interests.

Under certain circumstances, the Legislative Assembly may pass a motion to impeach the Chief Executive by a two-thirds majority of all its members and report it to the Central People's Government for decision.

The Judiciary

The courts of the Macao Special Administrative Region exercise judicial power independently. They are subordinated to nothing but the Law and are not subject to any interference. The Macao Special Administrative Region has the Court of First Instance, the Court of Second Instance and the Court of Final Appeal. The power of final adjudication is vested in the Court of Final Appeal of the Macao Special Administrative Region.

Judges of all levels of courts in Macao 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 courts of the Macao Special Administrative Region at all levels shall be chosen from among judges and appointed by the Chief Executive. The President of the Court of Final Appeal must be a Chinese citizen who is a permanent resident of the Region, and the appointment and removal of the President of the Court of Final Appeal shall be reported to the Standing Committee of the National People's Congress for the record.

The Public Prosecutions Office of the Macao Special Administrative Region exercise procuratorial functions independently and free from any interference as vested by law.

The Public Prosecutor-General shall be a Chinese citizen who is a permanent resident of Macao. He or she shall be 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.

Commission Against Corruption

The Commission Against Corruption functions independently. The Commissioner Against Corruption shall be appointed by the Central People's 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, ensuring the justice, legitimacy and efficiency of public administration, as well as investigating corruption in the private sector.

Commission of Audit

The Commission of Audit has been set up in accordance with the Basic Law of the MSAR. 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” assessment on the subject of audit, and to monitor the expenditure management, efficiency and cost-effectiveness of the Government.

Unitary Police Services

The Unitary Police Service is part of the MSAR’s internal security system, and it is responsible for the coordination of the MSAR’s security affairs. It commands and leads police units that now include the Public Security Police and Judiciary Police.

Macao Customs Services

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

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