

## **Rough Diamonds Transshipment<sup>Note</sup> Exemption**

### **Conditions of Exemption**

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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 10<sup>th</sup> 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.

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<sup>Note</sup> 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.

5. Up-to-date books and records shall be maintained by the registrant showing the 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.