

**Panel on Administration of Justice and Legal Services  
(for Meeting on 18 December 2003)**

**Review of legislative provisions containing the  
drafting formula “to the satisfaction” of an enforcement agency**

Introduction

In HKSAR v Lam Geotechnics Limited (HCMA 379/2000), the Court of First Instance ruled that –

- (a) under section 7(1)(h) and (i) of the *Factories and Industrial Undertakings Ordinance* (Cap. 59), regulations could be made to prescribe means of ensuring safety of persons in industrial undertakings and to prescribe means of securing the removal of any danger or defect;
- (b) the elements of offence purportedly set out in regulation 44<sup>1</sup> of the *Construction Sites (Safety) Regulations* (Cap. 59 sub. leg. I) – made under section 7 of Cap. 59 – were incompletely defined because of the uncertainty in the words “to the satisfaction of the Commissioner”, which meant that those who were required to regulate their conduct according to the regulation could not ascertain, before a prosecution was brought, what fencing measures would satisfy the Commissioner; and
- (c) accordingly, regulation 44 of Cap. 59I in its current form was ultra vires section 7 of Cap. 59.

2. In light of that ruling, regulation 44 of Cap. 59I was recently amended to prescribe the specific measures required. The amendment was made under the *Construction Sites (Safety)(Amendment) Regulation 2003* (LN 258 of 2003), as amended under a Resolution of the Legislative Council under section 35 of the *Interpretation and General Clauses Ordinance* (LN 257 of 2003). The amendment came into operation on 28 November 2003.

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<sup>1</sup> Regulation 44 of Cap. 59I –

"(1) A contractor shall ensure that -

- (a) every flywheel and moving part of any prime mover;
- (b) every part of transmission machinery; and
- (c) every dangerous part of other machinery (whether or not driven by mechanical power),

for which he is responsible is securely fenced to the satisfaction of the Commissioner unless it is in such a position or of such construction as to be as safe to every workman on the construction site as it would be if it were securely fenced.

(2) Where under paragraph (1) parts of any machinery are required to be fenced, the contractor shall ensure that the fencing is kept in position while the parts are in motion or in use, except where the parts are necessarily exposed for examination or for any lubrication or adjustment shown by the examination to be immediately necessary."

3. This paper examines, in light of the Lam Geotechnics case, the extent of the problem with respect to provisions in subsidiary legislation containing the drafting formula “to the satisfaction” of an enforcement agency. It also sets out our preliminary view on the conduct of a review of those provisions.

#### Provisions containing the formula

4. The Annex to this paper sets out the provisions in subsidiary legislation that contain the drafting formula “to the satisfaction” of an enforcement agency and whose validity may become doubtful because of the Lam Geotechnics case.

5. A number of other provisions also contain the drafting formula. We do not include them in the Annex because we consider that they would not be ultra vires their respective enabling provisions following the judgment in the Lam Geotechnics case. There are three categories of such provisions –

- (a) provisions containing “... or otherwise to the satisfaction” of an enforcement agency;
- (b) provisions where the enforcement agency’s administrative decision does not determine the question whether there is a breach of duty; and
- (c) provisions where there is no uncertainty despite the drafting formula.

#### “or otherwise ... to the satisfaction of”

6. For example, regulation 24 of the *Factories and Industrial Undertakings Regulations* (Cap. 59 sub. leg. A) provides that “in every notifiable workplace, (a) all platforms... and (b) all vessels containing ... shall be securely fenced to a height of not less than 900 millimetres or otherwise protected **to the satisfaction of the Commissioner**”. This is different from regulation 44 of the Cap. 59I in that a specific measure (i.e. a height of not less than 900 mm) has been prescribed. Regulation 24 is also made under section 7 of Cap. 59.

7. In light of AG v Chiu Chun-hoo, Crim App No. 925 of 1983, we are of the view that “or otherwise protected to the satisfaction of the Commissioner” in regulation 24 of the Cap. 59A do not create a further offence which in itself may be charged against a proprietor of a notifiable workplace. The offence for failing to comply with regulation 24 is that a platform or vessel, etc is not securely fenced to a height of not less than 900 millimetres. The words “or otherwise protected to the satisfaction of the Commissioner” provides a proprietor with a possible exemption from the liability that would otherwise fall upon him if the platform or vessel concerned is not so fenced.

Provisions where enforcement agency's  
administrative decision does not determine breach of duty

8. The first example is regulation 4(1) of the *Import and Export (Registration) Regulation* (Cap. 60 sub. leg. E). It requires a person who imports any article other than an “exempted article” to lodge with the Commissioner for Customs and Excise an import declaration within a specified period. Failure to do so is an offence under regulation 4(6). In setting out what “exempted article” is, regulation 3(f) specifies “personal baggage including any article which is shown **to the satisfaction of** the Commissioner to be imported ... otherwise than for trade or business”. A person can ascertain beforehand whether there is a statutory duty on his part. If the Commissioner is not satisfied that an article is imported otherwise than for trade or business, the person does not immediately commit an offence. He can fulfil the statutory duty by lodging an import declaration. It is clear as to what his statutory duty is. The drafting formula does not create any uncertainty in whether there is a breach of the statutory duty.

9. The second example is regulation 34(2) of the *Radiation (Control of Radioactive Substances) Regulations* (Cap. 303 sub. leg. A). In essence, the provision requires that if a workplace is affected by spillage of any radioactive substance, the proprietor of the workplace shall not permit any person other than cleansing personnel to enter the workplace until the workplace has been cleansed **to the satisfaction of** a designated person. Failure to do so is an offence under regulation 34(5). If the enforcement agency is not satisfied that the workplace has been cleansed, the proprietor's statutory duty subsists. It is clear as to what his statutory duty is. The drafting formula does not create any uncertainty in whether there is a breach of the statutory duty.

