

## The Review Systems of The Basic Law of Hong Kong (Macau) contributing to the Development of Chinese Constitutionalism

Li Yanping

(pp. 113)

*With the maturity of market economic and modernization of society in China, citizens are becoming aware of their rights. Chinese constitution has been revised for several times. How to achieve the constitutionalism is still an important issue for China in its marching for Rule of Law. Effective constitutional review is very important in this march, and the judicial review is the key to effective constitutional review. The author argues that Chinese constitutionalism should base on its institutional environment. With “one country, two systems”, Chinese constitutionalism should include that of Hong Kong and Macau. Therefore the judicial review mechanism of the Basic Law of Hong Kong (Macau), which developed through the practice of Hong Kong and Macau should be an integral part of the Chinese constitutionalism. In a certain sense it also embodies a way of constitutionalism from localism. It is a beneficial exploration for Chinese development toward constitutionalism.*

## On the Difficulty and Countermeasures of the Revision of Criminal Procedural Law of Macau

Zhao Linlin

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*The Criminal Procedural Law of Macau has been implemented for 12 years since it was enacted in 1997. During this period, Macau has undergone great changes. As to criminal justice, the quantity of the crimes climbs unceasingly, but the judicial efficiency is relatively low. So cases pile up, and the situation becomes quite serious. One of the primary causes is the high threshold of the judicial organ, and lack of manpower; the other cause is the tedious systems. How to fight with these unsatisfactory factors is a topic worth studying. As the legal revision is a process of debate and compromise, we must stick to attitude of scientific, practical, opening and developing revision of the Criminal Procedural Law of Macau. The pretrial system which has both advantages and disadvantages is the crucial part of this reform. Due to the reality of Macau, the summary trail should be practiced more frequently than before. According to the international trend and the needs of the social development, Macau may set up the victim-offender reconciliation systems and plea-bargaining systems.*

## **A Critical Review Of Competition Rules In The Casino Gambling Law Of Macao**

Wang Chang Bin

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*The competition rules constitute an important and integral part of Macao's 2001 Act of Casino Operation Rules (Law No. 16/2001). They, however, have not been practically accepted in Macao. The gap between the text and the practice is due to a couple of factors such as the complexity of competition rules, the highly abstract wording of the rules, and the local culture, etc. This article gives a critical analysis of the gap by exploring the meaning of the rules in the context of casino gambling industry, by discussing the effect of Macao's local culture on the application of the rules. It examines the flaws in the Rules and proposes solutions to the problems identified. The article first reviews cartel, dominant market position abusing, and its remedies and interlock directors which are provided in Law No. 16/2001, then analyzes the flaws and problems in the Rules and offers certain solutions.*

## **An analysis on the state of sustainable development of Macau - based on indicators**

Chan Chan U

(pp. 177)

*This paper proposes a system of sustainable development (SD) indicators that meets with the realities of Macao for assessing and monitoring its state of SD. Results of calculation show that Macao's state of integrated SD has been improved since 1999. Economic development has dominated the improvement of SD level, and is expected to dominate the capability of SD. However, capabilities of education and scientific development, as well as environmental support are severely lagging behind. In terms of the coordination of SD, apart from a significant improvement in the coordination among economic development resources and environment, unstable coordination is reported among social development resources and environment, and between economic and social development. The latter may reflect the fact that economic and social development has failed to coordinate positively with each other.*

## **What Can Macao Learn from Alaska Permanent Fund in Managing its Fiscal Reserve?**

Huang, Guihai

(pp. 207)

*It is a challenge for Macao to effectively manage its huge cumulative fiscal surplus. International experience, its characteristics and needs should be*

*considered. This paper documents the brief history, governance and operation, investment policy, performance and dividend records of Alaska Permanent Fund which has more than thirty years history and suggests Macao SAR could combine the cumulative fiscal surplus and its reserve fund, making it a quasi-sovereign wealth fund. Such a fund should observe the best practices of its kinds such as rule of law and transparency. Its asset allocation should balance the long-run target and acceptable risk. Both transparency and appropriate asset allocation rule apply to China Investment Company. In the disposal of such fund's earnings, to protect the purchasing power of the fund principal, fiscal risk reserve and dividends to Macao residents should be balanced.*

## **Government Procurement – Application of the Measures for Integrity**

Tang Tat Weng

(pp. 223)

*Government procurement has occupied a significant part of the regional commerce and trade activities. If there is corruption or bribery between the administrative authority and stakeholders during the process of government procurement, there can be significant misuse of government resources, and the integrity of commerce and trade cannot be guaranteed. In this regard, the administrative authority has the responsibility to ensure the integrity of government procurement so as to guarantee transparency and preclude illegal activities becoming widespread in the trade and commercial system. Hence, this article identifies certain signs of corruption and bribery which are emerging in government procurement, and suggests some measures and practices to assure integrity in public tendering. Finally, some systematic and proactive suggestions are given to fight against corruption and bribery in government procurement.*

## **Tobacco Control in Macao: Present Status and Future Prospect**

Sio Hao Leng, Tong Ka Io

(pp. 245)

*In order to halt the tobacco epidemic, World Health Organization urges countries to sign and ratify the Framework Convention of Tobacco Control (FCTC), and has established MPOWER, a package of six most effective tobacco control policies to help countries fulfill the promise of the treaty. The six policies are: 1) to monitor tobacco use and prevention policies, 2) to protect people from tobacco smoking, 3) to help quitting tobacco use, 4) to warn the*

*dangers of tobacco, 5) to enforce bans on tobacco advertising, promotion and sponsorship, 6) to raise taxes on tobacco. Despite the fact that tobacco control has been ranked as a top priority for public health in Macao, smoking prevalence data showed weaknesses in current tobacco control. This article aims to explore the present status, to discuss the major problems and to address the future prospect of tobacco control in Macao.*