

L.N. 83 of 2008**TRADE DESCRIPTIONS (MARKING) (PLATINUM)
(AMENDMENT) ORDER 2008**

(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

Paragraph 2(2)(b) of the Trade Descriptions (Marking) (Platinum) Order (Cap. 362 sub. leg. C) is amended by repealing “(Chuk Pak Kam)” and substituting “or “足鉑金””.

3. Prohibition on supply of unmarked articles

Paragraph 3 is amended by adding “at retail level” after “or business”.

4. Marking of articles

(1) Paragraph 4(1) is amended by adding “at retail level” after “or business”.

(2) Paragraph 4(1)(b) is amended by repealing “(Chuk Pak Kam)” and substituting “or “足鉑金””.

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

(1) Paragraph 6(1) is amended by repealing “, in the course of trade or business, supplies any article of platinum shall, at the time of supply, deliver” and substituting “supplies any article of platinum in the course of trade or business at retail level shall, at the time of supply, issue”.

(2) Paragraph 6(1) is amended by repealing everything after subparagraph (a) and substituting—

- “(b) the price at which the article is supplied;
(c) the date of supply;
(d) the details of—
 (i) where the whole article is of platinum or platinum alloy of the same fineness, the mark required under paragraph 4 borne on the article and the corresponding fineness of the platinum content specified in Schedule 1; or
 (ii) where the article consists of different parts which are of different fineness of platinum or platinum alloy, the mark required under paragraph 4 borne on each such part of the article and the corresponding fineness of the platinum content specified in Schedule 1;
(e) where the article consists of different parts which are of platinum or platinum alloy and other metal—
 (i) a description of the parts which are of platinum or platinum alloy; and
 (ii) a description of the type of such other metal and the relevant parts;
(f) where appropriate, a description of any article or part of any article exempted by virtue of Schedule 2; and
(g) where the whole article is of platinum or platinum alloy the fineness of which is not less than 990 parts by weight of platinum in 1 000 parts by weight of alloy, the weight of the article.”.
- (3) Paragraph 6 is amended by adding—
 “(1A) For the purposes of subparagraph (1)(d), where—
 (a) an article has been subjected to soldering; and
 (b) by virtue of paragraph 5(4), the article is marked with the standard of fineness of its main body,
the whole article is regarded as being of platinum or platinum alloy of the same fineness.”.
- (4) Paragraph 6 is amended by adding—
 “(3) Any person who contravenes subparagraph (2) commits an offence and is liable on conviction to a fine at level 2 and imprisonment for 1 month.”.

6. Paragraph substituted

Paragraph 7 is repealed and the following substituted—

“7. Notice to be displayed

(1) No person shall supply or offer to supply any article of platinum in the course of trade or business at retail level unless a notice in the form specified in Schedule 3 is displayed prominently to all customers at the point of supply or offer.

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

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

7. Surface treated articles

(1) Paragraph 8 is amended by renumbering it as paragraph 8(1).

(2) Paragraph 8(1) is amended by repealing everything after “words in the” and substituting—

“description—

(a) shall be in English; and

(b) shall not be less prominent than the word “platinum”.”.

(3) Paragraph 8 is amended by adding—

“(2) If an article with a surface treatment of platinum is marked with words describing the treatment which include the characters “白金” or “鉑金”, the other words in the description—

(a) shall be in Chinese; and

(b) shall not be less prominent than the characters “白金” or “鉑金”, as the case may be.”.

8. Paragraph added

The following is added—

“9. Position of auctioneer

(1) For the purposes of this order, where an article of platinum 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 platinum 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.”.

9. Standards of fineness

(1) Schedule 1 is amended by repealing “& 4]” and substituting “, 4 & 6]”.

(2) Schedule 1 is amended by repealing “Chuk Pak Kam (足白金)” and substituting “足白金 or 足鉑金 (Chuk Pak Kam)”.

10. Exempted articles

Schedule 2 is amended by repealing “6(1)(iii)]” and substituting “6(1)(f)]”.

11. Schedule 3 amended

(1) Schedule 3 is amended in the English version of the Notice by adding “at retail level” after “or business”.

(2) Schedule 3 is amended in the English version of the Notice by repealing—

“Chuk Pak Kam
(足白金)”

and substituting—

“足白金 or 足鉑金
(Chuk Pak Kam)”.

(3) Schedule 3 is amended in the Chinese version of the Notice by adding “零售層面的” before “營商過程”.

(4) Schedule 3 is amended in the Chinese version of the Notice by repealing—

“足白金
(Chuk Pak Kam)”

and substituting—

“足白金 or 足鉑金”.

LAM Chik-ting, Tony
Clerk to the Executive Council

COUNCIL CHAMBER
8 April 2008

Explanatory Note

This Order amends the Trade Descriptions (Marking) (Platinum) Order (Cap. 362 sub. leg. C) (“the principal Order”) to enhance the protection offered by the principal Order to purchasers of articles made of platinum. This Order also introduces certain technical amendments. The major amendments are highlighted below.

2. Section 1 empowers the Secretary for Commerce and Economic Development to specify the commencement date of this Order.
3. Sections 2, 4(2) and 9(2) add “足鉑金” as an alternative to “足白金” in several provisions of the principal Order.
4. Section 3 amends paragraph 3 of the principal Order to limit the scope of application of the principal Order to sale at retail level.
5. Section 5(2) amends paragraph 6 of the principal Order to expand the list of information to be provided to purchasers.
6. Section 5(4) adds a provision to provide that failure to comply with paragraph 6(2) of the principal Order is a criminal offence. That paragraph requires suppliers to retain copies of invoices and receipts for 3 years.
7. Section 7 amends paragraph 8 of the principal Order so that the paragraph applies more effectively in relation to bilingual markings.