

**LegCo Panel on Administration of Justice and Legal Services
for meeting on 24 April 2006**

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

The problem

In *HKSAR v Lam Geotechnics Limited* HCMA No. 379 of 2000, 20 November 2000, the Court of First Instance held that regulation 44(1)(c) of the Construction Sites (Safety) Regulations (Cap. 59I) was *ultra vires* section 7(1)(h) of the Factories and Industrial Undertakings Ordinance (Cap. 59) (which enables regulations prescribing or providing for “means of ensuring the safety of persons in industrial undertakings”) on the ground that the phrase “to the satisfaction of” the Commissioner for Labour did not prescribe with sufficient particularity the elements of a criminal offence or the means of ensuring the safety of persons or securing the removal of any danger or defects.

Background

2. At the meeting of the Panel on 12 July 2005, the Administration –
 - (1) discussed the ruling in *Lam Geotechnics* to the effect that regulation 44(1) was *ultra vires* because of incomplete definition of the offence arising from uncertainty in the phrase “to the satisfaction of the Commissioner” for Labour; and
 - (2) undertook to review the legislative provisions listed in the Annex (10 provisions in primary legislation and 86 provisions in subsidiary legislation) to determine whether and (if so) how those provisions should suitably be amended to provide appropriate certainty.

The result of the review

3. It is contrary to the interests of legal certainty and fairness for an offence to be committed where a person is unable to ascertain with an appropriate degree of certainty what conduct is prohibited. Therefore, where an offence provision requires action to be taken “to the satisfaction” of an official, this should be subject to a general statutory requirement that no offence is committed unless –

- (1) the enforcement agency has specified to the person concerned the measures to be taken to the agency’s “satisfaction”; or
- (2) the person concerned has commenced the regulated activity without approaching the enforcement agency to ascertain the measures to be taken to the agency’s “satisfaction”.

It is therefore proposed to introduce in each piece of listed legislation a general statutory provision to the above effect. Supplementary provisions will be drafted as appropriate to make it clear how the alternative offences will operate in the context of the individual pieces of legislation.

4. Subject to the above, it is considered that there are valid reasons for retaining the “to the satisfaction of” requirement.

The necessity for “to the satisfaction of” provisions on grounds of public safety

5. In *Hookings v Director of Civil Aviation* [1957] NZLR 929, 935, Turner J observed that –

“[it is] the tendency of modern legislation to lay down general rules and to avoid going into administrative details, and it has, therefore, become common for Parliament, to delegate its authority as to such details”.

6. Pearce and Argument Delegated Legislation in Australia, 5, note that, in matters of a technical or scientific nature, parliaments generally neither have the time nor the expertise to consider the details of a particular area of legislative activity and these are best worked out by the executive in delegated legislation.

7. Although *Hookings* was a case in which regulations were challenged on grounds of unlawful sub-delegation rather than uncertainty (the regulations prohibited the use of an aircraft for towing except with the permission of the Director of Civil Aviation and “in accordance with such conditions as he may specify”), Turner J made the following relevant observations –

“Many regulations leave their actual administration in the hands of officers and officials, and every citizen is constantly faced with the obligation of obeying administrative decisions made in the course of the detailed carrying out of regulations properly formulated” (935);

“When the administration, as distinct from the formulation of regulations is entered upon, there must of course be some point at which the decisions of administrative officials come into play.” (937);

“it is only because the words ‘and in accordance with such conditions as he [the Director of Civil Aviation] may specify’ may be referable to conditions to be specified in any particular case that I have been able to hold the regulations valid. I think that as the regulation is worded, the Director, being given the power to do so, cannot escape the responsibility of personally examining each particular case. If [the Director fails to comply] with his duty of personally considering each case on its merits, his position, if an accident should occur, may be an

unenviable one.” (938-939).

8. The phrase “to the satisfaction of” imposes a duty on an official to specify the safety conditions with which the persons concerned are to comply after personally examining each particular case in the same way as the phrase “in accordance with such conditions as he may specify”. The official can specify the safety conditions which satisfy him either at his initiative or upon the approach of the persons concerned, before any potentially unsafe activity is commenced (*Hookings and Attorney General v Chiu Chun-hoo* Criminal Appeal No. 925 of 1983, 7 September 1983).

