



Ref : TRA CR 1651/3

Director-General of Trade and Industry
Non-Textiles Licensing Unit
Trade and Industry Department
Room 101A, 1/F, Trade and Industry Department Tower
700 Nathan Road
Kowloon
Hong Kong

To be lodged in 1 copy only

**Import and Export Ordinance
(Cap. 60 of the Laws of Hong Kong)**

Application For Registration as a Rough Diamond Trader and

Registration for Rough Diamonds Transshipment Exemption

(Before completing and returning this application, please read the Notes at the end.)

PART I : PARTICULARS OF TRADER

Name of Company/Registered Business/Person* in English: _____

Address : _____

(Please attach a copy of address proof)

Tel No. : _____ Fax No. : _____

E-mail Address : _____

Business Registration/Hong Kong Identity (HKID)Card/ Passport* No. : _____

(Please attach a copy of valid Business Registration Certificate/HKID Card/Passport as appropriate)

Nature of Business : _____

Business activities relating to rough diamond trading :

(Please tick the following as appropriate)

Importer Exporter Buyer Seller Courier

Airline Company Shipping Company Transportation Company

Freight Forwarder Others _____

(Please specify)

Contact Person(s) for matters relating to this registration and Kimberley Process Certificates :

PART II : UNDERTAKING

I, the undersigned, signing for and on behalf of the applicant as detailed in Part I of this application form, hereby declare to the best of my knowledge and belief, that the information given in this application form is true and correct. I undertake to inform the Trade and Industry Department immediately in writing of any change of the particulars as provided in this application form or any change in the status of business. I understand that registration obtained based on false material declared is void from the start, and heavy penalties will be provided for any person making a false statement in an application for registration as a rough diamond trader.

2. I also fully understand that the Trade and Industry Department at all times reserves the right to disclose all or any of the information provided herein to third parties either in Hong Kong or elsewhere for the purposes of or in connection with the exercise or performance of any of the powers or duties under the legislation; the implementation of the international scheme for rough diamonds; or the institution of criminal proceedings under the legislation.

3. Please tick the relevant box below :

I do **NOT** wish to apply for registration for rough diamonds transshipment exemption.

(Please refer to Appendix for definition of transshipment cargo.)

I **WISH** to apply for registration for rough diamonds transshipment exemption.

(Please refer to Appendix for definition of transshipment cargo.)

I fully understand that the Director-General of Trade and Industry may exempt a registered rough diamond trader from the certification requirements set out in the Import and Export Ordinance (Cap. 60). I declare that I have read and understood, and agree to abide by the conditions of exemption as set out at Appendix to this application form and any other conditions stipulated in relevant circulars which have been and may be issued by the Director-General of Trade and Industry, who may revise or vary the conditions of exemption at any time he deems appropriate.

I acknowledge that breaching of any of these conditions of exemption may lead to the revocation/suspension of the exemptions, irrespective of whether legal and/or other administrative actions are taken against the applicant in this application form, and the Director-General of Trade and Industry may also by notice in writing revoke or suspend any exemption granted to the applicant in this application form or may amend any conditions of exemption.

_____ Signature	_____ Name of Signatory (in block letters)	
_____ Date	_____ Position of Signatory (see Notes)	_____ Company/ Business Chop

Notes :

- (1) This application form should be signed :
 - (a) by the proprietor, if the applicant is a sole proprietor;
 - (b) by a partner, if the applicant is a partnership; or
 - (c) by a director, or other person authorised to sign on its behalf, if the applicant is a corporation.
- (2) If the applicant is a sole proprietor or a partnership, the applicant should provide a copy of the Application for a Business Registration Certificate.
- (3) If the applicant is a corporation, the application form must be signed by either a director of the applicant or a person who is authorised to sign on behalf of the applicant. Such authorisation letter should be signed by a director of the applicant. In either case, a copy of the latest Annual Return which contains the details of the directors and the shareholders is required. If there is any subsequent change of directorship after the latest Annual Return has been filed, a copy of Form D2 is required.
- (4) For the purpose of this registration, companies/businesses holding different business registration numbers will be treated as separate and distinct entities irrespective of any relationship (including agent/principal, subsidiary/holding company, associate company, etc.) which may exist between them.
- (5) The Trade and Industry Department (TID) may request the original copy of the supporting documents for examination if necessary.
- (6) For applicants outside Hong Kong who may not be able to complete the registration process before their arrival in Hong Kong, to facilitate processing of their

