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# XI.

## A SHORT STATISTICAL OVERVIEW

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### 1. Introduction

Having completed several steps in my investigation of the very important issue of the legislative initiative and the several aspects that emanate therefrom, I would like to illuminate the praxis with some statistical data.

I shall carry out a statistical analysis of the bills throughout the various legislatures, starting 20 December 1999.<sup>580</sup> I will largely rely on the efforts already performed by others,<sup>581</sup> herein quoted when appropriate.

From the indicative *legal superstructure*, I shall turn to the *base* of facticity in the world of real practice.

### 2. The Data

“After the transfer of administration from Portugal to China, on 20 December 1999, and based on data from five legislatures, from 12 October 1999 to 7 March 2014, the Chief Executive (CE) sent to the Legislative Assembly (LA) 86 Government bills and Members introduced nearly 50 bills to the LA. The vast majority of bills submitted by the CE to the LA were approved; as far as we know, three bills sent to the LA were withdrawn by the Government. Regarding the bills introduced by Members, 15 were approved, 22 were not approved in Plenary, 4 bills were withdrawn by the proponents, and 7 bills were summarily rejected or were not consented to. A percentage of ‘legislative success’ in the order of 31.2%.”<sup>582</sup>

<sup>580</sup> For an analysis of the same issue in the context of the Territory of Macau, Carlos Veiga, ‘A iniciativa legislativa’ (O Direito Online 2014) <<https://odireitoonline.com/a-iniciativa-legislativa.html>> last accessed on the 29 January 2025, “*In quantitative terms and based on data from the four legislatures from 1976 until 4 December 1989, the Governor presented to the Legislative Assembly (LA) a greater number of bills compared to bills submitted by Members. The Governor sent 179 bills to the LA and the Members presented 82 bills to the LA.*”: while, with regard to the success rate of the initiated initiatives, it is recalled that “*The vast majority of bills submitted by the Governor (to the LA) was approved. Regarding the bills presented by the Members to the LA, the vast majority were approved, a “percentage of” legislative success of “over 80%.”*”

<sup>581</sup> Carlos Veiga, ‘A actividade legislativa’ (O Direito Online 2014) <<https://odireitoonline.com/a-actividade-legislativa.html>> accessed 29 January 2025.

<sup>582</sup> *ibid.*

The quoted text goes on:

“The fifteen bills resulting from Members’ initiatives and approved as LA laws, were: Bill entitled “On the Legislature and the Legal Status of the Members of the Legislative Assembly”, Law No. 3/2000; “General Framework Law on Sciences and Technology”, Law No. 9/2000; “Organic Law of the Legislative Assembly of the Macau Special Administrative Region”, Law No. 11/2000; Bill entitled “Aggravation of punishment in the event of instrumentalisation of legally incapacitated persons for the commission of crimes”, Law No. 6/2001; “Amendments to Law No. 6/96/M, of 15 July, which approved the Legal Framework for Offences against Public Health and the Economy”, Law No. 2/2002; “Amendment to Decree-Law No. 47/98/M, of 26 October, which establishes the framework for administrative conditioning of activities”, Law No. 10/2003; “Amendment to Law No. 6/96/M, of 15 July”, Law No. 7/2005; “Law on the Protection of Personal Data”, Law No. 8/2005; “Alteration to the start of the legislative session”, Law No. 10/2008; “Amendment to Law No. 3/2000 — On the Legislature and the Legal Status of the Members of the Legislative Assembly”, Law No. 13/2008; “Amendment to the Organic Law of the Legislative Assembly of the Macau Special Administrative Region”, Law No. 14/2008; “Amendment to Law No. 2/93/M — Right of Assembly and Demonstration”, Law No. 16/2008; “Amendment to Law No. 21/88/M — Access to the Law and the Courts”, Law No. 1/2009; “Amendment to Law No. 3/2000 — On the Legislature and the Legal Status of the the Members of the Legislative Assembly”, Law No. 12/2009 and Bill entitled “Amendment to Law No. 11/2000 — Organic Law of the Assembly Legislative of the Macau Special Administrative Region”, Law No. 1/2010.”<sup>583</sup>

