

abstracts

Macau in the Sino-Portuguese relation from 1949 to 1979

Moisés Silva Fernandes

(pp. 989)

In this article, the author studies the Sino-Portuguese relation from 1949 to 1979. During this period, in spite of the presence of the Portuguese in Macau, China did not establish a diplomatic relation with Portugal. The author states three reasons for this. Firstly, Salazar's military government refused to do so despite of China's efforts. Secondly, the Chinese government wanted to turn Macau into a warehouse, supplying western strategic materials for the southern part of China. Thirdly, from the political point of view, Mao Zedong wanted to mould Macau and Hong Kong into imperialist colonies arousing anti-imperialism and anti-colonialism mood among the people in China. The author unfolds the 30-years-history with citations of many original documents.

Comment on the division of criminal jurisdiction between Macau and the PRC

Zhao Guoqiang

(pp. 1005)

This article aims to study theoretically the division of criminal jurisdiction between Macau and the PRC after 1999. The author, analysing this problem from the point of view of "one country, two systems", considers the territorial base the best principle to divide criminal jurisdiction. That is, Macau's authorised body has judicial power over crimes committed in Macau while the criminality happened in Mainland is handled by authorised body in the PRC. This method, "on one hand", follows strictly the regulations of Macau's Basic Law, materialising the principle of mutual respect and non-interference in each other's political and legal affairs. On the other hand, it helps to maintain the social order without violating the criminal jurisdiction rules stipulated in the Criminal Laws. Besides, the author thinks that criminal cases extending over the two regions should be treated with detailed analysis. To avoid ambiguity and at the same time to facilitate investigation, proofs getting and case hearing, the two places should reach an agreement through negotiations. In the hand over of escaped criminals, the author says that

it is important to differentiate carefully between international and interregional judicial assistance. Any international practice that violates the principle of sovereignty, breaks the rule of mutual respect or affects the social stability should not be adopted.

Comparative study between the legal entity systems of Macau and the PRC

Leng Tiexun

(pp. 1019)

This article compares and analyses the difference between the legal entity systems of Macau and of the PRC as stipulated in the Civil Laws. First of all, in the concept of legal entities, the two systems have different definitions. But still they both agree that legal entity is an objective body, a legally recognised association or corporation. Then the author draws an analytical distinction between the two systems in the types of corporations, and thus concludes their advantages and existing problems. Moreover, further comparisons are made in other aspects like the setting up of general principle, capacity for civil rights, incorporate association and legal entity's residence. Finally it is suggested that in the process of system perfection, the PRC could draw lessons from Macau's Civil Law, especially from the part that specifies the legal entity.

Challenge for the legal system of Macau under the "One Country, Two Systems" principle

Mi Jian

(pp. 1035)

On 20th December, Macau will be handed over to China. Following Hong Kong, Macau will be the second territory being ruled under the "One Country, Two Systems," which is a national policy of China.

The author thinks that the implementation of this policy is a sophisticated task in which a comprehensive legal system is very crucial. In order to understand the establishment of this system, the author looks into the relationship between the legal systems of Macau and China, and the present condition in respect to localisation of law. In the first place, the legal system of Macau is a mixture of the Chinese legal system and the Portuguese legal system. It is similar to that of China because both have written law as origin. In the future, it will be relatively independent from the national body.

Moreover, the author analyses the progress of localisation of law and points out that there are still problems to be solved. Firstly is the question of origin. It is believed that even if the Government manages to review and promulgate the five major codes before transition, the localised laws lack the recognition and understanding of the residents. Secondly, as the training for legal professionals had started too late, those who are now in the management positions do not have sufficient experience. Thirdly, the

law courses have long been stressing the Portuguese characteristics and the medium of teaching is mainly Portuguese. This results in a weak legal culture background among law students. Fourthly, the dominant role the Portuguese language has played in the Administration creates obstacles to the legislative and judicial progress. Finally, the legal system of Macau is a copy of the legal system of Portugal but exists in a society where Chinese is the majority. This causes cultural conflicts as legal systems are rooted in local tradition and culture. All these problems will be faced by the future Government of the SAR, forming one of the biggest challenges in establishing the legal system of a "One Country, Two Systems" territory.

