

Chapter:	362N	TRADE DESCRIPTIONS (PROVISION OF INFORMATION ON DIAMOND) ORDER	Gazette Number	Version Date
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		Empowering section	L.N. 268 of 2008	02/03/2009
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(Cap 362, section 4)

[2 March 2009] *L.N. 268 of 2008*

(Originally L.N. 80 of 2008)

Section:	1	(Omitted as spent)	L.N. 268 of 2008	02/03/2009
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Section:	2	Interpretation	L.N. 268 of 2008	02/03/2009
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(1) In this Order— (L.N. 168 of 2008)

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

- (a) which is composed solely of diamond; or (L.N. 168 of 2008)
- (b) which is inlaid with diamond for the purpose of adornment; (L.N. 168 of 2008)
- (c) (Repealed L.N. 168 of 2008)

“diamond” (鑽石) has the meaning given to it under the Trade Descriptions (Definition of Diamond) Regulation (Cap 362 sub. leg. L).

(2) An article on which an object is mounted is regarded for the purposes of this Order as an article inlaid with that object. (L.N. 168 of 2008)

Section:	3	Supply to be accompanied by written particulars	L.N. 268 of 2008	02/03/2009
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(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— (L.N. 168 of 2008)
 - (i) as being composed solely of diamond;
 - (ii) where the article is inlaid with both diamond and other precious stone, as being inlaid with both diamond and other precious stone; or
 - (iii) where the article is inlaid with diamond but with no other precious stone, as being inlaid with diamond,
as may be appropriate; and (L.N. 168 of 2008)

(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.

Section:	4	Supplier shall retain invoice or receipt for 3 years	L.N. 268 of 2008	02/03/2009
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(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.

Section:	5	Notice to be displayed	L.N. 268 of 2008	02/03/2009
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(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.

Section:	6	Position of auctioneer	L.N. 268 of 2008	02/03/2009
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(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:		SCHEDULE	L.N. 268 of 2008	02/03/2009
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[section 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N)

(Chapter 362 subsidiary
legislation N)

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. L) 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L)中的定義的鑽石，方可被稱為“鑽石”。

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

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。