9. However, a failure by the official to specify the matters that will satisfy him does not render a “to the satisfaction of” provision *ultra vires*. Any failure to specify safety measures would be a failure of the administrative implementation of the provision and not a legislative defect as such. To paraphrase Turner J in *Hookings*, 935, the phrase “to the satisfaction of” an official charges the official with the administration of the legislation, and the power given to him is a purely administrative one.

10. In respect of the phrase “to the satisfaction of”, the legislature (whether primary or delegated) has stated the general rule, namely, to the effect that those bound by the provisions must implement safety measures specified administratively by an official “to the satisfaction of” the official. The selection of the safety measures (the administrative application of the general rule) is a matter for the official to ascertain in the circumstances of individual cases and then to instruct any person bound by the relevant provision.

11. It follows from the above that if (as in the case of the new regulation 44 of Cap. 59I) the phrase “to the satisfaction of” were deleted from the provisions listed

in the Annex, the public safety object of the legislation would be seriously compromised. Even if fully-specified safety measures were added to the provisions, they could not (because of the problem of foreseeability) designate which of those safety measures should be applied in which way in order to better ensure safety in the circumstances of an individual case. The phrase “to the satisfaction of” an official enables such designation according to the merits of the case to occur.

12. A further serious compromise of public safety resulting from the deletion of “to the satisfaction of” from the provisions would be that the administrative discretion to decide the sufficiency of the safety measures which are required in practice would be surrendered to the contractors or other persons whom the legislation binds. Those persons may be tempted to cut corners or costs when determining how the safety measures are to be implemented in particular circumstances. They may also have an inadequate or inexperienced view of the safety measures which ought to be implemented according to the merits of the case.

Legal Policy Division
Department of Justice
April 2006

Annex

| | Sub. Leg. (Bureau) | Provisions containing the drafting formula "to the satisfaction" of an enforcement agency | Offence |
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| 1. | Boilers and Pressure Vessels Regulations (Cap. 56A) (EDLB) | 12. Every pipe that conveys oil, steam or water under pressure to or from a boiler, steam receiver or steam container shall be protected to the satisfaction of the Authority against the effect of weather and damp and against external damage. | reg. 17 |
| 2. | Boilers and Pressure Vessels Regulations (Cap. 56A) (EDLB) | 13. Every pipe that conveys oil or steam under pressure shall be lagged to the satisfaction of the Authority with fire-proof material. | reg. 17 |
| 3. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | 30. Every factory shall be enclosed, constructed, maintained and cleansed to the satisfaction of the Commissioner. | reg. 104(2) |
| 4. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | 33. All goods in a factory shall be stored to the satisfaction of 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) | 34. In every factory the manufacturer shall, to the satisfaction of 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) | 38. (1) The licensed premises shall be enclosed by walls or fences to the satisfaction of the Commissioner. (4) Every part of the premises shall be illuminated to the satisfaction of the Commissioner. (5) The premises shall at all times be kept in good and substantial repair and in sanitary condition to the satisfaction of the Commissioner. (6) (a) The licensee shall provide and maintain in the premises, to the satisfaction of 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) | 40. (4) All machinery, apparatus, utensils, vessels or receptacles of every kind shall be kept in a clean and sanitary condition to the satisfaction of the Commissioner. | reg. 104(1) |

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| 8. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | 41. 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 to the satisfaction of the Commissioner. | reg. 104(1) |
| 9. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | 52. 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, to the satisfaction of the Commissioner, and in particular – <p style="text-align: center;">.....</p> <p style="text-align: center;">(b) the distillery shall be illuminated and ventilated to the satisfaction of the Commissioner;</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">(g) the distiller shall provide and maintain, to the satisfaction of 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) | 55. (1) All containers and utensils for distillation and storage of liquor shall be kept clean to the satisfaction of the Commissioner. | reg. 104(2) |
| 11. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | 81. 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 to the satisfaction of the Commissioner, and in particular – <p style="text-align: center;">(a) the warehouse shall be illuminated and ventilated to the satisfaction of the Commissioner;</p> <p style="text-align: center;">.....</p> | reg. 104(2) |
| 12. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | 83. (1) When required so to do by the Commissioner, the warehouse-keeper shall provide and maintain in the premises to the satisfaction of 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) |