Whereas, and following the same text,

“The twenty-two Members’ bills, which were not approved by the plenary of the LA, were: ‘Special Probationary Framework for the Prevention and Investigation of Criminality’, 3rd legislative session of the II legislature; ‘Regulatory law on the Fundamental Right of Forming Trade Unions’. 4th legislative session of the II legislature (2004/2005); ‘Special Probationary Framework for the Prevention and Investigation of Criminality’, 4th legislative session of the II legislature; ‘Regulatory law on the Fundamental Right of Forming Trade Unions’, 2nd legislative session of the III legislature (2006/2007); ‘Amendment to Law No. 11/2003, of 28 July’, 3rd legislative session of the III legislature; ‘Amendments to the Administrative Litigation Proceedings Code’, 4th Legislative session of the III legislature (2008/2009);

<sup>583</sup> *ibid.*

‘Law regulating the Fundamental Right of Forming Trade Unions’, 4th legislative session of the 3rd legislature; ‘Fundamental Right of Forming Trade Unions’, 4th legislative session of the IV legislature (2012/2013); ‘Civil Unions between Persons of the Same Sex’, 4th legislative session of the IV legislature; Bill entitled ‘Establishes the legal framework applicable to the prevention of domestic violence, to the protection and assistance of its victims and to the criminalisation of domestic violence’, 4th legislative session of the IV legislature; ‘Measures to Protect the Image of Detainees’, 4th legislative session of the IV legislature; ‘Legal Status and Protection of Animals’, 4th legislative session of the IV legislature; Bill entitled ‘Interpretative norm on of Decree-Law No. 33/81/M’. 4th legislative session of the IV legislature; ‘Promotion, awareness and dissemination of Human Rights Treaties and ILO Conventions’, 4th legislative session of the IV legislature; ‘Legal framework for the Updating of Rents in Residential Immovable Properties’, 4th legislative session of the IV legislature; Bill entitled ‘Legal action to challenge the confidentiality of information, the refusal to provide information or to conduct consultations’, 4th legislative session of the IV legislature; ‘Special procedure for the protection of the personality of the worker’, 4th legislative session of the IV legislature; ‘Special process for the legal protection of workers based on equality and non-discrimination due to gender and sexual orientation’, 4th legislative session of the IV legislature; ‘Legal framework applicable to services provided, through call centres, for the promotion, information and support to consumers and users’, 4th legislative session of the IV legislature; Bill entitled ‘Establishes the legal framework applicable to the prevention of domestic violence, to the protection and assistance of its victims and to the criminalisation of domestic violence’, 1st legislative session of the V legislature (2013/2014); ‘Legal framework for the Updating of Rents in Residential Immovable Properties’, 1st legislative session of the 5th legislature and Draft law entitled ‘Legal Status and Protection of Animals’, 1st legislative session of the 5th legislature.’<sup>584</sup>

Since 20 December 1999, one can surmise that, until 2018, about seven dozen bills were introduced on the most diverse subjects: fundamental rights,<sup>585</sup> crimes,

<sup>584</sup> Carlos Veiga, ‘A actividade legislativa’ (O Direito Online 2014) <<https://odireitoonline.com/a-actividade-legislativa.html>> accessed 29 January 2025.

<sup>585</sup> The lawmaking impetus resulted, over the course of the various legislatures in the MSAR, from initiatives of around three dozen Members from various backgrounds and sectors, with several Members having introduced a significant number of legislative initiatives, either individually or together with other-colleagues. For example, Members Hoi Sai Iun, Tong Chi Kin, Tsui Wai Kwan, Cheang Chi Keong, Jorge Manuel Fão, Vong Hin Fai, Iong Weng Ian, Chui Sai Cheong, José Manuel de Oliveira Rodrigues, Philip Xavier, Leonel Alves, Kou Hoi In, Leong Wok Wa, Chan Chak Mo, Fong Chi Keong, Chan Meng Kan, Leong Heng Teng, Ng Kuok Cheong, Au Kam Sam, Chan Wai Chi, Pereira Coutinho, Ieong Tou Hong, David Chow, Lam Heong Sang, Kwan Tsui

consumer protection, legal status of the Members, organic structure of the Legislative Assembly, administrative offences, non-discrimination based on homosexuality, urban development, residency, technology, personal data, administrative litigation, animal protection, among several other matters.

Seventeen bills were approved, the rest were not, either because the Plenary so decided, or because they were withdrawn by the proponents, with a small number of bills having been summarily rejected.

There have been legislative sessions where no bills were introduced, while several sessions witnessed multiple bills from Members. Note that, in 2008, four bills initiated by Members were approved.