applications by TID, they can send their application forms and the required supporting documents to the Non-Textiles Licensing Unit, Room 101A, 1/F of Trade and Industry Department, 700 Nathan Road, Kowloon, Hong Kong, by fax (Fax no. : 852-2380 8504). Upon receipt of the faxed application form and the required documents from the applicant outside Hong Kong, TID will issue a letter to inform him the registration no. to be assigned to him by fax. His registration will only be valid upon receipt of the original of the duly completed application form and upon payment of the prescribed registration fee of HK\$645.

- (7) Applicants are reminded that it is an offence for any person granted a rough diamonds transshipment exemption under this registration to contravene or fail to comply with any conditions of exemption at Appendix and any other conditions stipulated in relevant circulars which have been and may be issued by the Director-General of Trade and Industry. Any person who contravenes or fails to comply with any such conditions is liable to prosecution and/or may have his registration for exemption revoked or suspended.

IMPORTANT NOTE

Personal Data in Applications for Registration or Amendment of Registration Particulars as a Rough Diamond Trader under the Kimberley Process Certification Scheme (KPCS)

The Trade and Industry Department is committed to ensuring that all personal data provided under applications for registration or amendment or registration particulars under the KPCS are handled in accordance with the relevant provisions of the Personal Data (Privacy) Ordinance.

Purpose of Collection of Personal Data

The personal data required on the application forms may include the name, address, telephone number, fax number and e-mail address of person/ company/ registered business, signature of the authorised signatory or responsible person, the name and HKID card number or passport number of the applicant and the director list of the company which may show the names, home addresses, nationalities, and HKID card and passport numbers of the directors, etc. The personal data provided will be used for consideration and other actions relating to the registration/renewal of registration under the KPCS. Incomplete or inaccurate information provided in the application may affect the consideration of the application, and may result in its being deferred or rejected, and/or other administrative/legal action being taken against the parties concerned.

Transfer of Personal Data

The data collected in the applications will be kept in confidence. They may however be disclosed to other government departments, or to third parties in Hong Kong or elsewhere, for the purpose of or in connection with the exercise or performance of any of the powers or duties under the legislation; the implementation of the international scheme for rough diamonds; or the institution of criminal proceedings under the legislation; or if such disclosure is necessary to facilitate consideration of the application; is in the interests of the trade in Hong Kong; is authorised or required by the law; or if explicit consent to such disclosure is given by the applicant/data subject.

Rights of Access to and Correction of Personal Data

Applicants/data subjects whose personal data are collected by the Department may request access to them under the Personal Data (Privacy) Ordinance. A charge will be made to cover the cost of photocopying the data supplied. In addition, if the data subject considers that the data supplied to the Trade and Industry Department is inaccurate, a request for correction of the personal data may be made after a data access request has been complied with. The data subject should also note that, in connection with applications for registration/amendment of registration particulars under the KPCS, the applicant/data subject making false declaration or furnishing false or misleading information shall be guilty of an offence.

Contact Person

Requests for access to personal data provided under applications for registration/amendment of registration particulars under the KPCS should be made in writing on the Data Access Request Form (No. OPS/003 issued by the Privacy Commissioner), which is available at the Information Counter on G/F of the Trade and Industry Department and at the Trade and Industry Department Homepage, to the officer-in-charge of the Non-Textiles Licensing Unit, Room 101A, 1/F, Trade and Industry Department Tower, 700 Nathan Road, Kowloon (Tel no. 2398 5557).

