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**Panel on Administration of Justice and Legal Services**

**Background brief for the meeting on 26 November 2007**

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

**Purpose**

This paper summarises the past discussions of the Panel on Administration of Justice and Legal Services (the Panel) on the review of legislative provisions containing the drafting formula "to the satisfaction of" an enforcement agency.

**Referral to the Panel**

2. The issue was referred to the Panel in August 2003 by the Subcommittee on Proposed Resolution under Section 7 of the Factories and Industrial Undertakings Ordinance (Cap. 59), which was tasked to examine, inter alia, proposed amendments to regulation 44(1) of the Construction Sites (Safety) Regulations (Cap. 59I) to make it enforceable in the light of the judgment of the Court of First instance (CFI) in *HKSAR v Lam Geotechnics Limited* (HCMA 379/2000).

**Background**

3. Section 7 of Cap. 59 empowers the Commissioner for Labour to prescribe, by regulation, specific means of ensuring the safety of persons in industrial undertakings and of securing the removal of danger or defects. Regulation 44 of Cap. 59I, made under section 7 of Cap. 59, requires a contractor to ensure that machinery is securely fenced "to the satisfaction of the Commissioner".

4. In *Lam Geotechnics*, the appellant appealed against a conviction for a contravention of regulation 44(1)(c) of Cap. 59I. CFI allowed the appeal. It ruled that the elements of the offence purportedly set out in regulation 44 of Cap. 59I 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. CFI found that regulation 44 of Cap. 59I was *ultra vires* section 7 of Cap. 59.

5. In the light of this ruling, regulation 44(1) had been amended to prescribe the specific safety measures required. The phrase "to the satisfaction of the Commissioner" had also been deleted from the regulation so as to remove the uncertainty inherent in the phrase. The amendment came into operation on 28 November 2003. As the court ruling might impact on other legislative provisions which contained the drafting formula "to the satisfaction of "an enforcement authority, the Subcommittee had referred the issue to the Panel for follow-up.

## **Discussions of the Panel**

### Relevant meetings

6. The issue was discussed by the Panel at its meetings on 18 December 2003, 12 July 2005, 24 April and 23 October 2006.

### Extent of the problem

7. In December 2003, the Panel requested the Department of Justice (DoJ) to undertake an analysis of the judgment in *Lam Geotechnics* with a view to assessing the extent of its impact on other similar legislative provisions, before deciding whether to conduct a comprehensive review of the legislative provisions in subsidiary legislation containing the phrase "to the satisfaction of" an enforcement agency.

8. In July 2005, DoJ informed the Panel that the Administration accepted the judgment in *Lam Geotechnics* that a legislative provision in subsidiary legislation containing the drafting formula in question might raise concern about certainty and vires issues. A legislative provision with the drafting formula "to the satisfaction of" an enforcement agency could in fact be challenged on two grounds -

- (a) In the light of *Lam Geotechnics*, such a provision contained in a subsidiary legislation might fail to prescribe with sufficient particularity the elements of an offence and be *ultra vires* the enabling Ordinance.
- (b) In view of *Shum Kwok Sher v HKSAR* [2002] 2 HKLRD 793, the validity of such a provision might also raise an issue of legal certainty from the human rights perspective, in that the provision might be challenged on the ground that it was too vague, uncertain and ill-defined to comply with the requirements of Article 39 of the Basic Law or Article 11(1) of the Hong Kong Bill of Rights. This would affect those legislative provisions contained in subsidiary legislation that stood up to challenges on vires grounds as well as those contained in principal legislation.

9. DoJ advised the Panel that -

- (a) it had identified 86 provisions in subsidiary legislation and 10 provisions in principal legislation containing drafting formulas similar to the phrase

"to the satisfaction of" an enforcement agency (**Appendix I**). After a preliminary review of the 96 provisions, it appeared that the elements of offence under those provisions were not clearly set out. DoJ would review the 96 legislative provisions to determine whether and if so how those provisions should suitably be amended to provide appropriate certainty;

- (b) the same problem would arise from the legislative provisions containing such other drafting formulas as "acceptable to" an enforcement agent, "in the opinion of" an enforcement agent, or if an enforcement agent "thinks fit". However, there were not many such provisions, and some of them were not offence provisions; and
- (c) meanwhile, the Director of Public Prosecutions had alerted all prosecutors of the court ruling in *Lam Geotechnics*. If there was evidence of an offence under a provision containing the formula (or a similar formula), the provision would be examined to decide whether or not prosecution would proceed and, where prosecution would not proceed because of concerns about the validity of the provision in question, a recommendation would be made to the bureau/department concerned to amend the provision.