No uncertainty despite the formula

10. The first example is regulation 164(m) of the *Places of Public Entertainment Regulations* (Cap. 172 sub. leg. A). It applies to a temporary structure which is licensed for a public entertainment and requires all gangways, etc to be “provided, formed and maintained **to the satisfaction of**” the Building Authority (or his authorized officer). In relation to the grant of a licence, the place in question shall be inspected under regulation 162(7) by the Building Authority (or his authorized officer) for the purpose of ascertaining whether the requirements of, inter alia, regulation 164(m) have been complied with. In other words, a person, on being granted a licence, knows what satisfies the Building Authority (or his authorized officer) in relation to the requirements of regulation 164(m).

11. The second example is section 18(3) and (4) of the *Public Cleansing and Prevention of Nuisances Regulation* (Cap. 132 sub. leg. BK). Under section 18(3), the Director of Food and Environmental Hygiene may undertake to remove waste from the waste chute provided in certain premises. The undertaking is to be effected by an agreement between the Director and owner of the premises. The agreement is deemed to contain a condition in section 18(4)(a), which states that “all waste storage containers ... shall be maintained ... in good repair and serviceable condition **to the satisfaction of the Director**”. Failure to comply with section 18 is an offence under section 23(1)(a).

12. Despite the drafting formula in section 18(4)(a), the owner of the premises can ascertain from the Director what standards would satisfy the Director before entering into an agreement with the Director.

#### Other provisions: Utah Case

13. When Cap. 59I was recently amended, regulation 38A(1) was also amended. However, it does not involve the drafting formula “to the satisfaction” of an enforcement agency.

14. Regulation 38A(1) sought to impose a general duty on contractors responsible for a construction site to “ensure that every place of work on the site is, so far as is reasonably practicable, made and kept safe for any person working there”. It did not specify any means for ensuring safety. In light of Utah Construction & Engineering Property Ltd v Janos Pataky (1966) AC 629 (which was considered in the Lam Geotechnics case), this Department considered regulation 38A(1) ultra vires section 7(1)(h) of Cap. 59, which empowers provisions to be made to provide for “means of ensuring the safety of persons in industrial undertakings and of relieving persons suffering from the effects of accidents in industrial undertakings”. Accordingly, regulation 38A(1) was amended to prescribe the specific measures required. The amendment also came into operation on 28 November 2003.

15. This amendment dealt with a particular instance where a provision was considered ultra vires its enabling provision. It does not involve any drafting formula that may have an across the board implication.

#### Review

16. At this Panel's request, the Department of Justice conducted a preliminary search on the provisions in subsidiary legislation that contain the drafting formula “to the satisfaction” of an enforcement agency and whose validity may become doubtful because of the Lam Geotechnics case. This paper gives a preliminary view of the extent of the problem after the search has been conducted.

17. The Administration will consider whether a review is necessary, having regard to the view of this Panel. If a review is conducted, it is proposed that it will involve two phases.

18. In phase one, the Administration will review the subsidiary legislation. Each policy bureau will be asked to review the subsidiary legislation under its purview to assess whether the provisions in the Annex (and others not having been identified by us there) would be ultra vires their respective enabling provisions – taking into account the context of individual legislation. The Department of Justice will provide legal support to the review.

19. In phase two, each policy bureau will consider what amendments would be necessary for each provision that is considered ultra vires its enabling provision. This involves policy input from the bureau concerned. Drafting instructions will then be issued for amending the provisions concerned. Depending on the volume of amendment involved, amendments may be made under a miscellaneous bill.

Department of Justice  
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	<b>Sub. Leg. (Bureau)</b>	<b>Provisions containing the drafting formula "to the satisfaction" of an enforcement agency</b>	<b>Offence</b>
1.	Boilers and Pressure Vessels Regulations (Cap. 56A) (EMB)	<b>12.</b> Every pipe that conveys oil, steam or water under pressure to or from a boiler, steam receiver or steam container shall be protected <b>to the satisfaction of the Authority</b> against the effect of weather and damp and against external damage.	reg. 17
2.	Boilers and Pressure Vessels Regulations (Cap. 56A) (EMB)	<b>13.</b> Every pipe that conveys oil or steam under pressure shall be lagged <b>to the satisfaction of the Authority</b> with fire-proof material.	reg. 17
3.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>30.</b> Every factory shall be enclosed, constructed, maintained and cleansed <b>to the satisfaction of the Commissioner.</b>	reg. 104(2)
4.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>33.</b> All goods in a factory shall be stored <b>to the satisfaction of the Commissioner</b> and manufactured goods shall be stored apart from unmanufactured goods and dutiable goods shall be stored apart from duty-paid goods.	reg. 104(2)
5.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>34.</b> In every factory the manufacturer shall, <b>to the satisfaction of the Commissioner</b> , keep, and at least once in any day on which manufacturing is carried on in that factory make due entry of the particulars prescribed in, a stock book and a factory book which shall be in such form as the Commissioner may specify.	reg. 104(2)
6.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>38.</b> (1) The licensed premises shall be enclosed by walls or fences <b>to the satisfaction of the Commissioner.</b> (4) Every part of the premises shall be illuminated <b>to the satisfaction of the Commissioner.</b> (5) The premises shall at all times be kept in good and substantial repair and in sanitary condition <b>to the satisfaction of the Commissioner.</b> (6) (a) The licensee shall provide and maintain in the premises, <b>to the satisfaction of the Commissioner</b> , office accommodation, with all necessary furniture, writing materials, heating and cooling equipment, cleaning and lighting, and lavatory accommodation, for the use of members of the Customs and Excise Service on duty at the premises.	reg. 104(2)
7.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>40.</b> (4) All machinery, apparatus, utensils, vessels or receptacles of every kind shall be kept in a clean and sanitary condition <b>to the satisfaction of the Commissioner.</b>	reg. 104(1)
8.	Duitable Commodities Regulations (Cap. 109A)	<b>41.</b> The licensee shall provide and maintain upon the premises, and permit any and every member of the Customs and Excise Service to use, sufficient and just beams, scales	reg. 104(1)