The described discrepancies result from decisions on political opportunity: each and every Member has the free choice, under the Basic Law, to introduce a bill or to refrain from so doing.

In view of this scenario, it has already been stated that,

“The previously highlighted quantitative trend regarding the Governor remains unchanged: the Chief Executive continues to introduce a higher number of bills to the Legislative Assembly compared to the bills presented by Members. This tendency, quite accentuated in the first legislatures of the LA after 1999, was somewhat altered in the IV legislature, 4th legislative session (2012/2013). The Chief Executive introduced 16 bills to the LA, 8 of which had been carried over from the 2011/2012 legislative session, and a directly elected Member introduced 12 bills.”<sup>586</sup>

A comparative-concluding synthesis may be postulated:

“The difference, in relation to the ‘legislative success’ of the Members in the four legislatures from 1976 to 4 December 1989, is that none of the bills presented in the IV legislature, 4th legislative session (2012/2013) of the LA, as well as the two bills presented in the 5th legislature, 5th legislative session (2013/2014), was approved.”<sup>587</sup>

These conclusions objectively reflect the “state of the art”. They are based on numbers that, in turn, allow one to project a certain reality.

Several of the initiatives specific to parliamentarians represent (necessary)

Hang, Vitor Ng, Lau Cheok Va, Ho Teng Iat, João Bosco Cheang, Au Chong Kit, Liu Yuk Lum, Lei Cheng I, Ho Ion Sang, Mak Soi Kun, Song Pek Kei, Tong Io Cheng, Ng Kuok Cheong, Au Kam San, Zheng Anting, *inter alia*. I should also stress that, in addition to the number of Members involved, their method of selection is also very diverse: directly elected, indirectly elected and appointed Members all appear on this list.

<sup>586</sup> Carlos Veiga, ‘A actividade legislativa’ (O Direito Online 2014) <<https://odireitoonline.com/a-actividade-legislativa.html>> accessed 29 January 2025. See also Vitalino Canas, *Preliminares do estudo da Ciência Política* (Publicações O Direito 1992) 251 et seq.

<sup>587</sup> Carlos Veiga, ‘A actividade legislativa’ (O Direito Online 2014) <<https://odireitoonline.com/a-actividade-legislativa.html>> accessed 29 January 2025.

repetitions of previous initiatives, given the failure to which they have been systematically doomed. The exemplary case consists of the bill(s) on the freedom to form trade unions,<sup>588</sup> but others are worth mentioning, either in the reiteration of the attempts to have them approved, or in terms of their intrinsic value, such as, for example, the promotion of human rights treaties.

From this last set of bills, all but two thereof were pre-destined to fail. In fact, only the bill amending the Legislative Assembly's organic law was approved and published as law.

Let me say a few words on the much-vaunted projected reality, as reflected by the data.

### 3. Tentative Explanations

A first explanation is based on comparative law, ie there is a universal propensity towards a preponderance or prominence of the governmental legislative initiative.<sup>589</sup>

Some caution is warranted in any comparative undertaking.

We must first look at the numbers, statistical data and, second, perform a qualitative or substantive analysis — what kind of laws derive from governmental initiative, and which originate from the parliamentary side. Another factor that reinforces the prominence of the legislative initiative originating from governments is its complementary nature, when there is a parliamentary majority supporting the Government in office.<sup>590</sup> In legal-constitutional systems wherein the Government does not have legislative competence, it will come as no surprise that the Executive shall seek to gain an upper hand in terms of legislative initiative.

It should also be noted that, in the dual systems of legislative initiative — the case of Macau, distinct from *pluralised or multi-opened* systems where parliamentary members, the Government, and other entities like heads of State or regional bodies can propose legislation<sup>591</sup> — potentially even allowing general citizenry to initiate popular initiatives — the prevailing tendency for Government predominance might further amplify.

Attention must be paid to at least two different issues: the number of legislative

<sup>588</sup> On this matter, bills were introduced by a single Member, repeatedly, and later by a group of different Members; regardless, approval was not successful.

<sup>589</sup> Cf for example, Manuel Aragón Reyes, 'La Iniciativa Legislativa' in *Estudios de Derecho Constitucional* (CEPC 2009) 647 et seq; Jaime Valle, *A participação do Governo no exercício da função legislativa* (Coimbra Editora 2004) 147 et seq.

<sup>590</sup> A political party in a parliamentary majority is supportive of the government or, in the case of Macau, a majority that is generated by other means other than political party politics, first of all through the appointment of Members of the Legislative Assembly.