#### Result of the review

10. DoJ reverted to the Panel on the result of the review and relevant issues at its meetings on 24 April and 23 October 2006. DoJ considered that if the "to the satisfaction" requirement were deleted from the 96 provisions, the public safety object of the legislation would be seriously compromised. However, DoJ proposed that, where an offence provision required action to be taken "to the satisfaction of" an official, this should be subject to a general statutory requirement that no offence was committed unless -

- (a) the enforcement agency had specified to the person concerned the measures to be taken to the agency's "satisfaction"; or
- (b) the person concerned had commenced the regulated activity without approaching the enforcement agency to ascertain the measures to be taken to the agency's "satisfaction".

DoJ proposed to introduce in the relevant legislation a general statutory provision to the above effect. The drafting of section 306(3) of the Securities and Futures Ordinance (Cap. 571) on "Conduct not to constitute offences" would be adopted in the current exercise.

11. A member considered that a better alternative to the Administration's approach was to clearly stipulate the safety measures to be taken by any affected persons "to the

satisfaction of" the enforcement agency in the principal ordinance, to avoid uncertainty that might result in prosecution of the affected persons.

12. DOJ explained that the 96 statutory provisions containing the drafting formula "to the satisfaction of" were within the policy responsibility of eight bureaux. The views of these bureaux and their subject departments were to the effect that there were practical limitations on the extent to which the measures could be stipulated in advance, and that the provisions proposed by DoJ would sufficiently strike an appropriate balance between the right of the affected persons to know what action they must take "to the satisfaction of" the enforcement agencies, and the need for the agencies to have flexibility in determining the measures that might be required.

13. A member expressed concern whether a person who had commenced a regulated activity without approaching the enforcement agency to ascertain the safety measures to be taken "to the satisfaction of" that agency would be subject to prosecution, after the relevant provision was amended as proposed.

14. DoJ advised that the person would not be liable to prosecution for a pre-amendment failure to approach the enforcement agency. The reason was that as incorporated in Article 39 of the Basic Law, Article 15 of the International Covenant on Civil and Political Rights provides that no one should be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence under Hong Kong or international law at the time when it was committed.

### **Latest development**

15. The Administration will brief the Panel on the Statute Law (Miscellaneous Provisions) Bill 2008, which incorporates, inter alia, the proposed amendments to the 96 provisions in various principal/subsidiary legislation containing the drafting formula "to the satisfaction of", at the meeting on 26 November 2007.

### **Relevant papers**

16. A list of relevant papers available on the LegCo website (<http://www.legco.gov.hk>) is in **Appendix II**.

Annex

	<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) (EDLB)	<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</b> the Authority against the effect of weather and damp and against external damage.	reg. 17
2.	Boilers and Pressure Vessels Regulations (Cap. 56A) (EDLB)	<b>13.</b> Every pipe that conveys oil or steam under pressure shall be lagged <b>to the satisfaction of</b> the Authority with fire-proof material.	reg. 17
3.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<b>30.</b> Every factory shall be enclosed, constructed, maintained and cleansed <b>to the satisfaction of</b> the Commissioner.	reg. 104(2)
4.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<b>33.</b> All goods in a factory shall be stored <b>to the satisfaction of</b> the Commissioner 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.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<b>34.</b> In every factory the manufacturer shall, <b>to the satisfaction of</b> the Commissioner, 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.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<b>38.</b> (1) The licensed premises shall be enclosed by walls or fences <b>to the satisfaction of</b> the Commissioner. (4) Every part of the premises shall be illuminated <b>to the satisfaction of</b> the Commissioner. (5) The premises shall at all times be kept in good and substantial repair and in sanitary condition <b>to the satisfaction of</b> the Commissioner. (6) (a) The licensee shall provide and maintain in the premises, <b>to the satisfaction of</b> the Commissioner, 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.	Dutiable 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</b> the Commissioner.	reg. 104(1)