	(FSTB)	or weighing machines and standard weights, gauges and measures (including glass measures graduated in millilitres for the determination of the contents of bottles, and also a cask or vessel capable of containing the contents of the largest cask or container intended to be sent out from the brewery) and other necessary and reasonable appliances <b>to the satisfaction of</b> the Commissioner.	
9.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<p><b>52.</b> Every distillery shall be enclosed by walls or fences and every part thereof and every fixture therein or thereon constructed and maintained in good and substantial repair and in sanitary condition, <b>to the satisfaction of</b> the Commissioner, and in particular –</p> <p style="text-align: center;">.....</p> <p>(b) the distillery shall be illuminated and ventilated <b>to the satisfaction of</b> the Commissioner;</p> <p style="text-align: center;">.....</p> <p>(g) the distiller shall provide and maintain, <b>to the satisfaction of</b> the Commissioner, clean office accommodation and all necessary furniture, writing materials, heating and cooling equipment, lighting, and lavatory accommodation, for the use of members of the Customs and Excise Service on duty at the premises and no charge shall be levied for the facilities required by this paragraph.</p>	reg. 104(1)
10.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>55.</b> (1) All containers and utensils for distillation and storage of liquor shall be kept clean <b>to the satisfaction of</b> the Commissioner.	reg. 104(2)
11.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<p><b>81.</b> Every warehouse and every part thereof and every fixture therein or thereon shall be constructed and maintained in good and substantial repair and sanitary condition <b>to the satisfaction of</b> the Commissioner, and in particular –</p> <p>(a) the warehouse shall be illuminated and ventilated <b>to the satisfaction of</b> the Commissioner;</p> <p style="text-align: center;">.....</p>	reg. 104(2)
12.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<b>83.</b> (1) When required so to do by the Commissioner, the warehouse-keeper shall provide and maintain in the premises <b>to the satisfaction of</b> the Commissioner, office and lavatory accommodation, with heating and cooling equipment, lighting, furniture and writing materials, for the use of the members of the Customs and Excise Service on duty at the warehouse.	reg. 104(2)
13.	Duitable Commodities Regulations (Cap. 109A) (FSTB)	<p><b>84.</b> Every warehouse-keeper, <b>to the satisfaction of</b> the Commissioner, shall provide and maintain, in a suitable place in the warehouse –</p> <p>(a) adequate receptacles, accurate measures,</p>	reg. 104(1)

		<p>beams and scales or weighing machines, for examining, testing, sampling, bottling, blending, mixing, denaturing, repacking, grading, reconditioning and otherwise treating dutiable goods; and</p> <p>(b) adequate receptacles for refuse.</p>	
14.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<b>59.</b> Every person licensed to keep a public dance hall shall exhibit and keep exhibited the words "Licensed for dancing" in English and in Chinese the characters "已領有跳舞牌照" in some conspicuous place near the door and on the outside of the premises <b>to the satisfaction of</b> the licensing authority.	reg. 17
15.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<p><b>71.</b> (1) Every person licensed to keep a public dance hall shall provide and maintain on the premises <b>to the satisfaction of</b> the Director of Fire Services -</p> <p>(a) fire appliances adequate for the protection of the premises, at all times free from obstruction and ready for use;</p> <p>.....</p> <p>(2) Every person licensed to keep a public dance hall shall provide and maintain on the premises <b>to the satisfaction of</b> the Building Authority adequate means of escape in case of fire for all persons from every part of the premises.</p>	reg. 17
16.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<b>75.</b> Every person licensed to keep a public dance hall shall provide and shall maintain in a clean and wholesome condition on the premises adequate latrine, urinal or watercloset accommodation <b>to the satisfaction of</b> the Director of Food and Environmental Hygiene.	reg. 17
17.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<b>76.</b> Every person licensed to keep a public dance hall shall provide adequate measures for ventilating, cleansing and otherwise securing hygienic conditions in the premises and shall maintain the premises in a hygienic condition <b>to the satisfaction of</b> the Director of Food and Environmental Hygiene.	reg. 17
18.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<b>108.</b> Every person licensed to keep a dancing school shall exhibit and keep exhibited "Licensed for Dancing Instruction" in English and in Chinese the characters "特許教授跳舞" in some conspicuous place near the door and on the outside of the premises <b>to the satisfaction of</b> the licensing authority.	reg. 17
19.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<p><b>121.</b> (1) Every person licensed to keep a dancing school shall provide and maintain on the premises <b>to the satisfaction of</b> the Director of Fire Services -</p> <p>(a) fire appliances adequate for the protection of the premises, at all times free from obstruction and ready for use;</p> <p>.....</p> <p>(2) Every person licensed to keep a dancing school shall provide and maintain on the premises <b>to the</b></p>	reg. 17