<sup>591</sup> At times accompanied by a reserved initiative reserve. See, for example, the legal-constitutional systems of Portugal, Italy and The Philippines.

initiatives introduced and processed, on the one hand; and the number of legislative initiatives approved, ie that are enacted into laws. There are examples in comparative constitutional law where the majority of approved laws result from governmental initiative; however, from the perspective of the number of introduced initiatives, most bills do not result from governmental impetus, rather from parliament.<sup>592</sup> As MANUEL ARAGÓN REYES affirms, “What is even more clear is the absolute predominance, not of government initiatives, but of the number of approved laws resulting from government initiatives, over the number of laws stemming from parliamentary initiative.”<sup>593</sup>

On the other hand, in systems where there are reserved areas of legislative initiative in favour of the Government, for example, on the budget law<sup>594</sup> — or where the Government can seek legislative authorisations constitutionally (for instance, through a Government bill seeking an enabling law permitting the Executive to enact legislative or other normative acts in certain relatively reserved matters under Parliament’s terms, limits, conditions, guidelines and deadlines, as set out in the authorising law), it’s natural to witness an upsurge in governmental legislative initiatives. In the case of Macau, as observed, the ballast of the original legislative initiative, in favour of the Government, weighs heavily<sup>595</sup> compared to most constitutional systems.

Although the castrating and substantively vast norm<sup>596</sup> of Article 75 of the Basic Law (in addition to some others, as discussed) might be of some utility to explain this scenario, it shall not suffice to provide a total or full answer.<sup>597</sup>

While this framework might partially contribute to explaining the trend of decreasing initiatives due to variations in the calculus of political opportunity, it cannot justify the failure to approve Members’ bills or their absence. In truth, Members’ bills that are put to a vote shall already have passed the barb-wired hurdle of Article 75. These modalities of conditioned initiative and the Government’s exclusive initiative only

<sup>592</sup> Jaime Valle, *A participação do Governo no exercício da função legislativa* (Coimbra Editora 2004) 148–149, referring to the Portuguese case, where the number of Members’ bills during the years under analysis “clearly exceeds the number of Government bills”: but the advantage is reduced if “If one considers the totality of bills that are approved”. See also, with references to the Italian and Spanish cases, Manuel Aragón Reyes, ‘La Iniciativa Legislativa’ in *Estudios de Derecho Constitucional* (CEPC 2009) 647–648.

<sup>593</sup> Manuel Aragón Reyes, ‘La Iniciativa Legislativa’ in *Estudios de Derecho Constitucional* (CEPC 2009) 648.

<sup>594</sup> And whenever there are mandatory original legislative initiatives reserved to the Government. The example of the budget bill is emblematic.

<sup>595</sup> On the other hand, mandatory original legislative initiatives reserved for parliamentarians are scarce.

<sup>596</sup> Yash Ghai, from a comparative law perspective, explains that there is only one true normality in the established framework regarding public expenditure and revenue, and not in an absolute way, “The other restrictions appear to be unprecedented (and have no parallel in China itself).”: Yash Ghai, *Hong Kong’s New Constitutional Order* (Hong Kong University Press 1999) 252–253.

<sup>597</sup> See also Susana Chou, *Balanço do Decénio de Actividades da Presidente da Assembleia Legislativa: 1999.12.20–2009.10.15* (Assembleia Legislativa 2009) 10: “However, such huge constrictions to Members’ legislative initiatives in no way reflect any ineptitude in the development of their work, nor their passivity vis-à-vis bills introduced by the Executive. Members remain entitled to work for the population in matters related to the social well-being and the fundamental rights of citizens, as well as to play a monitoring role when legislative gaps are detected in the current legal system, and situations of outdated or inability to adapt the legal norms to the social reality, formulating, for this purpose, the bills deemed necessary to correct such situations.”

function as filters for initiatives, but not for approvals.