8.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<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 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.	reg. 104(1)
9.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<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 style="text-align: center;">.....</p> <p style="text-align: center;">(b) the distillery shall be illuminated and ventilated <b>to the satisfaction of</b> the Commissioner;</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">(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.	Dutiable 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.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<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 style="text-align: center;">(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.	Dutiable 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.	Dutiable Commodities Regulations (Cap. 109A) (FSTB)	<p><b>84.</b> Every warehouse-keeper, <b>to the satisfaction of the Commissioner</b>, shall provide and maintain, in a suitable place in the warehouse –</p> <p>(a) adequate receptacles, accurate measures, 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>	reg. 104(1)
14.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<p><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 the licensing authority</b>.</p>	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 the Director of Fire Services</b> -</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 the Building Authority</b> 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)	<p><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 the Director of Food and Environmental Hygiene</b>.</p>	reg. 17
17.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<p><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 the Director of Food and Environmental Hygiene</b>.</p>	reg. 17
18.	Miscellaneous Licences Regulations (Cap. 114A) (HAB)	<p><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 the licensing authority</b>.</p>	reg. 17
19.	Miscellaneous Licences Regulations	<p><b>121.</b> (1) Every person licensed to keep a dancing school shall provide and maintain on the premises <b>to the</b></p>	reg. 17

	(Cap. 114A) (HAB)	<p><b>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 satisfaction of</b> the Building Authority adequate means of escape in case of fire for all persons from every part of the premises.</p>	
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 Parlours Regulation (Cap. 132AD) (HAB/HWFB)	<p><b>7.</b> The following provisions shall apply to every funeral parlour -</p> <p>(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;</p> <p>.....</p>	s. 14(2)
23.	Funeral Parlours Regulation (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 Regulation (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 Regulation (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 Regulation (Cap. 132BA)	<p><b>22.</b> The licensee of a billiard establishment shall exhibit and keep exhibited-</p> <p>(a) the words "Licensed for billiards" in</p>	s. 19

	(HAB/HWFB)	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  .....	
27.	Places of Amusement Regulation (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</b> the Director.	s. 19
28.	Places of Amusement Regulation (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</b> the Director.	s. 19
29.	Public Cleansing and Prevention of Nuisances Regulation (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</b> the public officer 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</b> the public officer 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 Regulation (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</b> the Director.  (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</b> the Director;  .....	s. 23(1)(b)
31.	Sanitation and Conservancy Regulation (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	s. 10(3)

		<p>therefrom or the access of flies thereto and constructed <b>to the satisfaction of the Director.</b></p> <p>(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.</p>	
32.	Slaughterhouses Regulation (Cap. 132BU) (HAB/HWFB)	<p><b>26.</b> A licensee shall install and maintain -</p> <p>(a) adequate lighting in the licensed slaughterhouse <b>to the satisfaction of the Director;</b></p> <p>.....</p>	s. 36
33.	Public Health (Animals and Birds)(Animal Traders) Regulations (Cap. 139B) (HAB/HWFB)	<p><b>9.</b> A licensed animal trader shall comply with the following requirements –</p> <p>.....</p> <p>(c) a programme for the control and destruction of insects, ectoparasites, avian and mammalian pests on the licensed premises shall be approved by, and maintained <b>to the satisfaction of, the Director;</b></p> <p>.....</p>	reg. 13(2)(b)
34.	Dairies Regulations (Cap. 139D) (HWFB)	<p><b>12.</b> (4) The following provisions shall apply to every building or other place in which cattle are kept in any dairy –</p> <p>.....</p> <p>(b) the floor thereof shall -</p> <p>.....</p> <p>(iii) communicate directly, by means of an independent drain, constructed <b>to the satisfaction of the Director</b>, with a covered cement catch-pit.</p>	reg. 27(4)
35.	Dairies Regulations (Cap. 139D) (HWFB)	<p><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 the Director.</b></p>	reg. 27(4)
36.	Dairies Regulations (Cap. 139D) (HWFB)	<p><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.</p>	reg. 27(4)
37.	Public Health (Animals and Birds)(Exhibitions) Regulations (Cap. 139F)	<p><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 –</p> <p>.....</p>	reg. 9