		<b>satisfaction of</b> the Building Authority adequate means of escape in case of fire for all persons from every part of the premises.	
20.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<b>125.</b> Every person licensed to keep a dancing school shall provide and shall maintain in a clean and wholesome condition on the premises adequate latrine, urinal or water-closet accommodation <b>to the satisfaction of</b> the Director of Food and Environmental Hygiene.	reg. 17
21.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<b>126.</b> Every person licensed to keep a dancing school shall provide adequate measures for ventilating, cleansing and otherwise securing hygienic conditions in the premises and shall maintain the premises in a hygienic condition <b>to the satisfaction of</b> the Director of Food and Environmental Hygiene.	reg. 17
22.	Funeral Parlour (Regional Council) By-laws (Cap. 132AD) (HAB/HWFB)	<b>7.</b> The following provisions shall apply to every funeral parlour -  (a) every part of the premises shall be adequately lighted and ventilated <b>to the satisfaction of</b> the Director, either by natural means or mechanical means or partly by natural means and partly by mechanical means;  .....	s. 14(2)
23.	Funeral Parlour (Regional Council) By-laws (Cap. 132AD) (HAB/HWFB)	<b>12.</b> The licensee of any funeral parlour shall, at all times, keep the premises, including all fittings, equipment, furniture, utensils and apparatus therein, in a clean and sanitary condition <b>to the satisfaction of</b> the Director.	s. 14(1)
24.	Offensive Trades (Regional Council) By-laws (Cap. 132AX) (HAB/HWFB)	<b>17.</b> ... Where any part of the premises is used for sleeping purposes such part shall be partitioned off from the remainder of the premises <b>to the satisfaction of</b> the Director, and no part of the trade shall be carried on and no storage of raw materials or finished products shall be permitted therein.	s. 23
25.	Places of Amusement (Urban Council) Bylaws (Cap. 132BA) (HAB/HWFB)	<b>15.</b> The licensee shall <b>to the satisfaction of</b> the Director provide adequate urinal and watercloset accommodation in the licensed premises and shall maintain such accommodation in a clean and wholesome condition.	s. 19
26.	Places of Amusement (Urban Council) Bylaws (Cap. 132BA) (HAB/HWFB)	<b>22.</b> The licensee of a billiard establishment shall exhibit and keep exhibited-  (a) the words "Licensed for billiards" in English and in Chinese the characters "已領有桌球館牌照" in some conspicuous place near the door and on the outside of the licensed premises <b>to the satisfaction of</b> the Director; and  .....	s. 19

27.	Places of Amusement (Urban Council) Bylaws (Cap. 132BA) (HAB/HWFB)	<b>24.</b> The licensee of a public bowling-alley shall exhibit and keep exhibited the words "Licensed bowling-alley" in English and in Chinese the characters "已領有保齡球場牌照" in some conspicuous place near the door and on the outside of the licensed premises <b>to the satisfaction of the Director.</b>	s. 19
28.	Places of Amusement (Urban Council) Bylaws (Cap. 132BA) (HAB/HWFB)	<b>26.</b> The licensee of a public skating rink shall exhibit and keep exhibited the words "Licensed for skating" in English and in Chinese the characters "已領有溜冰場牌照" in some conspicuous place near the door and on the outside of the licensed premises <b>to the satisfaction of the Director.</b>	s. 19
29.	Public Cleansing and Prevention of Nuisances (Urban Council) By-laws (Cap. 132BK) (HAB/HWFB)	<b>5.</b> (3) A notice under subsection (1) or (2) may also require the person on whom it is served - (a) to clean the area or common part of a building specified therein <b>to the satisfaction of the public officer</b> serving the notice within such period as may be prescribed in the notice; and (b) thereafter to keep such area or common part of a building clean <b>to the satisfaction of the public officer</b> serving the notice for such period not exceeding 30 days, as may be prescribed in the notice.	s. 23(1)(c)
30.	Public Cleansing and Prevention of Nuisances (Urban Council) By-laws (Cap. 132BK) (HAB/HWFB)	<b>19.</b> (2) Every dustbin provided shall be - ..... (e) of a capacity not exceeding 100L and not less than 30L; and (f) generally made <b>to the satisfaction of the Director.</b> (4) The occupier of any premises or part of any premises in which no waste chute is provided shall- (a) at all times maintain every dustbin provided by him in good repair and in a clean condition <b>to the satisfaction of the Director;</b> .....	s. 23(1)(b)
31.	Sanitation and Conservancy (Regional Council) By-laws (Cap. 132BT) (HAB/HWFB)	<b>7.</b> (2) Every such sanitary pail or container shall – ..... (c) have either a close-fitting lid or cover, or be enclosed in a box or structure, so made as to prevent the emission of smell therefrom or the access of flies thereto and constructed <b>to the satisfaction of the Director.</b> (3) Every sanitary pail or container and all fittings or appliances appurtenant thereto shall, at all times, be maintained in good repair and in a clean and hygienic condition <b>to the satisfaction of the Director</b> by the occupier of the premises in which it is installed.	s. 10(3)

