

Transmutação e Reforma: Um Estudo sobre o Regime da Administração do Pessoal no Governo da RAEM

Chen Shanglong

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The personnel administrative system is the foundation of realizing the government civil servants management standardization and legalization. The reform of personnel administrative system is the important content of the Macao SAR government public administration system reform. Since the return of Macao, Macao SAR government continues to promote the reform of the personnel administrative system, which has experienced five major stages to this day, establishes a fairly complete system of personnel administration system gradually. This process reflects the distinctive features on reform attitude, reform orientation, reform strategy and so on. But there are still some problems objectively, such as deep contradiction system without substantial change, existing the phenomenon of fragmentation, existing a certain disparity between effect of reform and the social public expectations, the incomplete of civil servants management system. In the face of development of times and the new policy pressure, for promoting the reform of personnel administration system next, we need to be problem-oriented, strengthen the reform of integrity and systemic, promote perfecting systems of the central recruitment, grading mechanism, performance appraisal and official responsibility.

Sugestões de Definição para as “Metas do Desenvolvimento das Mulheres” em Macau

Lai Wai Leung

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The Macao SAR Government will formulate a set of women's development goals. This initiative is obviously a milestone in the development of women's policy in Macao. The article attempts to suggest 19 women's development goals, which are particularly relevant to Macao's contexts, by reviewing key policy statements of international organizations, comparing women's policy goals or strategies of the Chinese Central Government, Taiwan's government and the Hong Kong SAR Government, and analyzing women's social needs in Macao. The development goals proposed cover seven major policy domains--political decision making, public policy and laws, employment, education and learning, social welfare, social and cultural environments, and governing authority. It is expected that the suggestions are a useful reference for the Macao SAR Government to design social programs that are more effec-

tive to tackle the gender disparity and to promote opportunities of the women in Macao, despite the fact that the city's conditions of gender equality is compared favorably with most advanced economies.

Principais Elementos Influenciadores da Governança Ambiental: Uma Investigação Geral das Fontes Escritas

Du Juan Lü Weixia

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Environmental problem is one of the most important issues confronted with academic and Chinese government. To solve environmental problem, effective environmental governance is imperative. Based on a perspective of literature review, the paper summarized and analyzed the basic conception and the research statue of the key influencing factors of environmental governance firstly. Then, it suggested that the key influencing factors in Chinese environmental governance include: Citizen participation, government responsibility, community governance, supervision by public opinion, and multi-agents collaborative governance. Finally, the study argues that during the institution design process, policy-makers and academics should abide by the theory of good environmental governance, to develop a good synergetic governance system including the governments, citizens, businesses, communities and other stakeholders.

Reflexões Jurídicas sobre Aquisição no Exterior do Governo da RAEM

Tang Tat Weng

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In the 1970s, the legal provisions relating to government procurement were enacted independently from the finance and budget system and set out the conditions for buying goods and services from enterprises abroad. Previously, these conditions only applied to procurement solely in the local market. The key provision was that the goods and services must be short supply in the region of Macao or there is an advantage of in buying from overseas suppliers in comparison with buying from local suppliers. This implies that the demand for goods or services by public agencies is still in the region of Macao. The present legal system relates to government procurement of Macao SAR, including the legal provision of procurement abroad, and has been in force more than 30 years since its introduction in 1984. However, with the development of

government services and growth in the economy, public agencies need to receive goods and services abroad in order to implement their duties. Albeit the provisions of paragraphs 1 and 2 of article 22 of Decree-Law no. 122/84/M, as amended by Decree-Law no. 30/89/M, do not prohibit literally and expressly this practice, this is obviously in violation of the legislative intent of the provisions related to procurement abroad. In addition, there is an issue because the signing of procurement contracts is not possible in certain models of procurement.

Furthermore, the provisions of this Decree-Law set out the right of authorisation related to procurement abroad as an independent right of execution, and confers expressly and only this right to the Chief Executive of Macao SAR. However, in cases where the Chief Executive does not delegate this right to any officials, some officials might mistakenly assume that the exercise of the right of authorisation related to procurement abroad is derived from the right of authorisation related to the commencement of procurement, or the right of authorisation related to expenses on procurement projects. This may lead to problems of abuse of power and administrative violations.

At present, the government of Macao SAR is reforming the legal system of government procurement. Therefore it is the right time to re-examine the procurement abroad policy and its related legal provisions, so as to clarify and straighten out the problems arising from the implementation of the relevant provisions.

O Direito da Arbitragem na Região Administrativa Especial de Macau: O Acesso ao Direito e aos Tribunais (Art.º36, N.º1, da Lei Básica de Macau) e os Meios Alternativos de Resolução de Litígios

Hugo Luz dos Santos

(pp. 179)

The Special Administrative Region of Macau should embrace an alternative legal framework, in order to enable and maximize the main importance of Arbitration.

In order to disentangle the “legal knots” arisen from such a paradigm shift, this article will argue that arbitration should be taken very seriously in the forthcoming future.

Moreover, this article will shed light about the comparative law, namely the legal frameworks of Germany, United Kingdom, and Italy.

Da Protecção dos Bens Jurídicos para a Protecção da Norma Jurídica — Comparação Entre a Protecção Penal Contra a Violação da Dignidade Pessoal Praticada Através da Internet em Macau e na China Interior

Zou Feifei

(pp. 191)

The rapid development of the Internet has brought great convenience to human society, but also led to the emergence of a large number of network infringement phenomenon, and the criminal law regulation of the invasion of human dignity through the network has been challenged. Compared with the relevant criminal law system in Macao, the effect of the criminal law on the protection of human dignity in mainland is not satisfactory. So it is necessary to find a solution to the problem of criminal law. Based on the theory of legal interest infringement, which is generally accepted by scholars in the mainland, some of the criminal law of tort has not been committed. This is precisely the plight of the mainland criminal law system. Based on the comparative analysis of the criminal protection of the network of the mainland and Macao, the task of the criminal law should be transformed from the protection of legal interest to the protection of regulation, which focus on the "obligation", "ethics" protection, to seek a reasonable limit of punishment from the unaccomplished crime, is concerned about the social utility of penalty right. The emphasis is on punishment as a means of social defense. As Jacobs said: "behavior is the damage to the application of norms, the penalty is the removal of such damage."