

Chapter:	362A	<b>TRADE DESCRIPTIONS (MARKING) (GOLD AND GOLD ALLOY) ORDER</b>	Gazette Number	Version Date
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		<b>Empowering section</b>		30/06/1997
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(Cap 362 section 4)

[1 January 1985]

(Originally L.N. 17 of 1984)

Paragraph:	1	<b>Citation</b>		30/06/1997
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This order may be cited as the Trade Descriptions (Marking) (Gold and Gold Alloy) Order.

Paragraph:	2	<b>Interpretation</b>		30/06/1997
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In this order, unless the context otherwise requires-  
"fineness" (純度) in relation to articles made of gold or gold alloy means the number of parts by weight of gold in one thousand parts by weight of alloy;  
"standard of fineness" (純度標準) means any one of the standards of fineness specified in the First Schedule.

Paragraph:	3	<b>Application</b>		30/06/1997
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Except as provided in paragraph 8, this order shall apply to articles of gold or gold alloy containing not less than 8 carats or of a fineness of not less than 333.

Paragraph:	4	<b>Articles to be marked</b>	L.N. 270 of 2008	02/03/2009
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(1) Subject to sub-paragraph (3), every article of gold or gold alloy that is supplied or offered for supply by any person in the course of trade or business at retail level shall bear a mark- (L.N. 82 of 2008)

- (a) in arabic numerals clearly indicating in carats, by number or by number and the letters "k", "c" or "ct" the fineness of the gold content in accordance with the standards of fineness specified in the First Schedule; or
- (b) in arabic numerals clearly indicating in parts per thousand the fineness of the gold content; or
- (c) consisting of the Chinese characters "足金". (L.N. 82 of 2008)

(2) Each number or character of the mark specified in sub-paragraph (1) shall not be smaller than 0.5 mm<sup>2</sup> in size.

(3) This paragraph shall not apply to any article specified in the Second Schedule.

Paragraph:	5	<b>Articles of differing fineness</b>	L.N. 270 of 2008	02/03/2009
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(1) Subject to sub-paragraph (3), where an article mentioned in paragraph 4 consists of different parts which are of different finenesses of gold or gold alloy, then either-

- (a) each part shall be marked as if it were a separate article; or
- (b) one mark shall be affixed which shall be that of the fineness of the article as a whole.

(2) Where an article mentioned in paragraph 4 consists of different parts one or more of which are of gold or gold alloy and another or other of which are of another metal, the part or parts which are of gold or gold alloy shall be marked under paragraph 4 and the other part or parts shall be described in the invoice or receipt supplied under paragraph 6.

(3) Where-

- (a) in the case of an article the main body of which is of a standard of not lower than 999, the solder used is of a fineness of not less than 800; (L.N. 82 of 2008)

- (b) in the case of an article the main body of which is of a 916.6 standard, the solder used is of a fineness of not less than 750;
- (c) in the case of filigree work or a watch case, the main body of which is of a 750 standard, the solder used is of a fineness of not less than 740;
- (d) in the case of a white gold article the main body of which is of a 750 or 585 standard, the solder used is of a fineness of not less than 500,

and if the solder constitutes not more than 5 per cent of the finished article, the finished article may be marked with the standard of fineness of the main body.

Paragraph:	6	<b>Supply to be accompanied by written particulars</b>	L.N. 270 of 2008	02/03/2009
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(1) Any person who supplies any article of gold or gold alloy in the course of trade or business at retail level shall, at the time of supply, issue to the person to whom the article is supplied an invoice or receipt which shall contain- (L.N. 82 of 2008)

- (a) the full name and address of the supplier;
- (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 gold or gold alloy of the same fineness, the mark required under paragraph 4 borne on the article and the corresponding fineness of the gold content specified in the First Schedule; or
  - (ii) where the article consists of different parts which are of different finenesses of gold or gold alloy, the mark required under paragraph 4 borne on each such part of the article by virtue of paragraph 5(1) and the corresponding fineness of the gold content specified in the First Schedule; (L.N. 170 of 2008)
- (e) where the article consists of different parts which are of gold or gold alloy and other metal-
  - (i) a description of the type of gold or gold alloy and the relevant parts; 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 the Second Schedule; and
- (g) where the whole article is of gold or gold alloy the fineness of which is not less than 999 parts by weight of gold in 1000 parts by weight of alloy, the weight of the article. (L.N. 82 of 2008)

(1A) For the purposes of subparagraph (1)(d ), where-

- (a) an article has been subjected to soldering; and
- (b) by virtue of paragraph 5(3), the article is marked with the standard of fineness of its main body,

the whole article is regarded as being of gold or gold alloy of the same fineness. (L.N. 82 of 2008)

(1B) The fineness of gold and gold alloy contained in an invoice or receipt required under subparagraph (1) shall be expressed—

- (a) in number of parts by weight of gold in 1000 parts by weight of alloy;
- (b) in number of carats; and
- (c) where the fineness is not less than 999 parts by weight of gold in 1000 parts by weight of alloy, as “足金” . (L.N. 82 of 2008)

(2) A supplier shall retain a copy of the invoice or receipt issued in accordance with sub-paragraph (1) for a period of not less than 3 years after the date of issue.