32.	Slaughterhouses (Regional Council) Bylaws (Cap. 132BU) (HAB/HWFB)	<b>26.</b> A licensee shall install and maintain - (a) adequate lighting in the licensed slaughterhouse <b>to the satisfaction of the Director</b> ; .....	s. 36
33.	Public Health (Animals and Birds)(Animal Traders) Regulations (Cap. 139B) (HAB/HWFB)	<b>9.</b> A licensed animal trader shall comply with the following requirements – ..... (c) a programme for the control and destruction of insects, ecto-parasites, avian and mammalian pests on the licensed premises shall be approved by, and maintained <b>to the satisfaction of</b> , the Director; .....	reg. 13(2)(b)
34.	Dairies Regulations (Cap. 139D) (EDLB)	<b>12.</b> (4) The following provisions shall apply to every building or other place in which cattle are kept in any dairy – ..... (b) the floor thereof shall - ..... (iii) communicate directly, by means of an independent drain, constructed <b>to the satisfaction of</b> the Director, with a covered cement catch-pit.	reg. 27(4)
35.	Dairies Regulations (Cap. 139D) (EDLB)	<b>14.</b> The effluent from any building or other place in which cattle are kept in any dairy or which is a milk room shall at all times be disposed of <b>to the satisfaction of</b> the Director.	reg. 27(4)
36.	Dairies Regulations (Cap. 139D) (EDLB)	<b>16.</b> (1) Every building or other place in which cattle are kept in any dairy or to which cattle have access or which is a milk room shall be thoroughly cleansed as often as may be necessary to ensure that the same is at all times clean <b>to the satisfaction of</b> an inspector.	reg. 27(4)
37.	Public Health (Animals and Birds)(Exhibitions) Regulations (Cap. 139F) (EDLB)	<b>7.</b> Except as may reasonably be justified for the purpose of veterinary treatment, a person to whom a licence has been granted shall comply with the following requirements – ..... (f) a programme for the control and destruction of insects, ectoparasites, avian and mammalian pests at the place at which the animals or birds are kept shall be established and maintained <b>to the satisfaction of</b> the Director; .....	reg. 9
38.	Public Health (Animals)(Boarding Establishment) Regulations	<b>8.</b> Except as may reasonably be justified for the purpose of veterinary treatment, a person to whom a licence has been granted shall comply with the following requirements – .....	reg. 9

	(Cap. 139I) (EDLB)	(f) a programme for the control and destruction of insects, ectoparasites, avian and mammalian pests at the place at which the animals are accommodated shall be established and maintained <b>to the satisfaction of</b> the Director;  .....	
39.	Places of Public Entertainment Regulations (Cap. 172A) (HAB)	<b>53.</b> (1) Fire Service installations and equipment shall be provided <b>to the satisfaction of the</b> Director of Fire Services.	reg. 171
40.	Places of Public Entertainment Regulations (Cap. 172A) (HAB)	<b>87.</b> If it is desired to instal in the auditorium or main hall any lamp or apparatus for the purposes of stage illumination, advertisement or special effects, such lamp or apparatus shall be contained in a suitable enclosure arranged <b>to the satisfaction of</b> the licensing authority.	reg. 171
41.	Places of Public Entertainment Regulations (Cap. 172A) (HAB)	<b>88.</b> Except with the consent of the licensing authority and subject to any conditions of such consent, any lamp which may be used in the auditorium for projecting advertisements, stage illumination, special effects or for any other purpose shall be contained in a suitable enclosure <b>to the satisfaction of</b> the licensing authority.	reg. 171
42.	Public Bus Services Regulations (Cap. 230A) (ETWB)	<b>6.</b> Every grantee shall ensure that - (a) every bus used by it in connection with its franchise is, at all times when the bus is so used, properly equipped <b>to the satisfaction of</b> the Commissioner with such signs and destination indicators as are referred to in regulation 7; and  .....	reg. 25(1)
43.	Public Bus Services Regulations (Cap. 230A) (ETWB)	<b>7.</b> (1) A driver and conductor of a bus when acting as such shall ensure that -  ..... (e) there is displayed on the bus, <b>to the satisfaction of</b> the Commissioner, - (i) a statement, in English and Chinese characters, of the maximum number of seated and standing passengers authorized to be carried on the bus; (ii) the authorized fare for passengers boarding on the section of the route on which the bus is currently operating; and  .....	reg. 25(1)
44.	Child Care Centres Regulations (Cap. 243A) (HWFB)	<b>43.</b> (3) First aid boxes shall be maintained fully equipped <b>to the satisfaction of</b> the Director at all times and so placed as to be inaccessible to the children.	reg. 46(4A)

45.	Peak Tramway (Safety) Regulations (Cap. 265A) (ETWB)	<b>25.</b> (1) The company shall, <b>to the satisfaction of</b> the Director, provide adequate equipment and facilities for the rescue of passengers in the event of an accident or emergency.	reg. 35
46.	Peak Tramway (Safety) Regulations (Cap. 265A) (ETWB)	<b>27.</b> (1) The company shall, <b>to the satisfaction of</b> the Director, provide reasonable numbers of personnel and facilities for the control and safety of persons using, or being in the vicinity of, the tramway.	reg. 35
47.	Mining (General) Regulations (Cap. 285A) (ETWB)	<b>12.</b> The holder of a prospecting licence shall fill in or otherwise render secure, <b>to the satisfaction of</b> the Superintendent of Mines, all unproductive shafts, excavations or trenches made by him in the course of prospecting.	reg. 37
48.	Mines (Safety) Regulations (Cap. 285B) (ETWB)	<b>8.</b> All engines, ladders, windlasses, brakes, ropes, winding gear and other mechanical appliances shall be kept in good condition and repair <b>to the satisfaction of</b> a mines officer.	reg. 105
49.	Mines (Safety) Regulations (Cap. 285B) (ETWB)	<b>9.</b> (2) Efficient safety guards shall be provided <b>to the satisfaction of</b> a mines officer to such parts of machinery as may in his opinion be a source of possible danger to persons.	reg. 105
50.	Mines (Safety) Regulations (Cap. 285B) (ETWB)	<b>31.</b> The Superintendent of Mines may determine from time to time the angle to be maintained on any mine workings to ensure the safety thereof, and in that event shall give notice in writing to the manager of the angle to be maintained. It shall be the duty of the manager to ensure that the angle is maintained at all times <b>to the satisfaction of</b> the Superintendent of Mines.	reg. 105
51.	Mines (Safety) Regulations (Cap. 285B) (ETWB)	<b>41.</b> (1) The manager shall provide and maintain <b>to the satisfaction of</b> a mines officer such ladders or other ways as will furnish effectual means of exit or ascent of persons from any underground workings without the assistance of winding machinery.	reg. 105
52.	Mines (Safety) Regulations (Cap. 285B) (ETWB)	<b>62.</b> All parts of every underground working shall be properly and sufficiently ventilated <b>to the satisfaction of</b> a mines officer.	reg. 105
53.	Dangerous Goods (General) Regulations (Cap. 295B) (SB)	<b>31.</b> After the grant or renewal of any licence for the manufacture of explosives – ..... (b) all parts of the factory, its fittings and equipment, shall be maintained in good repair <b>to the satisfaction of</b> the Authority.	reg. 60(7)
54.	Dangerous Goods (General) Regulations (Cap. 295B)	<b>73.</b> (1) No container containing liquid oxygen or liquid nitrogen shall be stored otherwise than in a place approved by the Authority and marked, <b>to the satisfaction</b>	reg. 79(2)