One should pay attention to the following words:

“Article 71, subparagraph (1) clarifies that the Legislative Assembly is competent to enact, amend, suspend and repeal laws, in accordance with the provisions of the Basic Law and legal procedures. However, the majority of members of the Legislative Assembly are not legal experts, nor are they necessarily experts in complex economic and social subjects. Consequently, in Macau, the Legislative Assembly is often in a passive stance in terms of legislation, a state of affairs which is somewhat related to the composition of the Legislative Assembly.”<sup>598</sup>

This is a point of some concern, as announced within the Legislative Assembly, which aims to create conditions for the effective exercise of legislative initiative by the Members. In effect, note the following statements in a formal Report:

“The Committee also considered the opinion of some Members with regard to the creation of a structure in the Organic Law specifically aimed at supporting Members, namely for aiding them in the drafting of bills and resolutions. After discussing the issue, the Committee concluded that this is a relevant issue, deserving further appraisal and study. However, the urgency in the approval of this bill has prevented the Committee from deepening this matter with a view to inclusion thereof in the current amendments to the Organic Law.”

In other words, *a few Members*, and the Committee, did reflect on this *relevant* issue. The same Report goes on:

“However and despite these recitals, the Committee considers that it is already possible, today, for Members to request specialised legislative support from the Legislative Assembly with a view to carrying out their tasks, namely for the purposes of drafting bills and resolutions. Such stems specifically from paragraph (3) and from subparagraphs (1) and (4) of paragraph (4) of Article 19 of the Organic Law. These norms, which provide for the functions of the Advisory Staff, establish that, in addition to technical consultancy in general, such staff may also assist Members in drafting legal texts and in effectuating studies and opinions.”<sup>599</sup>

In closing this chapter, I would like to mention Members’ bills on matters of

<sup>598</sup> Song Xixiang, ‘Sobre as Relações entre o Poder Executivo e o Legislativo e o Judicial em RAEHK e RAEM’ (2012) 4 Revista de Estudos de ‘Um País, Dois Sistemas’ 119, 128.

<sup>599</sup> SSC, Report No. 2/V/2015, Bill entitled “Amendment to Law No. 11/2000 – Organic Law of the Assembly Legislative of the Macau Special Administrative Region”.

great importance,<sup>600</sup> including some aimed at the global or overall regulation of certain subjects — regardless of whether some might have required improvements on their specifics, as indeed largely occurs with Government bills — but which did not deserve the approval of the Plenary, since the first bill having been introduced during the 4th legislative session of the II Legislature: *Fundamental Right to Form Trade Unions*,<sup>601</sup> *Amendments to the Administrative Litigation Proceedings Code*,<sup>602</sup> *Legal framework for the Updating of Rents in Residential Immovable Properties*,<sup>603</sup> *Prevention of domestic violence, protection and assistance of its victims and the criminalisation of domestic violence*,<sup>604</sup> *Legal Status and Protection of Animals*,<sup>605</sup> and *Promotion, awareness and dissemination of Human Rights Treaties and ILO Convention*.<sup>606</sup>

#### 4. Emblematic Laws enacted pursuant to Members' Legislative Initiative

Notwithstanding the described difficulties, some bills achieved the objective of being printed on the pages of the OG.

Several laws that are in force today, emblematic in the sense that have greatly contributed to the well-being of the population and the consolidation of the MSAR legal system, originated, precisely, from bills initiated by Members of the Legislative Assembly after 1999. Or, in the following words of a former President,

<sup>600</sup> In this regard, it is worth giving a brief note on some viewpoints that were informally aired in the past. A more radical one suggested that the initiative of the law, as exercised by Members, was so small that it would not even cover matters that are inherent to the autonomy and self-organisation of the Legislative Assembly, namely in terms of the Legal Status of the Members and the organic structure of the Legislative Assembly. Another thesis sought to defend and prove (in total contradiction with the Basic Law and unsupported by the facts) that Members could enjoy legislative initiative only in matters of self-organisation of the Assembly, whereas on other subjects, Members would have to limit themselves to bills to amend existing laws — in a word, they would be unable to create *ex novo* or innovative legal frameworks from the ground up! The latter standpoint forgets the law on the protection of personal data, which resulted, precisely from an internal bill, the acceptance of successive bills on the freedom to form trade unions... These theses are lacking in any and all legal-constitutional, procedural or factual bases whatsoever.

<sup>601</sup> With a view to regulating such a fundamental right and to fill the existing legal *lacuna*, despite the freedom to form trade unions being already established in several instruments of international law applicable and directly invocable in Macau. The bill created a special protective procedure by granting *ex novo* competences to the CFA and the Administrative Court, whilst also attributing the Department of Labour Affairs with the competence of keeping a specific registry of trade unions.

<sup>602</sup> The objective was to include a summary process in the Administrative Litigation Proceedings Code, with simpler and more expeditious procedures than those applied in the common process, as well as to create a small claims court for administrative law matters.

