

Law & People

Is translation granted for everyone?



By Jennifer, Lao Wan Fong*

In our previous article dated 15th February 2009, we have referred that the access to the Law and to the Courts is for everyone, regardless of their age, disability, gender, race, sexuality or religion.

The Law states that both Macau residents and non-residents are assured of having the right to go to trial or any legal diligence in Macau Courts and Public Authorities with the assistance of lawyers. This is applicable to any type of cases or proceedings, and the applicant may be any participant, including being the plaintiff, the accused, or even a witness. The Courts and Judicial Authorities cannot deny anyone of this right even if he/she is unable to pay for the assistance of a legal counsel.

Everyone, both Macau residents and non-residents, have the right to acquire information and judicial consultation; and to acquire judiciary defense as well as being assisted by a lawyer in any type of process, regardless of the existence of a

power of attorney and/or the fact that may have previously given a power of attorney to any Public Authorities, whether it be Judiciary Authorities or Criminal Investigation Authorities. These rights also exist regardless of the laws and rules of any of the mentioned authorities.

However, how can any lay persons prepare for a better understanding of languages while trying to understand the law and attending Courts? Do they need to be accompanied by their own translators to all of the abovementioned places?

The official languages in Macau SAR are both Chinese and Portuguese. Our Basic Law allows the use of both of the languages in all Judicial Authorities.

The operation of official languages was enforced by Law Decree no. 101/99/M dated 13th December. The general principle of this Law is that everyone has the right to address any Macau Court or Judicial Authorities in one of the official languages, either verbally or in writing. In addition, everyone has the right to know of all pro-

ceeding actions in one of the official languages.

It must be noted that every individual can choose to use either one of the official languages for written proceedings. When submitting any documents to Macau Courts or Judicial Authorities, one must submit only in Portuguese or Chinese.

However, Macau is a multicultural region, where the Chinese's and Portuguese's are living side by side with natural from Philippines, Russia, Australia, New Zealand, England, France, Senegal, Nepal, and others. To them, despite they did not speak one of the official languages, the access to the Justice is not denied.

Note that if by any chance one submits documents in any other languages, namely English, Spanish, Filipino, and Japanese, a translation into Portuguese or Chinese should be attached to the particular documents, otherwise the documents would be rejected.

If necessary, the Macau Public Administration and Civil Service Bureau, commonly known as "SAFP", has

a translation center that provides written translations into Portuguese and Chinese for public and private entities.

In the Court or before any other Judicial Authority, verbal translations are provided free of charge for those who do not know any official languages.

For example, when a party is called for any Criminal or Judicial proceedings, he/she will automatically get the verbal translation service for free, provided that he/she does not know any of the official languages, to allow him to gain a complete understanding of actions taken place during the Judicial proceeding.

A resident or non-resident has the right to request a translator in order to translate all the acts which will be performed in the Court or other Public Authority (Police, Public Prosecutor Office, Commission Against Corruption) and is not obliged to sign any document which do not understand clearly its contents. The translation is granted to everyone.

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Real Estate Matters

Should I Invest in Commercial Real Estate?



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by Juliet Risdon*

Just like residential real estate, the commercial real estate sector has, over the past 3 years, undergone a complete transformation.

One the major factors of influence has been the injection of retail space at the casino complexes. Firstly Wynn, followed by The Venetian, and soon to be joined by City Of Dreams. In contrast, available office space in Macau has been expanded upon only by AIA Tower, and office rental rates have also been impacted by the global financial situation.

The average lease rate per square foot for office space is within a range of HKD7-HKD15 per square foot. Retail space varies widely dependent on the location, and varies from HKD10-HKD150 per square foot. Of course, there are exceptions to these figures.

We are occasionally asked whether commercial and industrial real estate is a better investment than residential real estate. In many respects it's a matter of opinion, however well located and well managed commercial or industrial real estate can perform extremely well and can pay huge dividends over the long term.

Commercial and industrial real estate traditionally offers higher returns than residential real estate. Remember that commercial and industrial tenants generally take minimum lease terms of 3 years or more, whilst residential tenancies are often for 2 years only, which can be costly when the property is vacant and there is potential loss of rent and leasing fees.

So why do investors in Macau appear generally to have a portfolio of residential property, but not commercial property? Well, entry levels are much higher for a start, on average banks will require you to pay a larger cash deposit on a commercial space. This makes it more difficult for the average investor to get a foot hold in the commercial real estate arena.

Secondly, its been difficult to pinpoint which areas of Macau may work commercially, although we do now have the retail space inside casino's as discussed earlier.

Commercial space is not for everyone, and like all investments it carries an element of risk. However, if finances allow, including some commercial real estate in your portfolio is a wise strategy and will assist in diversifying your risk.

For further information please call me or visit our website www.RLLMacau.Com, we are always happy to give you our opinion and expertise whenever we can help. Any comments or feedback on this column are welcome, and if you have a property related question please e mail it us at: info@JMLMacau.com and we will respond to you in this column or by return E mail.

For further information please call me or visit our website www.rllmacau.com, we are always happy to give you our opinion and expertise whenever we can help. Any comments or feedback on this column are welcome, and if you have a property related question please e mail it us at: info@JMLMacau.com and we will respond to you in this column or by return E mail.