	(SB)	<b>of</b> the Authority, by one or more notices, in English and Chinese, indicating the storage of liquid oxygen or liquid nitrogen, as the case may be.	
55.	Dangerous Goods (General) Regulations (Cap. 295B) (SB)	<b>78C.</b> (1) After the grant or renewal of any licence for the storage of gas – ..... (b) every distribution pipeline leading from the store shall be maintained at all times in good order and condition <b>to the satisfaction of</b> the Authority.	reg. 78C(3)
56.	Dangerous Goods (General) Regulations (Cap. 295B) (SB)	<b>178.</b> (1) After the grant or renewal of any licence for the storage of dangerous goods in any category – ..... (b) the store, and its fittings and equipment, shall be maintained at all times in good order and condition <b>to the satisfaction of</b> the Authority.	reg. 178(3)
57.	Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296A) (CITB)	<b>18.</b> (3) Such stock shall be maintained in good condition <b>to the satisfaction of</b> the Director.	reg. 25(1)
58.	Air Pollution Control (Dry-Cleaning Machines) (Vapour Recovery) Regulation (Cap. 311T) (ETWB)	<b>8.</b> (2) The owner of a dry-cleaning laundry in which is installed a dry-cleaning machine which cannot be used by virtue of subsection (1) shall, as soon as is reasonably practicable after the machine cannot be used by virtue of that subsection but, in any case, not later than 14 days after the machine cannot be used by virtue of that subsection – (a) render the machine, or cause the machine to be rendered, permanently inoperable <b>to the satisfaction of</b> the Authority; or	s. 11(3)
59.	Marine Fish Culture Regulations (Cap. 353A) (EDLB)	<b>7.</b> A licensee or permittee shall - (a) <b>to the satisfaction of</b> the Director, cause the number of his licence or permit to be permanently marked in conspicuous lettering upon each raft or impoundment used by him; and .....	reg. 11(1)
60.	Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built Before 1 September 1984) Regulations (Cap. 369R) (EDLB)	<b>50.</b> (1) Automatic control systems and an alarm system, <b>to the satisfaction of</b> the Certifying Authority, shall be provided for all important functions including pressures, temperatures and fluid levels. The control system shall be such that through the necessary automatic arrangements the services needed for the operation of the main propulsion machinery and its auxiliaries are ensured.	reg. 80(1)

61.	Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369S) (EDLB)	<b>3A.</b> (3) Where a double bottom is required by this regulation to be fitted in a ship, its depth shall be <b>to the satisfaction of</b> the Certifying Authority and the inner bottom shall be continued out to the ship's sides in such a manner as to protect the bottom to the turn of the bilge.	reg. 64(1)
62.	Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369S) (EDLB)	<b>5.</b> (1) In every ship the watertight decks, trunks, tunnels, duct keels and ventilators shall be of the same strength as the watertight bulkheads at corresponding levels. The means used for making them watertight and the arrangements adopted for closing openings in them shall be <b>to the satisfaction of</b> the Certifying Authority. Watertight ventilators and trunks shall be watertight at least up to the freeboard deck.	reg. 64(1)
63.	Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369S) (EDLB)	<b>22.</b> (2) In every ship in which oil or gaseous fuel is used, the arrangements for the storage, distribution and utilization of the fuel shall be such that, having regard to the hazard of fire and explosion which the use of such fuel may entail, the safety of the ship and of persons on board is preserved. The arrangements shall comply at least with the following provisions-  ..... (k) every oil fuel pipe shall be made of steel or other suitable material except that flexible pipes may be permitted in positions where the Certifying Authority is satisfied that they are necessary; such flexible pipes and their attachments shall be constructed <b>to the satisfaction of</b> the Certifying Authority;  .....	reg. 64(1)
64.	Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369S) (EDLB)	<b>39.</b> (1) An automatic control system, and an alarm system shall be provided <b>to the satisfaction of</b> the Certifying Authority for all important functions including pressures, temperatures and fluid levels. The control system shall be such that through the necessary automatic arrangements the services needed for the operation of the main propulsion machinery and its auxiliaries are ensured.	reg. 64(1)
65.	Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369S) (EDLB)	<b>52.</b> (1) In every ship stairways and ladderways shall be arranged so as to provide ready means of escape to the lifeboat embarkation deck from all accommodation spaces, service spaces and other spaces in which the crew are normally employed. In particular the following shall be complied with –  ..... (f) the width and continuity of the means of escape shall be <b>to the satisfaction of</b> the Director;	reg. 64(1)

