

L.N. 80 of 2008**TRADE DESCRIPTIONS (PROVISION OF INFORMATION
ON DIAMOND) 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

In this Order—

“article of diamond” (鑽石製品) means any article—

- (a) which is composed solely of diamond;
- (b) which is inlaid with diamond for the purpose of adornment; or
- (c) on which diamond is mounted for the purpose of adornment;

“diamond” (鑽石) has the meaning given to it under the Trade Descriptions (Definition of Diamond) Regulation (L.N. 43 of 2008).

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

(1) Any person who supplies any article of diamond 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;
- (d) a description of the article which shall describe the article as—
 - (i) being composed solely of diamond;
 - (ii) being inlaid with diamond; or
 - (iii) one on which diamond is mounted, as may be appropriate; and

(e) where—

- (i) the total weight of the diamond supplied is known to the supplier, such total weight expressed in carats; or
- (ii) the total weight of the diamond supplied is not known to the supplier, a statement that the total weight of the diamond supplied is unknown.

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 diamond 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 × 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 diamond 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 diamond 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 DIAMOND) ORDER《商品說明 (提供關於鑽石的資料) 令》
(第 362 章，附屬法例)(Chapter 362 subsidiary
legislation)

Under the laws of Hong Kong, only diamond that falls within the definition in the Trade Descriptions (Definition of Diamond) Regulation (Cap. 362 sub. leg.) can be described as “diamond”.

根據香港法例，只有符合《商品說明 (鑽石的定義) 規例》(第 362 章，附屬法例) 中的定義的鑽石，方可被稱為“鑽石”。

供應人須就所供應的每件鑽石製品發出詳細的發票或收據。

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

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
8 April 2008

Explanatory Note

Section 4 of the Trade Descriptions Ordinance (Cap. 362) empowers the Chief Executive in Council to require by order that any specified goods shall be marked with or accompanied by any information or instruction relating to the goods.

2. This Order is made under section 4 of the Trade Descriptions Ordinance (Cap. 362).

3. Section 1 empowers the Secretary for Commerce and Economic Development to specify the commencement date of this Order.

4. Section 2 defines the expressions used in this Order.
5. Section 3 requires any person who supplies an article of diamond in the course of trade or business at retail level to issue an invoice or receipt to the buyer. The invoice or receipt must contain prescribed information. Section 4 requires suppliers to retain copies of invoices and receipts so issued for 3 years.
6. Section 5 requires suppliers of articles of diamond to display a notice in the prescribed form to provide certain information to customers.
7. Section 6 provides that where an article of diamond is sold by auction, the auctioneer shall shoulder the responsibility imposed by this Order.