The social welfare system in Macau

Ip Peng Kin

(pp. 1047)

The Macau Social Welfare Institute provides the social welfare services in collaboration with the Social Security Fund, the Macau Housing Institute and the Macau Health Services. The Social Security Fund was set up in 1989. Both employers and employees contribute to this fund in addition to the 1% allocation from the Government budget. Until the end of 1998, the balance is about 700 millions. During these years, 190,000 workers have obtained subsidies of different kinds from the Fund and in 1998 the total amount of subsidies is 100 millions.

The Social Welfare Institute through its district branches provides a variety of services to the residents, including regular and provisional subsidies distribution and help for victims of typhoons. Other services are legal assistance, public canteens, adoption, family helpers, childcare and elderly care. It also takes up the responsibilities for prevention of mal-treatment of children and women, for development of social centres, and for support of private charity associations. Meanwhile, medical treatment lies in the hand of the Health Services, and the Housing Institute takes care of the housing problem.

The future social welfare policy of the Government will keep on providing the existing social services and continue to give technical and financial support to the non-profit organisations. The free medical services provided by the medical centres will be maintained. The Social Security Fund will maximize the protection for the contributors through investment. And the Government plans to integrate the Prevention and Treatment of Drug Dependence Office into the Social Welfare Services, which means better co-ordination and a stronger Government structure.

Successful cooperation: A review on the training programmes for the public servants of Macau in the University of Language & Culture of Beijing

Kong Fanqing

(pp. 1059)

The University of Language & Culture of Beijing has been a partner of the Public Administration and Civil Services (SAFP) in organising

training courses for the public servants of Macau for nine years. Until the end of 1998, more than 40 departments have sent staff to participate in its Mandarin or Chinese public administration courses. The University of Language & Culture of Peking is one of the higher education institutes in China which identifies itself as a centre of education and research in language and culture, playing a dominant role in the organisation of intensive language courses. The University, on one hand, works constantly on upgrading its teaching programme and, on the other, pays attention to the daily life of the students. It is concluded that the cooperation between the University and SAFP has proved to be a successful one, where merits should be given to the Macau Government, the leaders and professors of the University and also the students. The quality of course shall be guaranteed as the University continues to adapt to the needs of the students and accordingly arrange its teaching materials.

Civil Service Training during Macau's Transition period

Leong Pou Fong

(pp.1071)

The author looks into the government strategy and methods of training during the transition period, which started as the Sino-Portuguese Joint Declaration was signed on 13th of April 1987. Among various government departments and public institutes taking part in the training programmes of civil servants, Public Administration and Civil Services play an important role. It is responsible for the planning, design and implementation of the training scheme, as well as the promotion and coordination of training activities.

As there is a shortage of higher educated and experienced local staff in the leadership level, the Government policy is to upgrade the educational level of the population as a whole through higher education and to improve the professional techniques and language capacities of existing civil servants.

The author concludes that 13 years' training efforts has achieved a 92% localisation rate in 1998 and a 94% localisation rate in the leadership level in January 1999. The language capacity of civil servants has improved. According to the statistical data of June 1998, 87% of the 17000 civil servants speak fluent Cantonese and 40% of them speak Portuguese. The upgrading of the academic, professional and language capacities of civil servants contributes to the improvement of quality and efficiency of public services.

Ten principles for Mandarin teaching

Cheng Xiangwen

(pp. 1085)

The University of Language and Culture of Peking has organised Mandarin courses for the public servants of Macau since 1990. Until now 540 students have completed these courses. Though this number

only constitutes a small part of the total Chinese graduates of the University, much attention is given to the course preparation. Textbooks accompanied with tapes and CDs are specially designed for Macau students and will be distributed in December of this year.

The educational policy and method for Hong Kong and Macau students are different from those developed for students in China and for students from abroad. Hong Kong and Macau are both Cantonese-speaking regions. Students from Hong Kong and Macau have been facing a mixed culture and their way of thinking is a mixture of the East and the West. However, due to a different language policy and historical factors, Macau is a trilingual society where Cantonese, Portuguese and English are used, while Hong Kong people speak Cantonese and English only. In the process of learning, students from these two regions possess characteristics of the students in China and of the foreign students as well.