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| 13. | Dutiable Commodities Regulations (Cap. 109A) (FSTB) | <p>84. Every warehouse-keeper, to the satisfaction of the Commissioner, 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>59. 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 to the satisfaction of the licensing authority.</p> | reg. 17 |
| 15. | Miscellaneous Licences Regulations (Cap. 114A) (HAB) | <p>71. (1) Every person licensed to keep a public dance hall shall provide and maintain on the premises to the satisfaction of 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 to the satisfaction of 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) | <p>75. 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 to the satisfaction of the Director of Food and Environmental Hygiene.</p> | reg. 17 |
| 17. | Miscellaneous Licences Regulations (Cap. 114A) (HAB) | <p>76. 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 to the satisfaction of the Director of Food and Environmental Hygiene.</p> | reg. 17 |
| 18. | Miscellaneous Licences Regulations (Cap. 114A) (HAB) | <p>108. 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 to the satisfaction of the licensing authority.</p> | reg. 17 |
| 19. | Miscellaneous Licences Regulations | <p>121. (1) Every person licensed to keep a dancing school shall provide and maintain on the premises to the</p> | reg. 17 |

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| | (Cap. 114A) (HAB) | <p>satisfaction of 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 to the satisfaction of 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) | 125. 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 to the satisfaction of the Director of Food and Environmental Hygiene. | reg. 17 |
| 21. | Miscellaneous Licences Regulations (Cap. 114A) (HAB) | 126. 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 to the satisfaction of the Director of Food and Environmental Hygiene. | reg. 17 |
| 22. | Funeral Parlours Regulation (Cap. 132AD) (HAB/HWFB) | <p>7. The following provisions shall apply to every funeral parlour -</p> <p>(a) every part of the premises shall be adequately lighted and ventilated to the satisfaction of 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) | 12. 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 to the satisfaction of the Director. | s. 14(1) |
| 24. | Offensive Trades Regulation (Cap. 132AX) (HAB/HWFB) | 17. ... Where any part of the premises is used for sleeping purposes such part shall be partitioned off from the remainder of the premises to the satisfaction of 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) | 15. The licensee shall to the satisfaction of 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>22. The licensee of a billiard establishment shall exhibit and keep exhibited-</p> <p>(a) the words "Licensed for billiards" in</p> | s. 19 |

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| | (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 to the satisfaction of the Director; and | |
| 27. | Places of Amusement Regulation (Cap. 132BA) (HAB/HWFB) | 24. 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 to the satisfaction of the Director. | s. 19 |
| 28. | Places of Amusement Regulation (Cap. 132BA) (HAB/HWFB) | 26. 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 to the satisfaction of the Director. | s. 19 |
| 29. | Public Cleansing and Prevention of Nuisances Regulation (Cap. 132BK) (HAB/HWFB) | 5. (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 to the satisfaction of 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 to the satisfaction of 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) | 19. (2) Every dustbin provided shall be - (e) of a capacity not exceeding 100L and not less than 30L; and (f) generally made to the satisfaction of 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 to the satisfaction of the Director; | s. 23(1)(b) |
| 31. | Sanitation and Conservancy Regulation (Cap. 132BT) (HAB/HWFB) | 7. (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) |