Rough Diamonds Transshipment^{Note} Exemption

Conditions of Exemption

Conditions of Exemption

1. Exemption is not transferable. The registrant shall immediately inform the Director-General of Trade and Industry (DGTI) in writing of any change in the registration particulars declared in the application for registration as a rough diamond trader and for rough diamonds transshipment exemption or the application for renewal of the registrations.
2. A registrant shall allow the authorised officers of the Customs and Excise Department (C&ED) to inspect his premises, godown premises, the rough diamonds imported or to be exported during the transshipment and books and records relating to the transshipment whenever required for administering the Certification Scheme for Rough Diamonds (the Certification Scheme).
3. The registrant shall lodge with the Trade and Industry Department (TID) monthly returns on consignments transhipped in the preceding calendar month in the format specified by DGTI on or before the 10th of each month. Returns should be properly signed, dated and should bear the company/business chop of the registrant. The registrant shall attach to the return a copy of the through bill of lading or through air waybill covering the transshipment goods concerned. (The through bill of lading or through air waybill should be issued at the original port of loading indicating Hong Kong as a transshipment port. Through bill of lading or through air waybill not issued at the original port of loading is also accepted provided that it is issued under the authorisation of the registrant involved in or its agent handling the consignment at the original port of loading; and such authorisation must be produced for inspection upon the request of officers of the TID and C&ED.)
4. The physical custody of the transshipment goods remains with the registrant at all times while the transshipment goods are in Hong Kong and that no further processing, sale or substitution of the transshipment goods takes place in Hong Kong. The registrant shall ensure that the transshipment of rough diamonds are sealed in a container; and that the container has not been tampered with and the seals on the container remain intact.
5. Up-to-date books and records shall be maintained by the registrant showing the

^{Note} Under the Import and Export Ordinance (Cap. 60 of the Laws of Hong Kong), transshipment cargo means any imported article that –

- (a) is consigned on a through bill of lading or a through air waybill from a place outside Hong Kong to another place outside Hong Kong; and
- (b) is or is to be removed from the vessel, aircraft or vehicle in which it was imported and either returned to the same vessel, aircraft or vehicle or transferred to another vessel, aircraft or vehicle before being exported, whether it is or is to be transferred directly between such vessels, aircraft or vehicles or whether it is to be landed in Hong Kong after its importation and stored, pending exportation.

following information in respect of all transshipment of rough diamonds handled by or on behalf of that person :

- (i) a description of the rough diamonds;
 - (ii) the quantity and carat weight/mass of the rough diamonds;
 - (iii) the name and address of the owner of the rough diamonds and the name and address of any agent or other representative of the owner and of any notifying party;
 - (iv) the original port of loading;
 - (v) the port of destination;
 - (vi) the date of arrival in Hong Kong;
 - (vii) the date of departure from Hong Kong;
 - (viii) the names of the inbound and outbound carriers;
 - (ix) the serial numbers of the voyage, flight or vehicle on which the rough diamonds are imported into and exported from Hong Kong;
 - (x) the master and house bill of lading or air waybill numbers involved;
 - (xi) the place of origin of the goods and a description of any marks or labels on the goods; and
 - (xii) the reference number of the Kimberley Process Certificate accompanying the transshipment goods, unless otherwise specified.
6. The registrant shall ensure that the transshipments are only released to and accepted from other shipping companies, airlines, freight forwarders or couriers who are also registered rough diamond traders or who are registrants under the Transshipment Cargo Exemption Scheme (TCES).
 7. The exemption only applies to transshipment of rough diamonds from or to a country or place for which the Kimberley Process Certification Scheme is effective or as permitted by the Kimberley Process and the importation of the rough diamonds from the exporting country or place and exportation of which to the country or place of destination are not subject to any trade sanctions.
 8. The import and export manifests in respect of the transshipment of rough diamonds covered by the exemption shall be delivered to DGTI within 14 days after importation/ exportation of the transshipment goods.

9. In respect of each transshipment, the relevant entry in the manifest must clearly indicate that the entry covers transshipment goods. The Rough Diamond Trader Registration Number of the registered shipping company, airline, freight forwarder or courier or the Certificate of Exemption Number of the registrants under the TCES from which the goods are accepted or to which the goods are released must also be clearly stated.
10. The registrant shall comply with any other conditions of exemption which the DGTI may impose from time to time and promulgate in relevant circulars for the purposes of safeguarding the integrity of or implementing the Certification Scheme.
11. A breach of any of the conditions of exemption by a registrant may render the exemption granted to him liable to be revoked or suspended by DGTI, irrespective of whether legal and/or other administrative actions are taken against him.