		<p>.....</p> <p>(2) In all cargo spaces intended for the carriage of motor vehicles with fuel in their tanks for their own propulsion where the crew is normally employed the number and locations of escape routes to the open deck shall be <b>to the satisfaction of</b> the Director but shall in no case be less than two and shall be as widely separated as possible.</p> <p>(5) From machinery spaces other than machinery spaces of Category A, escape routes shall be provided <b>to the satisfaction of</b> the Director having regard to the nature and location of the space and the number of persons normally employed in that space.</p>	
66.	Merchant Shipping (Safety)(Fire Protection)(ships Built Before 25 May 1980) Regulations (Cap. 369W) (EDLB)	<p><b>48.</b> (1) Except as provided in subregulations (2A) and (3), every tanker of Class VII(T) of 20000 tonnes deadweight or over constructed or adapted and used to carry crude oil and petroleum products having a closed fishponds not exceeding 60 degrees Celsius, the Reid vapour pressure of which is below atmospheric pressure, and other liquids having a similar fire hazard shall be provided with an inert gas system complying with Schedule 1.</p> <p><b>Sch. 1</b></p> <p>(2) (a) (i) The inert gas system shall be designed, constructed and tested <b>to the satisfaction of</b> the Director. It shall be designed and operated so as to render and maintain the atmosphere of the cargo tanks including the slop tanks non-flammable at all times, except where such tanks are to be gas free; and</p> <p>.....</p> <p>(s) (vii) in relation to the water seal mentioned in sub-subparagraph (i)(G) arrangements shall be made <b>to the satisfaction of</b> the Director for the maintenance of an adequate reserve of water at all times and the integrity of the arrangements to permit the automatic formation of the water seal when the gas flow ceases. The audible and visual alarm on the low level of water in the water seal shall operate when the inert gas is not being supplied;</p> <p>.....</p>	reg. 75
67.	Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)	<p><b>51.</b> (2) (a) (i) The inert gas system shall be designed, constructed and tested <b>to the satisfaction of</b> the Director. It shall be so designed and operated as to render and maintain the atmosphere of the cargo tanks including the slop tanks non-flammable at all times, except where it is necessary for such tanks to be gas free;</p> <p>.....</p> <p>(s) (vii) in relation to the water seal referred to in subparagraph (i)(G), arrangements shall be made <b>to the satisfaction of</b> the</p>	reg. 77



		<p>Director for the maintenance of an adequate reserve of water at all times for the automatic formation of the water seal when the gas flow ceases. The audible and visual alarm on the low level of the water in the water seal shall operate when the inert gas is not being supplied;</p> <p>.....</p>	
68.	<p>Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)</p>	<p><b>51A.</b> (1) (a) Every inert gas system fitted in accordance with regulation 46(1A)(a) shall be designed, constructed and tested <b>to the satisfaction of the Director</b> and shall comply with the following requirements of this regulation.</p> <p>(12) The arrangements for inerting, purging or gas-freeing of empty tanks as required by subregulation (2) shall be <b>to the satisfaction of</b> the Director and shall be such that the accumulation of hydrocarbon vapours in pockets formed by the internal structural members in a tank is minimised and that -</p> <p>.....</p>	reg. 77
69.	<p>Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)</p>	<p><b>51B.</b> (1) (a) Every inert gas system fitted in accordance with regulation 46(1A)(b) shall be designed, constructed and tested <b>to the satisfaction of the Director</b> and shall comply with the following requirements of this regulation.</p> <p>(12) (a) The arrangements for inerting, purging or gas-freeing of empty tanks as required by subregulation (2) shall be made <b>to the satisfaction of</b> the Director and shall be such that the accumulation of flammable vapours in pockets formed by the internal structural members in a tank is minimized.</p>	reg. 77
70.	<p>Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)</p>	<p><b>75.</b> In every ship where a fixed fire extinguishing installation not required by these regulations is provided, such an installation shall be <b>to the satisfaction of</b> the Director.</p>	reg. 77
71.	<p>Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)</p>	<p><b>11.</b> (1) (a) In every ship of Class I an efficient patrol system shall be maintained so that any outbreak of fire may be promptly detected. In special category spaces in which the patrol is not maintained by a continuous fire watch at all times during the voyage there shall be provided in that space an automatic fire detection system complying with Schedule 12.</p>	reg. 77

		<p><b>Sch. 12</b>  (13) In cargo spaces the system shall comply with the following additional requirements –</p> <p style="text-align: center;">.....</p> <p>(b) The type, number and spacing of detectors shall be <b>to the satisfaction of</b> the Director taking into account the conditions of ventilation and other factors prevailing in the space in which the detectors are installed.</p>	
72.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<p><b>49.</b> (3) (a) Every inert gas system provided in accordance with this regulation shall be designed, constructed and tested <b>to the satisfaction of</b> the Director. It shall be designed and operated so as to render and keep the atmosphere of the cargo tanks including the slop tanks non-flammable at all times, except where such tanks are to be gas free.</p> <p>(8) Where a liquid cargo (other than one of those referred to in subregulation (2)) which presents particular fire hazards is intended to be carried a means or system of fire extinguishing appropriate to the cargo to be carried shall be provided <b>to the satisfaction of</b> the Director.</p>	reg. 146
73.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<p><b>66.</b> In every ship where a fixed extinguishing system not required by these regulations is provided, such a system shall be <b>to the satisfaction of</b> the Director, shall be installed outside the space or spaces protected by such systems and shall be so arranged that a fire in the space or spaces protected will not put any such system out of action.</p>	reg. 146
74.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<p><b>75A.</b> (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be <b>to the satisfaction of</b> the Director.</p>	reg. 146
75.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<p><b>91A.</b> (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be <b>to the satisfaction of</b> the Director.</p>	reg. 146