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| | | <p>therefrom or the access of flies thereto and constructed to the satisfaction of the Director.</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 to the satisfaction of the Director by the occupier of the premises in which it is installed.</p> | |
| 32. | Slaughterhouses Regulation (Cap. 132BU) (HAB/HWFB) | <p>26. A licensee shall install and maintain -</p> <p>(a) adequate lighting in the licensed slaughterhouse to the satisfaction of the Director;</p> <p>.....</p> | s. 36 |
| 33. | Public Health (Animals and Birds)(Animal Traders) Regulations (Cap. 139B) (HAB/HWFB) | <p>9. 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 to the satisfaction of, the Director;</p> <p>.....</p> | reg. 13(2)(b) |
| 34. | Dairies Regulations (Cap. 139D) (HWFB) | <p>12. (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 to the satisfaction of the Director, with a covered cement catch-pit.</p> | reg. 27(4) |
| 35. | Dairies Regulations (Cap. 139D) (HWFB) | <p>14. 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 to the satisfaction of the Director.</p> | reg. 27(4) |
| 36. | Dairies Regulations (Cap. 139D) (HWFB) | <p>16. (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 to the satisfaction of an inspector.</p> | reg. 27(4) |
| 37. | Public Health (Animals and Birds)(Exhibitions) Regulations (Cap. 139F) | <p>7. 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 |

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| | (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 to the satisfaction of the Director ; | |
| 38. | Public Health (Animals)(Boarding Establishment) Regulations (Cap. 139I) (HWFB) | 8. 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 to the satisfaction of the Director ; | reg. 9 |
| 39. | Places of Public Entertainment Regulations (Cap. 172A) (HAB) | 53. (1) Fire Service installations and equipment shall be provided to the satisfaction of the Director of Fire Services. | reg. 171 |
| 40. | Places of Public Entertainment Regulations (Cap. 172A) (HAB) | 87. 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 to the satisfaction of the licensing authority . | reg. 171 |
| 41. | Places of Public Entertainment Regulations (Cap. 172A) (HAB) | 88. 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 to the satisfaction of the licensing authority . | reg. 171 |
| 42. | Public Bus Services Regulations (Cap. 230A) (ETWB) | 7. (1) A driver and conductor of a bus when acting as such shall ensure that – (e) there is displayed on the bus, to the satisfaction of 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) |

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| 43. | Child Care Centres Regulations (Cap. 243A) (HWFB) | 43. (3) First aid boxes shall be maintained fully equipped to the satisfaction of 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) | 25. (1) The company shall, to the satisfaction of 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) | 27. (1) The company shall, to the satisfaction of 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) | 12. The holder of a prospecting licence shall fill in or otherwise render secure, to the satisfaction of 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) | 8. All engines, ladders, windlasses, brakes, ropes, winding gear and other mechanical appliances shall be kept in good condition and repair to the satisfaction of a mines officer. | reg. 105 |
| 48. | Mines (Safety) Regulations (Cap. 285B) (ETWB) | 9. (2) Efficient safety guards shall be provided to the satisfaction of 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) | 41. (1) The manager shall provide and maintain to the satisfaction of 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) | 62. All parts of every underground working shall be properly and sufficiently ventilated to the satisfaction of a mines officer. | reg. 105 |
| 51. | Dangerous Goods (General) Regulations (Cap. 295B) (SB) | 31. 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 to the satisfaction of the Authority. | reg. 60(7) |
| 52. | Dangerous Goods (General) Regulations (Cap. 295B) (SB) | 73. (1) No container containing liquid oxygen or liquid nitrogen shall be stored otherwise than in a place approved by the Authority and marked, to the satisfaction of the Authority, by one or more notices, in English and | reg. 79(2) |

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| | | Chinese, indicating the storage of liquid oxygen or liquid nitrogen, as the case may be. | |
| 53. | Dangerous Goods (General) Regulations (Cap. 295B) (SB) | 78C. (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 to the satisfaction of the Authority. | reg. 78C(3) |
| 54. | Dangerous Goods (General) Regulations (Cap. 295B) (SB) | 178. (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 to the satisfaction of the Authority. | reg. 178(3) |
| 55. | Reserved Commodities (Control of Imports, Exports and Reserve Stocks) Regulations (Cap. 296A) (CITB) | 18. (3) Such stock shall be maintained in good condition to the satisfaction of the Director. | reg. 25(1) |
| 56. | Air Pollution Control (Dry-Cleaning Machines) (Vapour Recovery) Regulation (Cap. 311T) (ETWB) | 8. (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 to the satisfaction of the Authority; or | s. 11(3) |
| 57. | Marine Fish Culture Regulations (Cap. 353A) (HWFB) | 7. A licensee or permittee shall - (a) to the satisfaction of 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) |
| 58. | Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built Before 1 September 1984) Regulations (Cap. 369R) (EDLB) | 50. (1) Automatic control systems and an alarm system, to the satisfaction of 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) |

