

abstracts

The (in)compatibility between the Legal Regime of Municipalities of the Territory of Macau and the Municipal Organs Statute of the future Macau Special Administrative Region (II Part)

António Malheiro de Magalhães

(pp. 631)

As we initiated this project, we only intended to concentrate on the questions about the “(in)compatibility” between the current legal regime of Municipalities of the Territory of Macau and the statute of the “Municipal organs”, as specified in the articles 95 and 96 of the Basic Law of the future Macau Special Administrative Region.

Nevertheless, we believe that we were led to go beyond our initial intention. We departed from the main subject to include the general theories of governmental decentralization and the local autonomous governments based on the principal of separation of powers, especially in its vertical dimension.

In this way, we have to mention the figure of the Municipal and its unquestionable importance under the natural and historical aspects of the autonomous governments, as well as the role of this institution played and plays in the political government structure of Macau.

Consequently, this part of the discussion occupied a large part of our text. Admitting this fact, we would have been exposed to the risk of overlooking our initial and also the most important subject. In fact we would have concluded that the current legal regime of Municipalities of the Territory of Macau is incompatible with the “municipal organs” statute of the future Macau Special Administrative Region.

This incompatibility, in public and legal terms, corresponds to the weakening of the autonomous power of the Municipal Authority and makes the Municipalities become local organs under direct governance of the future Special Administrative Region.

Further Consideration on Relation Between Chinese Constitution and Basic Law of ASR

Xu Chang

(pp. 659)

The Constitution of People’s Republic of China differs from the Basic Law of HKSAR and Basic Law of Basic Law SAR in nature, function and

validity status, but they depends on each other for simultaneous existence and mutual replenishment in regulation contents and application process. Their relation is a concentrated reflection for the relation between the national legal system and the regional legal systems with a high degree of autonomy for the two SARs on the basis of "one country, two systems" principle. The Constitution is the legal foundation for the Basic Laws, and the Basic Laws possess constitutionality and specify those constitutional rules. The Constitution creates an ingenious mechanism which, through its stipulations in article 31, authorizes its. substitution in application by Basic Law and restricts its application in certain fields, thus leaves an effect of partial application.

New Development of Localization and Modernization of Commercial Laws in Macau

Jiang Enci

(pp. 673)

For more than a century Macau has had to applied the Portuguese Commercial Code of 1888 to regulate the activities in business transactions. At the time of sovereignty transfer and facing the new century, Macau needs a series of commercial laws of its own for the territory, among which the commercial code is the most important one. The promulgation of the Commercial Code of Macau in August 3rd, 1999 is a great step in the localization and modernization of commercial laws in the territory.

The Macau Commercial Code maintains the traditional principles and rules of laws of Portugal as well as of other countries of civil law system, and, in accordance to the actual situation in Macau, adopts new experiences of commercial legislation in modern society. It takes the structure as that of Code of Germany and contains four volumes and 1268 articles. The Code adopts the doctrine of merchant law and introduces some new legal concept, legal systems business organizations and international business practices. But as the legislating work was completed in a short time, the law is far from perfect and needs revision and amendment in the course of enforcement. However, the new commercial code will benefit the society of Macau.

“Humanpox” to the West and Cowpox to the East — one of the cultural reactions of the Silk Road

Huang Qicheng

(pp. 685)

The Silk Road is a road for trade as well as for cultural exchange. The technique of smallpox vaccination with “humanpox” was transferred to the European and American countries by land through the "Silk Road" as early as in the Tang Dynasty (712-756), while the vaccination technique with cowpox entered Macau and then China through the Silk Road by sea in the 19th century. This article explains this part of the history with extracts from a wide range of historical books.

Based on that, the author concludes that firstly the origin of immunology is in China. Secondly Macau enhances the cultural exchange between the east and the west from mid-16th century to mid-19th century. And finally cultural exchange is bilateral. Civilization is the spiritual wealth of all humanity and should be shared among people.

Benjamin Videira Pires — a Portuguese educator in Macau

António Aresta

(pp. 699)

In this article, the author gives a brief introduction of the activities of Father Benjamin Videira Pires, SJ, an educator and founder of the D. Melchior Carneiro Institute. In relation to the particular context of Macau, the author outlines his work, his organization and stresses his contributions to the educational system of Macau, as well as to the history of Portuguese education in the Far East.

What is "Tele-work"?

Jorge Manuel Morais Costa

(pp. 713)

This article presents the importance of "tele-work" as for today. The author points out the advantages and disadvantages of "TELE-WORK". On one hand, the "tele-worker" has the power to decide when and how he will carry out his job without following timetables, facing traffic jam or having the possibility of getting sick because of STRESS. On the other hand, there are problems caused, for example, by the interference of his family when he is working at home.

The author suggests, in the article, that today more flexibility in job management allow one to work in his own rhythm. "We do not have to work at the same time as others. Everyone is a different case. Everybody is an individual who has his own motivations and specific rhythms. Working early in the morning may be wonderful for some people, but may cause sudden allergy, coughing and other irritations to others. So there are people who prefer to work in the morning, some others at dusk and some even at night, at dawn ”.

The opinion about the Chinese version of the official communication in Macau

Chan Mun Cheong

(pp. 719)

This is a practical guide to official communication for anyone who needs to improve his knowledge of the Chinese version of the official document. This paper includes history of the official communication, examples on typical official matters, and its procedure of publication. The author intends to provide a reference for the future official communication of the Macao Special Administrative Region.

The significance and importance on the practice of conventions within the frame of relations between the China and Portugal

António Vasconcelos de Saldanha

(pp. 757)

This paper aims to study how the conventions between Portugal and China work in practice from the middle of the sixteenth century to the twentieth century. the author divides this four hundred years into five periods. Each period is referred to one pattern.

By analyzing the five patterns of relations between China and Portugal, he comes to the conclusion that, in order to achieve a prosperous future of the Region Administrative Especial of Macao, it should be necessary to keep on the consensus politics which need to be given support by two countries.

«Macau People's Democratic Value Orientation: Implications for Macau's Democracy Movement»

Herbert S. Yee

(pp. 765)

Based on a telephone survey of Macau residents conducted in January 1999, this article examines citizens' conception of democracy. The findings indicate that the current mass political culture is a mixture of traditional Chinese values and Western democratic values. The overall democratic consciousness of the populace has increased over the last decade, with an emphasis on the value of elections and political participation. But our findings also indicate that the Macau citizens have an incomplete understanding of democracy, paying insufficient attention to the importance of civil liberties, political pluralism, and the principal of «checks and balances» between the executive, legislativa and judicial branches. Moreover, the traditional Chinese fear of political chao (luan) is deeply rooted among the local residents, Indeed, Macau people were so afraid of luan that a majority of them would not object to political intervention in court trials against serious crimes. Our findings suggest that there is still a long way to go in the enclave's search for democracy.