76.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<b>112A.</b> (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be <b>to the satisfaction of</b> the Director.	reg. 146
77.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<p><b>125.</b> (1) In every ship stairways and ladderways shall be arranged so as to provide ready means of escape to the lifeboat and liferaft embarkation deck from all accommodation spaces, service spaces and other spaces in which the crew are normally employed. In particular the following shall be complied with –</p> <p style="text-align: center;">.....</p> <p style="padding-left: 40px;">(f) the width and continuity of the means of escape shall be <b>to the satisfaction of</b> the Director; and</p> <p style="text-align: center;">.....</p> <p>(2) In all cargo spaces intended for the carriage of motor vehicles with fuel in their tanks for their own propulsion where the crew is normally employed the number and locations of escape routes to the open deck shall be <b>to the satisfaction of</b> the Director but shall in no case be less than 2 and shall be as widely separated as possible.</p> <p>(5) From machinery spaces other than machinery spaces of Category A, escape routes shall be provided <b>to the satisfaction of</b> the Director having regard to the nature and location of the space and the number of persons normally employed in that space.</p>	reg. 146
78.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<b>128A.</b> (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be <b>to the satisfaction of</b> the Director.	reg. 146
79.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)	<p><b>142.</b> (1) In every ship stairways and ladderways shall be arranged so as to provide ready means of escape to the lifeboat and liferaft embarkation deck from all accommodation spaces, service spaces and other spaces in which the crew are normally employed. In particular the following shall be complied with –</p> <p style="text-align: center;">.....</p> <p style="padding-left: 40px;">(f) the width and continuity of the means of escape shall be <b>to the satisfaction of</b> the Director;</p> <p style="text-align: center;">.....</p> <p>(4) From machinery spaces other than those of Category A, escape routes shall be provided <b>to the satisfaction of the Director</b> having regard to the nature and</p>	reg. 146

		location of the space and the number of persons normally employed in that space.	
80.	Merchant Shipping (Safety)(Passenger Ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369AM) (EDLB)	<b>14.</b> (1)(b) In every ship of Classes I, II and II(A) the number of openings in watertight bulkheads shall be reduced to the minimum compatible with the design and proper working of the ship and means shall be provided for closing these openings <b>to the satisfaction of the Director.</b>	reg. 86
81.	Merchant Shipping (Safety)(GMDSS Radio Installations) Regulations (Cap. 369AR) (EDLB)	<b>15.</b> (3) Adequate information <b>to the satisfaction of the Director</b> shall be provided on every ship to enable the equipment to be properly operated and maintained. (4) Adequate tools and spares <b>to the satisfaction of the Director</b> shall be provided on every ship to enable the equipment to be maintained and the Director may specify in a Merchant Shipping Notice the tools and spares to be provided on Hong Kong ships.	s. 20
82.	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB)	<b>42.</b> (2) Every taximeter shall be so constructed that - (a) it may be sealed <b>to the satisfaction of the Commissioner;</b> .....	reg. 121(1)
83.	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB)	<b>43.</b> (2) All cable and taximeter gear box or transducer connections shall be capable of being sealed <b>to the satisfaction of the Commissioner.</b>	reg. 121
84.	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB)	<b>46.</b> (2) Every plate referred in paragraph (1) shall comply with the provisions of Part II of the Sixth Schedule. <b>Part II, Schedule 6</b> 3. Subject to the provisions of regulation 46 every such plate shall be affixed to the vehicle <b>to the satisfaction of the Commissioner.</b>	reg. 121
85.	Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) (EDLB)	<b>14.</b> (3) Subject to paragraph (4) of this regulation – ..... (b) ships of less than 400 GRT (other than an oil tanker) shall be equipped so far as practicable and reasonable, (in the case of Hong Kong ships <b>to the satisfaction of the Director</b> ), with installations to ensure the storage of oil or oily mixtures on board and their discharge to reception facilities, or to ensure the discharge of such mixtures is in accordance with regulation 12.	reg. 37(2)

86.	Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) (EDLB)	<p><b>20.</b> (2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements of Schedule 6 hereto.</p> <p><b>Sch. 6</b></p> <p>4.1.2 The selection of the dedicated clean ballast tanks shall be such that the hull stresses in the ballast and loaded conditions are <b>to the satisfaction of</b> a Certifying Authority.</p>	reg. 37(1)
87.	Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) (EDLB)	<p><b>21.</b> (2) The crude oil washing installation and associated equipment and arrangements (including qualification of personnel) shall comply with the requirements and specifications set out in Schedule 7 hereto.</p> <p><b>Sch. 7</b></p> <p>4.2.3 Tank washing machines shall be mounted in each cargo tank and the method of support shall be <b>to the satisfaction of</b> the Certifying Authority. Where the tank washing machines are positioned well below the deck level to cater for protuberances in the tank, consideration may need to be given to additional support for the machine and its supply piping.</p> <p>4.2.6 The number and location of the tank washing machines shall be <b>to the satisfaction of</b> the Certifying Authority.</p> <p>4.4.1 The design of the system for stripping crude oil from the bottom of every cargo tank shall be <b>to the satisfaction of</b> the Certifying Authority.</p> <p>5.1 The training requirements of ships' personnel engaged in the crude oil washing of tankers shall be <b>to the satisfaction of</b> the Director.</p> <p>7. The Operations and Equipment Manual shall be <b>to the satisfaction of</b> the Certifying Authority and shall contain the following information and operational instructions-</p> <p>(a) The complete text of the Specifications for the Design, Operation and Control of Crude Oil Washing Systems as set out in this Schedule.</p>	reg. 37(1)
88.	Entertainment Special Effects (General) Regulation (Cap. 560A) (CITB)	<p><b>32.</b> (1) In addition to any other conditions specified in a store licence, the holder of a store licence shall ensure that-</p> <p>(a) the store and its fittings and equipment are maintained at all times in good order <b>to the satisfaction of</b> the Authority;</p> <p>.....</p>	s. 32(2) & (3)