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| 59. | Merchant Shipping (Safety)(Cargo ship Construction and Survey)(Ships Built On or After 1 September 1984) Regulations (Cap. 369S) (EDLB) | 3A. (3) Where a double bottom is required by this regulation to be fitted in a ship, its depth shall be to the satisfaction of 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) | 5. (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 to the satisfaction of 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) | 22. (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 to the satisfaction of 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) | 39. (1) An automatic control system, and an alarm system shall be provided to the satisfaction of 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) | 52. (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 to the satisfaction of the | reg. 64(1) |

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| | | <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 to the satisfaction of 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 to the satisfaction of 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>48. (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>Sch. 1</p> <p>(2) (a) (i) The inert gas system shall be designed, constructed and tested to the satisfaction of 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 to the satisfaction of 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>51. (2) (a) (i) The inert gas system shall be designed, constructed and tested to the satisfaction of 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 |

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| | (EDLB) | <p>.....</p> <p>(s) (vii) in relation to the water seal referred to in subparagraph (i)(G), arrangements shall be made to the satisfaction of the 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> | |
| 66. | Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB) | <p>51A. (1) (a) Every inert gas system fitted in accordance with regulation 46(1A)(a) shall be designed, constructed and tested to the satisfaction of the Director 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 to the satisfaction of 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 |
| 67. | Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB) | <p>51B. (1) (a) Every inert gas system fitted in accordance with regulation 46(1A)(b) shall be designed, constructed and tested to the satisfaction of the Director 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 to the satisfaction of 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 |
| 68. | Merchant Shipping (Safety)(Fire Appliances)(Ships Built On or After 25 May 1980 but Before 1 September 1984) Regulations (Cap. 369X) (EDLB) | <p>75. In every ship where a fixed fire extinguishing installation not required by these regulations is provided, such an installation shall be to the satisfaction of the Director.</p> | reg. 77 |
| 69. | Merchant Shipping (Safety)(Fire | <p>11. (1) (a) In every ship of Class I an efficient patrol system shall be maintained so that</p> | reg. 77 |

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| | 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>Sch. 12 (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 to the satisfaction of 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>49. (3) (a) Every inert gas system provided in accordance with this regulation shall be designed, constructed and tested to the satisfaction of 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 to the satisfaction of the Director.</p> | reg. 146 |
| 71. | Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB) | <p>66. In every ship where a fixed extinguishing system not required by these regulations is provided, such a system shall be to the satisfaction of 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>75A. (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be to the satisfaction of the Director.</p> | reg. 146 |
| 73. | Merchant Shipping (Safety)(Fire Protection)(Ships Built | <p>91A. (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be to the satisfaction of the Director.</p> | reg. 146 |

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| | 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) | 112A. (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be to the satisfaction of the Director. | reg. 146 |
| 75. | Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) (EDLB) | <p>125. (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 to the satisfaction of 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 to the satisfaction of 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 to the satisfaction of 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) | 128A. (3) If the space below the helicopter deck is of a high fire risk, the insulation standard shall be to the satisfaction of the Director. | reg. 146 |
| 77. | Merchant Shipping (Safety)(Fire Protection)(Ships Built On or After 1 September 1984) Regulations (Cap. 369Y) | <p>142. (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 |