	(HWFB)	(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 the Director</b> ; .....	
38.	Public Health (Animals)(Boarding Establishment) Regulations (Cap. 139I) (HWFB)	<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 – ..... (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 the Director</b> ; .....	reg. 9
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 Director</b> 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 the licensing authority</b> .	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 the licensing authority</b> .	reg. 171
42.	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 the Commissioner</b> , - (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)

43.	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)
44.	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
45.	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
46.	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
47.	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
48.	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
49.	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
50.	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
51.	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)
52.	Dangerous Goods (General) Regulations (Cap. 295B) (SB)	<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 of</b> the Authority, by one or more notices, in English and	reg. 79(2)

		Chinese, indicating the storage of liquid oxygen or liquid nitrogen, as the case may be.	
53.	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 the Authority.</b>	reg. 78C(3)
54.	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 the Authority.</b>	reg. 178(3)
55.	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 the Director.</b>	reg. 25(1)
56.	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 the Authority;</b> or	s. 11(3)
57.	Marine Fish Culture Regulations (Cap. 353A) (HWFB)	<b>7.</b> A licensee or permittee shall - (a) <b>to the satisfaction of the Director,</b> 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)
58.	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 the Certifying Authority,</b> 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)

59.	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)
60.	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)
61.	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)
62.	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)
63.	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	reg. 64(1)

		<p>Director;</p> <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>	
64.	<p>Merchant Shipping (Safety)(Fire Protection)(Ships Built Before 25 May 1980) Regulations (Cap. 369W) (EDLB)</p>	<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
65.	<p>Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X)</p>	<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>	reg. 77

	(EDLB)	<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 the Director</b> 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>	
66.	Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)	<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 the Director</b> 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
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>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 the Director</b> 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
68.	Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)	<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 the Director</b>.</p>	reg. 77
69.	Merchant Shipping (Safety)(Fire	<p><b>11.</b> (1) (a) In every ship of Class I an efficient patrol system shall be maintained so that</p>	reg. 77

	Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB)	<p>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> <p><b>Sch. 12</b> (13) In cargo spaces the system shall comply with the following additional requirements –</p> <p>.....</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>	
70.	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
71.	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
72.	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
73.	Merchant Shipping (Safety)(Fire Protection)(Ships Built	<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

	On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB)		
74.	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
75.	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
76.	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
77.	Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y)	<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>	reg. 146

	(EDLB)	<p>(f) the width and continuity of the means of escape shall be <b>to the satisfaction of the Director</b>;</p> <p>.....</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 location of the space and the number of persons normally employed in that space.</p>	
78.	Merchant Shipping (Safety)(Passenger Ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369AM) (EDLB)	<p><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>.</p>	reg. 86
79.	Merchant Shipping (Safety)(GMDSS Radio Installations) Regulations (Cap. 369AR) (EDLB)	<p><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.</p> <p>(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.</p>	s. 20
80.	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB)	<p><b>42.</b> (2) Every taximeter shall be so constructed that -</p> <p>(a) it may be sealed <b>to the satisfaction of the Commissioner</b>;</p> <p>.....</p>	reg. 121(1)
81.	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB)	<p><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>.</p>	reg. 121
82.	Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB)	<p><b>46.</b> (2) Every plate referred in paragraph (1) shall comply with the provisions of Part II of the Sixth Schedule.</p> <p><b>Part II, Schedule 6</b></p> <p>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>.</p>	reg. 121
83.	Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A)	<p><b>14.</b> (3) Subject to paragraph (4) of this regulation –</p> <p>.....</p> <p>(b) ships of less than 400 GRT (other than an oil tanker) shall be equipped so far as</p>	reg. 37(2)

	(EDLB)	practicable and reasonable, (in the case of Hong Kong ships <b>to the satisfaction of</b> the Director), 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.	
84.	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)
85.	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)

