

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" have been 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 charged with the responsibility of:

- Leading the MSAR Government;
- Implementing the Basic Law of the Macao Special Administrative Region and other laws applicable to Macao subject to the Basic Law of the Macao Special Administrative Region;
- Signing bills passed by the Legislative Assembly and promulgating laws;
- Signing budgets passed by the Legislative Assembly and reporting those budgets and final accounts to the Central People's Government for the record;
- Making decisions on Government policies and issuing executive orders;
- Formulating by-laws and promulgating them for implementation;
- Nominating candidates for the Central People's Government's appointment of the following principal officials: Secretaries, Commissioner Against Corruption, Commissioner of Audit, and leading officials of the Police and Macao Customs Service;
- Recommending to the Central People's Government the removal of the above officials;

- Appointing a proportion of the members of the Legislative Assembly;
- Appointing and removing members of the Executive Council;
- Appointing or removing presidents and judges of the court at all levels and public prosecutors through legal procedures;
- Nominating candidates for the Central People's Government's appointment of the Public Prosecutor-General and recommending his or her removal;
- Appointing or removing civil servants through legal procedures;
- Executing the orders on related affairs issued by the Central People's Government in accordance with the Basic Law of the Macao SAR;
- Addressing external affairs and other affairs on behalf of the MSAR Government as authorised by the Central People's Government;
- Approving the motions regarding fiscal revenue and expenditure proposed to the Legislative Assembly;
- Deciding whether government officials and other civil servants concerned shall testify and give evidence before the Legislative Assembly or its subordinate committees in accordance with the needs of the security and major public interests of the country and the Macao SAR;
- Awarding decorations of medals and honorary titles of the Macao SAR according to the law;
- Pardoning persons convicted of criminal offences or commuting their penalties according to the law; and
- Handling petitions and complaints.

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 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:

- Preventing and suppressing corruption and corruption-related fraud in public departments and the private sector;
- Investigating, in accordance with criminal law and criminal procedural law, corruption and corruption-related fraud committed by civil servants, without prejudice to the duties conferred by law on other bodies to investigate such matters;
- Investigating, in accordance with criminal law and criminal procedural law, corruption and corruption-related fraud in the private sector, without prejudice to the duties conferred by law on other bodies to investigate such matters;
- Investigating, in accordance with criminal law and criminal procedural law, corruption and corruption-related fraud in voter registration and elections, without prejudice to the duties conferred by law on other bodies to investigate such matters;
- Handling complaints to the ombudsman to promote the protection of human rights, freedom, legal guarantees, and legitimate rights and interests, and aims to ensure the legitimacy of the exercise of power, and justice and efficiency of public administration through approaches as stated in organisational law and other unofficial approaches.

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 responsible for:

- Commanding police units in the performance of their duties;
- Effectively allocating operational resources of police units;
- Centralising and coordinating all criminal investigations of police units;

- Collecting, analysing, processing and disseminating by lawful means all information, including inter-connected data, and all necessary intelligence and information for performing its functions;
- Overseeing execution plans, instructions and tasks of police units;
- Inspecting and coordinating operational capability of police units;
- Planning, coordinating and monitoring work on the civil protection system, and providing technical, administrative and logistical support to security committees.

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).