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| | (EDLB) | <p>(f) the width and continuity of the means of escape shall be to the satisfaction of the Director;</p> <p>.....</p> <p>(4) From machinery spaces other than those of Category A, escape routes shall be provided to the satisfaction of the Director 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>14. (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 to the satisfaction of the Director.</p> | reg. 86 |
| 79. | Merchant Shipping (Safety)(GMDSS Radio Installations) Regulations (Cap. 369AR) (EDLB) | <p>15. (3) Adequate information to the satisfaction of the Director shall be provided on every ship to enable the equipment to be properly operated and maintained.</p> <p>(4) Adequate tools and spares to the satisfaction of the Director 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>42. (2) Every taximeter shall be so constructed that -</p> <p>(a) it may be sealed to the satisfaction of the Commissioner;</p> <p>.....</p> | reg. 121(1) |
| 81. | Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB) | <p>43. (2) All cable and taximeter gear box or transducer connections shall be capable of being sealed to the satisfaction of the Commissioner.</p> | reg. 121 |
| 82. | Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A) (ETWB) | <p>46. (2) Every plate referred in paragraph (1) shall comply with the provisions of Part II of the Sixth Schedule.</p> <p>Part II, Schedule 6</p> <p>3. Subject to the provisions of regulation 46 every such plate shall be affixed to the vehicle to the satisfaction of the Commissioner.</p> | reg. 121 |
| 83. | Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) | <p>14. (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) |

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| | (EDLB) | practicable and reasonable, (in the case of Hong Kong ships to the satisfaction of 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>20. (2) The arrangements and operational procedures for dedicated clean ballast tanks shall comply with the requirements of Schedule 6 hereto.</p> <p>Sch. 6</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 to the satisfaction of a Certifying Authority.</p> | reg. 37(1) |
| 85. | Merchant Shipping (Prevention of Oil Pollution) Regulations (Cap. 413A) (EDLB) | <p>21. (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>Sch. 7</p> <p>4.2.3 Tank washing machines shall be mounted in each cargo tank and the method of support shall be to the satisfaction of 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 to the satisfaction of 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 to the satisfaction of the Certifying Authority.</p> <p>5.1 The training requirements of ships' personnel engaged in the crude oil washing of tankers shall be to the satisfaction of the Director.</p> <p>7. The Operations and Equipment Manual shall be to the satisfaction of 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) |

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| 86. | Entertainment Special Effects (General) Regulation (Cap. 560A) (CITB) | 32. (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 to the satisfaction of the Authority; | s. 32(2) & (3) |
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| | Ordinance (Bureau) | Provision containing "to the satisfaction of" | Offence |
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| 87. | Insurance Companies Ordinance (Cap. 41) (FSTB) | <p>35. (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>35A. (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 style="padding-left: 40px;">(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, to the satisfaction of 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>13. 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 style="padding-left: 40px;">(b) documentary evidence, to the satisfaction of the Authority, that the boiler or pressure vessel complies with a recognized engineering standard or code in respect of -</p> <p style="padding-left: 80px;">(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>14. 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 style="padding-left: 40px;">(b) 2 copies of a plan thereof prepared, to the satisfaction of the Authority, by a boiler inspector.</p> | s. 50(2) |
| 90. | Buildings Ordinance (Cap. 123) (HPLB) | <p>24A. (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 style="padding-left: 40px;">(2) An order made under subsection (1) -</p> | s. 40(1B) |

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| | | <p>(a) may specify -</p> <p>.....</p> <p>(iii) that the work shall be carried out with due diligence to the satisfaction of the Building Authority; and</p> <p>.....</p> | |
| 91. | Buildings Ordinance (Cap. 123) (HPLB) | 28A. (3) Any approval by the Building Authority of plans showing the relevant works shall include a requirement to maintain the relevant works to the satisfaction of 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) | 14. (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 to the satisfaction of 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) | 20. (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 to the satisfaction of 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) | 20. (1) The owner of an aerial ropeway shall, to the satisfaction of 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) | 20F. (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 to the satisfaction of the waste disposal authority;</p> <p>.....</p> | S. 20F(2) |

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| 96. | Mass Transit Railway Ordinance (Cap. 556) (ETWB) | 11. (1) The Corporation shall keep, to the satisfaction of 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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