

L.N. 43 of 2008**TRADE DESCRIPTIONS (DEFINITION OF DIAMOND)
REGULATION**

(Made by the Chief Executive in Council under section 33
of the Trade Descriptions Ordinance (Cap. 362))

1. Commencement

This Regulation 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. Definition of diamond

(1) Subject to subsection (2), the expression “diamond” or “鑽石”, when used in the course of any trade or business to describe an article, means the article is a natural mineral consisting essentially of carbon crystallized in the isometric (cubic) crystal system which has the physical properties specified in the Schedule.

(2) Subsection (1) does not apply—

- (a) in relation to the expression “diamond” where it is a part of an expression—
 - (i) of which the expression “artificial”, “man-made”, “synthetic” or another similar expression is also a part; and
 - (ii) which, taken as a whole, clearly indicates that the article concerned is not natural diamond;
- (b) in relation to the expression “鑽石” where it is a part of an expression—
 - (i) of which the expression “人工”, “人造”, “合成” or another similar expression is also a part; and
 - (ii) which, taken as a whole, clearly indicates that the article concerned is not natural diamond.

SCHEDULE

[s. 2]

PHYSICAL PROPERTIES OF DIAMOND

Hardness on Moh's Scale:	10
Specific Gravity:	not lower than 3.51 but not higher than 3.53
Refractive Index:	2.417
Dispersion:	0.044

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Clerk to the Executive Council

COUNCIL CHAMBER
19 February 2008

Explanatory Note

Section 33 of the Trade Descriptions Ordinance (Cap. 362) empowers the Chief Executive in Council to assign, by means of regulations, a definite meaning to any expression used in relation to goods. Once such a meaning is assigned to an expression, it shall be deemed for the purposes of that Ordinance to have that meaning when used in the course of a trade or business or when used in the circumstances specified in the regulations.

2. This Regulation is made under section 33 of the Trade Descriptions Ordinance (Cap. 362). The purpose is to define the expression "diamond". An article that does not fall within the definition cannot be described as "diamond". However, it is permissible to describe artificial diamond as such provided that the description clearly indicates that the article concerned is not natural diamond.