After a prolonged research, the University comes up with ten principles in teaching these students. They are:

- 1 . to stress on pronunciation;*
 - 2.to make comparison between Cantonese and Mandarin and find out some conversion rules;*
 - 3.to condense the teaching content and encourage students to practise more;*
 - 4.to have different emphasis for different students;*
 - 5.to strengthen the communication ability of the students by creating real context in teaching materials;*
 - 6.to incorporate language and culture;*
 - 7.to have more topics based on reality;*
 - 8.to upgrade the language capacity of the students as a whole;*
 - 9.to set a specific teaching plan for a particular group of students;*
- and*
- 10. to arrange diverse activities and visits, giving students more practice opportunities.*

Experience of the Labor and Employment Services in vocational training

Shun Ka Hung

(pp. 1099)

The vocational training in Macau has achieved remarkable results in the past ten years. Advanced technology and progress in society bring new ideas to the concept of vocational training. Nowadays, it is not merely a process between education and work. People have to shift jobs so as to suit the rapid changes of the society, instead of sticking to only one job for their whole professional lives. Learning new techniques thus becomes indispensable for the taking up of new responsibilities.

At present, the Labour and Employment Services provides three different types of training programmes. The first is a pre-work course. Its aim is to get the students equipped with the necessary techniques

before entering the job market. The duration of this course varies from 1 to 2 years. The second is a nighttime course especially designed for workers in related fields. The third is a re-training course. The targets of this course are mainly the unemployed workers.

Looking forward to future development, the author thinks that it is necessary for the Labour and Employment Services to get more information about the labour market through inquiries. Moreover, the Government has to encourage participation of more enterprises and at the same time give them financial and technical aids. However, the most important of all is to create demand for qualified and certified techniques recognized by the society. In order to achieve this, the Government has to set a clear economic policy, predicting the future trend of development for the labour market. Besides, a training policy will give guidelines for the employers, the employees and the Government itself to follow. Finally, a flexible system is necessary for the society under constant change and development.

The determination of taxable revenues in the tax system of Macau

José Herminio Paulo Rato Rainha

(pp. 1109)

On the opinions that the process of income determination should be changed, replacing the work of Fixation Commission with the help of computer and the determination of collectible material has its own significance, this article intends to analyse the existing methods used in the tax system of Macau for imposing tax on revenues of trade, industries or other services, and to state the function of Fixation Commission within the tax fixing process. As far as the professional tax and complementary tax on revenues (profit tax) are concerned, it is indicated that the interference of Fixation Commission is necessary. It serves as a normal process in the determination of taxable income and provides an alternative to what is or what is not declared by taxpayers of complementary tax or by liberal professionals of their income.

In the context of the society of Macau, the formation of Fixation Commission with external members means to seek the participation of taxpayers in the tax fixing process. As a result, the taxable material is determined in a fast and relatively objective way and at the same time the function of supervision is achieved. In order to enable the external members, that constitute the Fixation Commission, contribute to the finance department through knowledge about the reality of economic activities, making it more efficient and just, some methods of calculation of taxable income are discussed.

The system provides guarantee to taxpayers where they could choose beforehand a real income determination method based on an appropriately prepared accounting system. This should be stated in the tax law as an alternative to the normal process of taxable income determination by indirect methods. If there are situations involving acts of acknowledgement which are prescribed by law and that the indirect methods

are applied, the finance department has to show and justify the reasons that lead to this change. A change in the tax regulations that allows the application of indirect methods in taxable income determination strengthens the functions of the Commission of Fixation and Revision. In this way, the lawfulness of these administrative decisions could also be justified.

Psychology development and its applications in Macau

Chang Heng Pan

(pp. 1135)

Psychology is a science that studies human mind and human behaviour. In this article, the author briefs us on the origin of psychology, its area of study and its applications. In Macau, its applications include clinical practices in psychotherapy and counseling. Besides, it is also applied in recruitment in the public sector. The author thinks that the development of psychology is important to individuals, organisations and the society as a whole. It helps to relieve stress, increase job efficiency and upgrade the education level. It is hoped that its applications in Macau will expand to other areas like the consumer market, advertising, judicial adjudication, criminal investigation, etc. The author appeals to push forward the study of psychology as it will raise the quality of people and accelerate social development. To achieve this, supports from professionals and the community are indispensable.

