

abstracts

Institutional Support of Administrative Litigious Matter of the Special Administrative Region of Macau

João Luís Dias Soares

(pp.171)

In spite of considering that in the Macao Region, there does not truly exist, in the fundamental meaning, an administrative governmental office, because, as it is understood, the Administrative courts are not the only ones to undertake the proceedings of decisions of conflicts arising between the Administration and the individuals, the Author, in his article, leans towards the fundamental component of the administrative litigious matter of Macao. It then tries to identify in its structure, the composition, method of functioning and jurisdiction, the institutional individuals who are entrusted to give juris-dictional tutelage to the subjective juridical positions of the persons before the Administration, and to guarantee observance of pursuit of the public interest by them. It is in this way that he refers to the Court of Final Appeal, the Intermediate Court, the Administrative Court and to the Courts of Arbitration. Moreover it points out a group of aspects, relative to this organisational dimension, which, in his opinion, are shown in a problematic way. For example, he refers to the system of instituted courts, the problem of the jurisdiction, and the question of the distribution of jurisdiction among the courts.

Regarding the instituted judiciary system, the Author declares that, in some aspects, the system does not appear to be in conformity with the Basic Law. It says, for example, that against the meaning of the basic law, a conception of "minor" or of "second class" court is adopted for the Administrative Court. With regard to jurisdiction he declares that the option of its introduction in litigious administrative matters of Macao was not the best solution that the legislator could have adopted. This is because, in his opin-

ion, the conditionalism of the Macao Region itself was in the mould of imposing the continuation of the previous rule of the non-existence of jurisdictions. Moreover, he also criticizes the way in which this solution was legislatively formulated, which he says is not sufficiently clear when referring to the cases in which the jurisdiction of the court should exist, and to the cases in which it should not exist. And, finally, in everything relating to the distribution of jurisdictions between the different Courts, he affirms that there is nothing to justify that, with the amplitude that there is, the Intermediate Court be a Primary Court. As he sees it, the criteria of the distribution of jurisdiction between the Intermediate Court and Administrative Court should not be of the "importance" of the administrative bodies, plaintiff of appealable acts, but before that of the "essentiality" of the interests affected by them.

Over and above, he also refers to there being a group of aspects that, by comparison of the Fundamental Law of Judiciary Organisation with the Code of Litigious Administrative Process, result in being clearly questionable. For example, this happens within the scope of cases in which the Administrative Court should intervene as a collective court, with the jurisdiction of the President of the collective court of the Administrative Court, with the importance of the jurisdiction of the Intermediate Court, and also with the concrete bounds of the jurisdiction of the Court of Final Appeal.

Comparative study about the juridical regimes of marks inside China and in Macao

Liu Futong and Zhu Xuezhong

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The Decree-laws about Marks in Macao determine new structures and arrangements for some special problems with their own characteristics. Principally this refers to juridical terminology, the statute of legislation, etc., in a way in which it is able to harmonise effectively with the Macao society, a society in which the Chinese make up the main community. Inside China, the definition of the juridical regime of marks began relatively early, and a better juridical regime of the law of marks was then established. Due to the differences, juridical traditions as well as social and economic circumstances, these two juridical regimes of marks are very different.

The article tries to find a way in which the juridical regimes of the marks work harmoniously in the two juridical areas.

A study of the pattern of consumer behaviour of the people of Macao and the distribution of money

Kam Lok Nin

(pp. 265)

As a major constituent of the GDP, a gloomy private consumer pattern has imposed a major negative effect on the Territory's general performance.

That which determines the people's consumer behaviour involves not only economic conditions but also individual «income distribution» and «expendi-ture/savings» and «consumer habits». By using the above-mentioned factors, and associating them with «the shifting of consumer places», the author tries to elaborate the status of people's consumer behaviour in Macao. Furthermore, in order to understand the feature of consumer behaviour in a mathematical prospect, a consumer behaviour function is calculated by using a «non-random life cycle theory». A healthy consumer pattern helps to keep the operations of different businesses stable. Future economic development and government policy are both of crucial importance for the coming of economic rebound.

«Xiang (ambergris)», «Yan (opium)» and Macao The significance of «Xiang (ambergris)» and «Yan (opium)» in the History of Macao

Wu Zhiliang

(pp. 289)

The Portuguese «settling in Macao marked the opening of trade between China and the West». When looking into the course of the entry of the Por-tuguese and their subsequent occupation of Macao, the famous Chinese historian Liang Jiabin made an exclamatory remark more than half a century ago: «Longxiangxiang» (ambergris) and then Yapianyan (opium) led to the loss of Macao!»

In 1557 the Portuguese succeeded in «building a city and occupying this coastal area as their settlement» within the Chinese Empire, in which «every inch of land was the Emperor's domain». In 1887, after the signing of «the Protocol of Lisbon», the Portuguese obtained «perpetual occupation and the government of Macao». «Xiang» and «Yan» (in Chinese the two characters joined together are a pun on «cigarette») were all they had to give. The causes of the Portuguese occupation indeed sounded so incredible that subsequent researchers, who were striving to take an objective and scientific approach to Macao history, could not help but find it difficult to grasp.

The rapid development of the study of Macao history, accomplished in recent years, in particular the publication of a large quantity of primary archive documents, has given us a clearer picture of the winding history of Macao, which used to be full of obscurities and uncertainties. The author tries to explain in his paper the reasons as to why and how ambergris and opium had led to the loss of Macao to the Portuguese.

Macao and Hong Kong by W.H. Auden

A Comparative Approach

Rogério Miguel Puga

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After his Journey to a war in China, Wystan Hugh Auden (1907-1973) published two sonnets entitled «Hong Kong» and «Macao» in which he contrasts the modus vivendi and the symbolic representation of both territories. In this paper we translate and compare both poems and their images of «the trading city» and the exotic «Portugal-cum-China oddity», showing geographic and human entities, each with lives and singularities of their own.