

L.N. 79 of 2008**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

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 the Trade Descriptions (Definition of Fei Cui and Natural Fei Cui) Regulation (L.N. 42 of 2008) which, pursuant to that Regulation, may be lawfully described as “natural” or “天然”.

**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”.

**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 × 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

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

(Chapter 362 subsidiary
legislation)

Under the laws of Hong Kong—

告示

《商品說明 (提供關於天然翡翠
的資料) 令》

(第 362 章，附屬法例)

根據香港法例——

- (a) jade 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 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.

- (a) 玉石必須符合就其成分設定準則的法律定義，方可被稱為“翡翠”；
- (b) 翡翠必須沒有經過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。

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 natural fei cui 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 natural fei cui to display a notice in the prescribed form to provide certain information to customers.
7. Section 6 provides that where an article of natural fei cui is sold by auction, the auctioneer shall shoulder the responsibility imposed by this Order.