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**CB(1)1636/07-08(01)**

**TRADE DESCRIPTIONS (PROVISION OF INFORMATION  
ON NATURAL FEI CUI) ORDER**

(Made by the Chief Executive in Council under section 4  
of the Trade Descriptions Ordinance (Cap. 362))

**1. Commencement**

This Order shall come into operation on a day to be appointed by the Secretary for Commerce and Economic Development by notice published in the Gazette.

**2. Interpretation**

(1) In this Order -

"article of natural fei cui" (天然翡翠製品) means any article -

(a) which is composed solely or principally of natural fei cui; or

(b) which is inlaid with natural fei cui;

"natural fei cui" (天然翡翠) means fei cui within the meaning of

section 2 of the Trade Descriptions (Definition of Fei Cui and Natural Fei Cui) Regulation (L.N. 42 of 2008) which

falls within the definition of "natural" or "天然" in section 3 of pursuant to that Regulation, may be lawfully described as "natural" or "天然" when used to describe fei cui.

(2) An article on which an object is mounted is regarded for the purposes of this Order as an article inlaid with that object.

**3. Supply to be accompanied by written particulars**

(1) Any person who supplies any article of natural fei cui to another person ("the buyer") in the course of trade or business at retail level shall, at the time of supply, issue an invoice or receipt to the buyer.

(2) An invoice or receipt issued under subsection (1) shall contain -

- (a) the full name and address of the supplier;
- (b) the price at which the article is supplied;
- (c) the date of supply; and
- (d) a description of the article which shall describe

\_\_\_\_\_ the article - ~~as "natural fei cui" or "天然翡翠"~~  
~~翠".~~

(i) where the article is inlaid with both  
natural fei cui and other jade, as  
"natural fei cui plus other jade" or  
"天然翡翠和其他玉石"; or

(ii) where the article is -

(A) composed solely or principally of  
natural fei cui; or

(B) inlaid with natural fei cui but  
with no other jade,

as "natural fei cui" or "天然翡翠".

#### **4. Supplier shall retain invoice or receipt for 3 years**

(1) A supplier shall retain a copy of an invoice or receipt issued by him under section 3 for a period of not less than 3 years after the date of issue.

(2) Any person who contravenes subsection (1) commits an offence and is liable on conviction to a fine at level 2 and imprisonment for 1 month.

#### **5. Notice to be displayed**

(1) No person shall supply or offer to supply any article of natural fei cui in the course of trade or business at retail level unless a notice in the form specified in the Schedule is displayed prominently to all customers at the point of supply or offer.

(2) A notice displayed under subsection (1) shall not be less than 210 mm x 297 mm in size.

(3) The letters and characters appearing on a notice displayed under subsection (1) shall not be less than 5 mm in height.

#### **6. Position of auctioneer**

(1) For the purposes of this Order, where an article of natural fei cui is sold by auction -

- (a) the auctioneer shall be regarded as the supplier of the article; and
- (b) it shall, in the absence of evidence to the contrary, be presumed to be supplied in the course of trade or business at retail level.

(2) For the purposes of this Order, where an article of natural fei cui is offered for sale by auction, it shall -

- (a) be regarded as being offered for supply by the auctioneer; and
- (b) in the absence of evidence to the contrary, be presumed to be offered for supply in the course of

trade or business at retail level.

SCHEDULE

[s. 5]

NOTICE TO BE DISPLAYED UNDER SECTION 5(1)  
OF THIS ORDER

NOTICE

告示

TRADE DESCRIPTIONS  
(PROVISION OF INFORMATION  
ON NATURAL FEI CUI) ORDER

《商品說明(提供關於天然翡翠  
的資料)令》

(第362章，附屬法例)

(Chapter 362 subsidiary  
legislation)

Under the laws of Hong  
Kong -

(a) ~~only jade that falls  
within the definition in  
the Trade Descriptions  
(Definition of Fei Cui  
and Natural Fei Cui)  
Regulation (Cap.362 sub.  
leg.) can~~ ~~may~~ be  
described as "fei cui"  
~~only if it falls within  
the statutory definitions  
which set criteria as  
regards its composition;~~

(b) fei cui may be described

根據香港法例 -

- (a) 只有玉石必須符合《商品說明(翡翠及天然翡翠的定義)規例》(第362章，附屬法例)中就其成分設定準則的法律定義的玉石，方可被稱為“翡翠”；
- (b) 翡翠必須沒有經過任何改變其晶體結構或原色的處理或工序，方可被稱為“天然”。

供應人須就所供應的每件天然翡翠製品發出詳細的發票或收據。

as "natural" only if it  
has not been subjected to  
any treatment or process  
which altered its  
crystalline structure or  
original colour.

A detailed invoice or  
receipt shall be issued by the  
supplier in respect of every  
article of natural fei cui  
supplied.

Clerk to the Executive Council

COUNCIL CHAMBER

2008