86.	Entertainment Special Effects (General) Regulation (Cap. 560A) (CITB)	<b>32.</b> (1) In addition to any other conditions specified in a store licence, the holder of a store licence shall ensure that-  (a) the store and its fittings and equipment are maintained at all times in good order <b>to the satisfaction of</b> the Authority;  .....	s. 32(2) & (3)
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	<b>Ordinance (Bureau)</b>	<b>Provision containing "to the satisfaction of"</b>	<b>Offence</b>
87.	Insurance Companies Ordinance (Cap. 41) (FSTB)	<p><b>35.</b> (1) Subject to section 26(5), the Insurance Authority may require an insurer to take such action in respect of its affairs, business or property as the Insurance Authority considers appropriate.</p> <p><b>35A.</b> (1) Without limiting the generality of section 35(1), a requirement imposed under that section on an insurer may include a requirement that the insurer -</p> <p style="text-align: center;">.....</p> <p>(b) shall place in the custody of the Insurance Authority, on a date not later than the date specified in that requirement, a receipt, or other document, that evidences, <b>to the satisfaction of</b> the Insurance Authority, that the deposit referred to in paragraph (a) has been made;</p> <p style="text-align: center;">.....</p>	41(1)(a)
88.	Boilers and Pressure Vessels Ordinance (Cap. 56) (EDLB)	<p><b>13.</b> The owner of a new boiler or pressure vessel, other than a pressurized fuel container, shall, not less than 30 days before the day on which he intends to put the boiler or pressure vessel into use, deliver to the Authority -</p> <p style="text-align: center;">.....</p> <p>(b) documentary evidence, <b>to the satisfaction of</b> the Authority, that the boiler or pressure vessel complies with a recognized engineering standard or code in respect of -</p> <p>(i) the welders employed and welding procedures used in the construction and erection of and, if repairs have been carried out, in the repairs to, the boiler or pressure vessel;</p> <p style="text-align: center;">.....</p>	s. 50(1)
89.	Boilers and Pressure Vessels Ordinance (Cap. 56) (EDLB)	<p><b>14.</b> The owner of a new steam container shall, not less than 30 days preceding the day on which he intends to put the same into use, deliver to the Authority in respect thereof -</p> <p style="text-align: center;">.....</p> <p>(b) 2 copies of a plan thereof prepared, <b>to the satisfaction of</b> the Authority, by a boiler inspector.</p>	s. 50(2)
90.	Buildings Ordinance (Cap. 123) (HPLB )	<p><b>24A.</b> (1) Where any building works or street works have been or are being, carried out in such a manner as, in the opinion of the Building Authority, will cause, or will be likely to cause, a risk of injury to any person or damage to any property, the Building Authority may, by order in writing, require that such work as he may specify therein be carried out, to ensure that the works will cease to constitute such a risk.</p> <p>(2) An order made under subsection (1) -</p>	s. 40(1B)

