

An Analysis of the Reform Path of the Selection System of Director and Supervisor of Macao SAR Government——Based on the Process of Macao’s Institutional Reform and Practical Experience at Home and Abroad

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In more than 20 years since the return to the motherland, the Macao SAR Government has made great effort to improve and build an objective, fair, scientific and efficient talent selection mechanism. At the same time, it has also experienced many entanglements and bonds. On the one hand, the relevant system of public employees stipulates that the appointment of public employees continues the tradition of the “appointment system”, while the selection criteria are relatively general, and there are no precise requirements for the qualifications, abilities and performance of appointments, and their scientificity, openness, fairness and impartiality are questioned; on the other hand, the subjectivity of selection leads to the irregularity and expectation of the flow of personnel, and it is difficult to plan the career of public employees. Therefore, the selection mechanism of Macao’s directors and supervisors needs to be reformed, and a reform path is sought by comparing the selection mechanism of officials from different regions and looking back at the actual conditions of the Macao economic development, institutional characteristics, government structure and administrative culture.

International Experience of Government Fiscal Surplus Management and Its Enlightenment to Macao SAR

Lin Deqin

The fiscal surplus has been accumulating rapidly since 1999 due to the rapid development of the gaming industry and the economy, which provides financial support for the development of livelihoods of Macao and improvement of the residents’ well-being. However, the strongly positive relationship between the

government revenue with gaming taxes and COVID-19 not only have brought new challenges to Macao's government fiscal surplus management, but also highlighted the needs to optimize the operational practice of fiscal surplus management. This paper firstly points out the problems of fiscal surplus management practice of Macao government, such as the proportion of equity investment and investment managed by fund managers in fiscal reserve assets are relatively low; the supervision system is imperfect. Secondly, it analyzes the similarities between Macao and Qatar, Singapore, and Norway from three perspectives, such as industrial structure, economic scale and development stage. And then it researches and summarizes the investment practices and successful experience of Temasek Group, Qatar Investment Authority, and Norwegian Government Pension Fund Global. Finally, this paper gives some suggestions for optimizing Macao's fiscal surplus management from the following perspectives: the establishment of Macao Investment Development Fund Management Co., Ltd., construction of a multi-agent supervision system, introduction of ESG framework, increasing the proportion of equity investment and investment managed by fund manager, timely adjustment of investment strategy and portfolio asset allocation, and attention to the high-quality projects in Guangdong-Macao In-Depth Cooperation Zone in Hengqin based on the special conditions of Macao SAR.

Explore the Social Policy Process in Macao: Taking the Pilot Scheme of Caregiver Allowance as a Case

Hu Jierong

The process of social policy in Macao is a political process in which continuous interaction happens among various stakeholders. From the perspective of the relationship between the actions and the institutions, based on the case of "Caregivers Allowance Pilot Program", this research explored how the public, parliamentarians, and social associations and other stakeholders took joint actions to promote the problem definition, and how they used the impact of the focus event to advance the policy agenda, and how they negotiated with the

government to make policy decisions. This research points out that how the interaction between the stakeholders shaped social welfare policy making process was based on the consultative democracy, the corporatist political structure, and the legislative system in Macao.

The Development of Intellectual Property Rights and the Change of Legal System in Macao After the Reunification and its Response

Yi Zaicheng

Macao's intellectual property legal system originated from Portugal's intellectual property legal system, and the system remained basically unchanged before the reunification. With the return to China and the constraints of relevant intellectual property conventions, Macao's intellectual property legal system was localized at the time of return. The localization was done hastily on the basis of respecting tradition, and the localization effect was not obvious.

After the reunification, in response to the development of network technology, the copyright legal system was revised accordingly, but the industrial property legal system did not change with the times. On the basis of the above-mentioned changes of intellectual property legal system, the development of intellectual property after Macao's return has its own characteristics and trajectory. Generally speaking, at present, Macao's intellectual property legal system matches its intellectual property development.

However, under the background of internal factors of moderate industrial diversification, external impetus of Guangdong-Hong Kong-Macao Greater Bay Area International Science and Technology Innovation Center and Hengqin Guangdong-Macao In-depth Cooperation Zone, both of them have room for improvement and perfection.

Does the Code of Tax Executions Remain in Force in MSAR? —
Comment on the Judgment of the MSAR TSI of 28.01.2021-Case No.
938/2020

João António Valente Torrão

Although Law No. 9/1999 has been determining the non-application in the legal order of the Macao SAR legislation previously in force in the territory of Macao from the sovereignty bodies of Portugal - including the Code of Tax Executions (approved by Decree No. 38088 of December 12, 1950) – no other diploma on the same matter has been published by the Legislative Assembly of the MSAR to date.

Nevertheless, both the courts of the MSAR and the Public Administration continued to apply the Code.

In this judgment the court accepted that the Code was applicable only in relation to the procedural aspects of enforcement.

We propose in this paper to clarify under what circumstances that Code can be applied and to clarify passages of judgment which, in our view, lack the support of the law.

A Brief Discussion of Suspension of Sanctions’ Execution System in Law No. 13/2021 – “Statute of Agents of the Security Forces and Services”

Fok Ka Seng Ao Im Peng

A suspension of sanctions’ execution means that, based on the comprehensive consideration of the party’s own situation, public interests, and preventive purposes, the competent authority for the respective application permits to set up an appropriate period of suspension of sanctions’ execution for temporarily not perform the disciplinary sanctions against him, afterwards, depends on the party’s situation of the obedience of disciplinary regulations during the mentioned period above, the competent authority eventually decides to

implement the disciplinary sanctions or not. If the competent authority determines the latter, in addition, a cancellation of the provisional disciplinary records as well.

Practically, a suspension of sanctions' execution is not an innovation in the public agents' disciplinary system of Macao. According to the article 317 of the current "Statute of the Public Administration Workers of Macao", it has been applied as a general disciplinary system and utilized on public agents who are constrained by the disciplinary power. However, based on the article 241 of the "Statute of the Militarized Personnel of the Macao Security Forces" approved by Decree No. 66/94/M, the article stipulates that the disciplinary sanctions will not be postponed and should be completely enforced. This provision had definitely excluded the implantation of the general disciplinary system. With the promulgation of Law No. 13/2021 "Statute of Agents of the Security Forces and Services", the suspension of sanctions' execution for agents of Security Forces and Services is mainly regulated by article 161 of the law above, is introduced for the first time to all of those agents.