<sup>603</sup> Intended to protect tenants, by limiting the contractual freedom with respect to the value of rents on residential real estate — such rents could no longer be freely updated, by mutual agreement of the parties, the basic criterion becoming the inflation rate of the year in question.

<sup>604</sup> Aimed at preventing and suppressing the phenomenon of domestic violence and to supporting and promoting the autonomy, and the dignified living conditions, of victims of such violence, in addition to criminalising the conduct.

<sup>605</sup> The object of which was to create a general legal framework for the protection of animals, by preventing cruelty to animals and by imposing several duties.

<sup>606</sup> The scope was the promotion of knowledge and dissemination of information on treaties related to Human Rights and workers' rights.

“These laws that were passed, all had the ability to respond to the expectations of society, with the desired positive effects, either because they closed the gaps heretofore existing in the legal system, or by improving the deficient or anachronistic aspects of the existing system.”<sup>607</sup>

Such are the cases of Law No. 8/2005, Law on the Protection of Personal Data;<sup>608</sup> Law No. 16/2008, Amendment to Law No. 2/9/3M — “Right of Assembly and Demonstration”;<sup>609</sup> Law No. 1/2009, Addendum to Law No. 21/88/M — “Access to the Law and to the Courts”;<sup>610</sup> Law No. 9/2000, General Framework Law on Sciences and Technology;<sup>611</sup> Law No. 2/2002, Amendments to Law No. 6/96/M, of 15 July, which approved the Legal Framework for Offences against Public Health and the Economy;<sup>612</sup> or Law No. 10/2003, Amendment to Decree-Law No. 47/98/M, of 26 October, which establishes the framework for administrative conditioning of activities.<sup>613</sup>

In addition, of course, to the laws necessary for the complete and proper operation of the Legislative Assembly, ie those laws relating to the legal status of the Members and to the organic structure of the Legislative Assembly.

<sup>607</sup> Susana Chou, *Balanço do Decénio de Actividades da Presidente da Assembleia Legislativa: 1999.12.20–2009.10.15* (Assembleia Legislativa 2009) 11.

<sup>608</sup> Established, *ex novo*, the general legal framework for the protection of the fundamental right to privacy in the context of personal data, imposed the creation of a public authority with wide and varied powers, created a special protective procedure by granting new competences to the CFA and the Administrative Court and established a set of crimes and administrative offences. This law applies, across the board, to the whole Public Administration and Government, as well as to society in general. It has brought about a real transformation in the operation of entities handling personal data and has profoundly changed the policy on privacy and personal data.

<sup>609</sup> This law solved doubts regarding the application and effective implementation of the fundamental right of assembly and manifestation, clarifying the competences of the CFA and the issue of (un)necessary legal representation.

<sup>610</sup> Article 4-A was added to Law No. 21/88/M, guaranteeing access to the law, to the Courts, to assistance by counsel in any process or proceedings, and at any stage thereof — as witness, declarant, deponent or defendant — as well as to obtain remedies by judicial means, and ensuring that everyone has the right to legal information and consultation, to legal representation and to be accompanied by a lawyer, regardless of the existence of a power of attorney (or evidence thereof), before any public authority, including judicial and criminal investigation authorities, irrespective of a person’s legal status, namely in view of such authorities. These modifications imposed duties of conduct on public authorities, namely on judicial and criminal investigation ones.

<sup>611</sup> Defines the objectives and the necessary measures to be adopted, namely: to encourage the creation of scientific and technological research and development institutions, as well as the research carried out by the staff in this area; to promote the transformation of research results into products and their commercialisation; to encourage the training, admission and hiring of qualified staff, encouraging them to carry out activities related to the area; to reward institutions, persons and projects that have made a relevant contribution to the MSAR. The law creates the Fund for the Development of Sciences and Technology.

<sup>612</sup> Amended Article 28, on the crime of fraud relating to goods/merchandise, and promoted the protection of consumer tourists, namely through the collaboration of tour agents. The law introduced significant modifications to the typified crime and the underlying protected legal interest, incorporating a new criminal policy based on the protection of tourists and an increased repression of black-market shops, selling counterfeit merchandise.

<sup>613</sup> This law subjects Internet cafes to administrative conditioning, as provided for in Decree-Law No. 47/98/M, of 26 October 1998, forbidding entry of children under 12; it also created new, and altered existing, administrative offences. Therefore, the administrative conditioning policy was partially modified.