		<p>(a) may specify -</p> <p>.....</p> <p>(iii) that the work shall be carried out with due diligence <b>to the satisfaction of</b> the Building Authority; and</p> <p>.....</p>	
91.	Buildings Ordinance (Cap. 123) (HPLB)	<b>28A.</b> (3) Any approval by the Building Authority of plans showing the relevant works shall include a requirement to maintain the relevant works <b>to the satisfaction of</b> the Building Authority for any period specified in the requirement; and section 28B shall apply in relation to the maintenance of the relevant works as it applies in relation to the carrying out of the works.	s. 40(3A)
92.	Public Health and Municipal Services Ordinance (Cap. 132) (HAB/HWFB)	<b>14.</b> (1) If the Authority is of the opinion that any premises or any part of any premises are in such a state as to be - <p>(a) a nuisance; or</p> <p>(b) injurious or dangerous to health,</p> or are in such a state as to affect injuriously or disfigure the amenities of any place or locality, the Authority may cause a notice to be served upon the owner or occupier of the premises requiring him to limewash, paint, cleanse, disinfect or disinfest such premises or any part thereof <b>to the satisfaction of</b> the Authority within such period as may be specified in the notice.	s. 14(2)
93.	Public Health and Municipal Services Ordinance (Cap. 132) (HAB/HWFB)	<b>20.</b> (2) A notice under subsection (1) shall require the person on whom it is served to remove the litter or waste, and may require him also to clean <b>to the satisfaction of</b> the Authority the area in which the litter or waste is found, within such period, not being less than 24 hours after the service of the notice, as may be specified therein.	s. 20(3)
94.	Aerial Ropeways (Safety) Ordinance (Cap. 211) (HPLB)	<b>20.</b> (1) The owner of an aerial ropeway shall, <b>to the satisfaction of</b> the Director, provide personnel and facilities for the control and safety of persons using, or being in the vicinity of, the ropeway.	s. 27(1)
95.	Waste Disposal Ordinance (Cap. 354) (ETWB)	<b>20F.</b> (1) Where a person is convicted of an offence under section 20E in respect of the import or export of any waste, the waste disposal authority may - <p>.....</p> <p>(b) by notice in writing require the convicted person, within a specified time -</p> <p>(i) in the case of a conviction in respect of the import of waste, to return the waste to the state of export, or to dispose of the waste in Hong Kong <b>to the satisfaction of</b> the waste disposal authority;</p> <p>.....</p>	S. 20F(2)

96.	Mass Transit Railway Ordinance (Cap. 556) (ETWB)	<b>11.</b> (1) The Corporation shall keep, <b>to the satisfaction of</b> the Secretary, records in respect of the following matters relating to the railway - (a) the number and carrying capacity of trains in use or under maintenance; .....	s. 11(4)
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## Appendix II

### Review of legislative provisions containing the drafting formula "to the satisfaction of" an enforcement agency

#### Relevant papers

<u>Meeting</u>	<u>Meeting Date</u>	<u>Papers/Motion Passed</u>
Subcommittee on Proposed Resolution under Section 7 of the Factories and Industrial Undertakings Ordinance	31 July 2003	Minutes of meeting [LC Paper No. CB(2)2994/02-03]
Panel on Administration of Justice and Legal Services	18 December 2003	Paper prepared by the Legal Service Division on "Referral from the Subcommittee on Proposed Resolution under Section 7 of the Factories and Industrial Undertakings Ordinance – Review of legislative provisions" [LS9/03-04]  Administration's paper on "Review of legislative provisions containing the drafting formula 'to the satisfaction' of an enforcement agency" [LC Paper No. CB(2)693/03-04(01)]  Minutes of meeting [LC Paper No. CB(2)1104/03-04]
	12 July 2005	Administration's paper on "Review of legislative provisions containing the phrase 'to the satisfaction' of an enforcement agency (the drafting formula)" [LC Paper No. CB(2)2224/04-05(01)]  Minutes of meeting [LC Paper No. CB(2)2621/04-05]

<b><u>Meeting</u></b>	<b><u>Meeting Date</u></b>	<b><u>Papers/Motion Passed</u></b>
	24 April 2006	<p>Background brief prepared by the LegCo Secretariat on "Review of legislative provisions containing the drafting formula 'to the satisfaction' of an enforcement agency" <a href="#">[LC Paper No. CB(2)1750/05-06(01)]</a></p> <p>Administration's paper on "Review of legislative provisions containing the phrase 'to the satisfaction of' an enforcement agency" <a href="#">[LC Paper No. CB(2)1750/05-06(02)]</a></p> <p>Minutes of meeting <a href="#">[LC Paper No. CB(2) 2494/05-06]</a></p>
	23 October 2006	<p>Background brief prepared by the LegCo Secretariat on "Review of legislative provisions containing the drafting formula 'to the satisfaction' of an enforcement agency" <a href="#">[LC Paper No. CB(2)135/06-07(04)]</a></p> <p>Administration's paper on "Review of legislative provisions containing the phrase 'to the satisfaction of' an enforcement agency" <a href="#">[LC Paper No. CB(2)135/06-07(05)]</a></p> <p>Minutes of meeting <a href="#">[LC Paper No. CB(2)427/06-07]</a></p>