(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. (L.N. 82 of 2008)

Paragraph:	7	<b>Notice to be displayed</b>	L.N. 270 of 2008	02/03/2009
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(1) No person shall supply or offer to supply any article made of gold or gold alloy in the course of trade or business at retail level unless a notice in the form specified in the Third Schedule 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.

(L.N. 82 of 2008)

Paragraph:	8	<b>Surface treated articles</b>	L.N. 270 of 2008	02/03/2009
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(1) If an article with a surface treatment of gold is marked with words describing such treatment which include the word "gold", the other words in the description— (L.N. 82 of 2008)

(a) shall be in English; and

(b) shall not be less prominent than the word “gold” . (L.N. 82 of 2008)

(2) If an article with a surface treatment of gold is marked with words describing such treatment which include the characters “黃金” or “金”, the other words in the description—

(a) shall be in Chinese; and

(b) shall not be less prominent than the characters “黃金” or “金”, as the case may be. (L.N. 82 of 2008)

Paragraph:	9	<b>Position of auctioneer</b>	L.N. 270 of 2008	02/03/2009
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(1) For the purposes of this order, where an article to which this order applies 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 to which this order applies 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.

(L.N. 82 of 2008)

Schedule:	1	<b>STANDARDS OF FINENESS</b>	L.N. 270 of 2008	02/03/2009
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[paragraphs 2, 4 & 6]

(L.N. 82 of 2008)

The standards of fineness (that is the number of parts by weight of gold in one thousand parts by weight of alloy) are-

Standard	Fineness, not less than
8 carat	333
9 carat	375
12 carat	500
14 carat	585
15 carat	625
18 carat	750
22 carat	916.6
足金 (Chuk Kam)	999

and so in proportion for any other number of carats.

(L.N. 82 of 2008)

Schedule:	2	<b>EXEMPTED ARTICLES</b>	L.N. 270 of 2008	02/03/2009
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[paragraphs 4(3) & 6(1)(f)]

(L.N. 82 of 2008)

1. Any coin which is, or was formerly at any time, current coin of Hong Kong or elsewhere. (65 of 2000 s. 3)
2. Any article which has been used, or is intended to be used, for medical, dental, veterinary, scientific or industrial use.
3. Any article of gold thread.
4. Any raw material (including any bar, plate, sheet, foil, wire, strip or tube) or bullion.
5. Any article or part of an article which is so small or thin as to render the marking thereof impracticable, and which is less than 1 gram in weight.
6. Any article manufactured more than 100 years ago provided that this is so stated in the invoice or receipt required by paragraph 6(1) of the order.

Schedule:	3		L.N. 270 of 2008	02/03/2009
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[paragraph 7]

NOTICE

告示

TRADE DESCRIPTIONS ORDINANCE

商品說明條例

(Chapter 362)

(第362章)

In accordance with the Trade Descriptions (Marking) (Gold and Gold Alloy) Order (Cap 362 sub. leg. A), every article made of gold or gold alloy that is supplied or offered for supply in the course of trade or business at retail level shall bear a mark indicating the fineness of the gold content and a detailed invoice or receipt shall be issued by the supplier in respect of every article supplied.

按照《商品說明(標記)(黃金及黃金合金)令》(第362章, 附屬法例A), 每一件在零售層面的營商過程或業務運作中所供應或要約供應的以黃金或黃金合金製成的製品, 均須註有標記以顯示黃金含量純度, 而供應人亦須就其供應的每件製品發出詳細的發票或收據。

Standards of Fineness

純度標準

The standards of fineness (that is the number of parts by weight of gold in one thousand parts by weight of alloy) are

純度標準(即按重量計算黃金在一千等份合金中所佔等份的數字)如下—

Standard	Fineness, not less than	標準	純度不低於
8 carat	333	8開	333
9 carat	375	9開	375
12 carat	500	12開	500
14 carat	585	14開	585
15 carat	625	15開	625
18 carat	750	18開	750
22 carat	916.6	22開	916.6

足金(Chuk Kam)

999

and so in proportion for any other number of carats.

足金

999

其他開數則按上述比例類推。

(L.N. 87 of 1997; L.N. 82 of 2008; L.N. 170 of 2008)