



### **Conditions of Issue of Kimberley Process Certificate (Import)**

1. This Certificate is valid for 28 days from the date of issue, unless otherwise stated.
2. The declared importer carrying on a business of importing rough diamonds must be a rough diamond trader registered with the Director-General of Trade and Industry.
3. The declared importer shall ensure that the rough diamonds are imported in a tamper-resistant container.
4. If specified on the Certificate or informed by the Director-General of Trade and Industry in writing that inspection is required for the consignment, the declared importer shall make arrangement with the Customs and Excise Department for inspection of the consignment at the premises specified by him as soon as possible but not later than 7 working days after importation of the goods. He shall also take reasonable measures to ensure that the container remains sealed and the rough diamonds will not be tampered with before inspection by the Customs and Excise Department. The declared importer shall not sell, export or process the rough diamonds before inspection by the Customs and Excise Department.
5. The declared importer shall deliver the triplicate of this *Kimberley Process Certificate (Import)* issued by the Director-General of Trade and Industry to the shipping, airline or transportation company within 7 days after the rough diamonds were imported for the release of the goods concerned as required by Section 8 of the Import and Export Ordinance (Cap.60).
6. The declared importer shall return to the Trade and Industry Department by hand or by mail, within 10 working days after importation, the original Kimberley Process Certificate issued by the last country/place of provenance unless otherwise advised by the Director-General of Trade and Industry.
7. The declared importer must make request for amendment or cancellation of this Certificate with the Director-General of Trade and Industry if the goods imported do not accord with that stated on the Certificate.
8. *Kimberley Process Certificate (Import)* which are not used must be returned to the Director-General of Trade and Industry for cancellation.
9. The declared importer must comply with other Conditions of Issue (other than those printed above) as stipulated in relevant circulars and notices issued by the Trade and Industry Department (see Important Note 4 below).
10. The Director-General of Trade and Industry reserves the right to impose additional Conditions of Issue as he sees fit in the interests of public or with the consent of the declared importer.

### **Warning**

1. Any person who imports any of the goods covered by this Certificate not under and in accordance with the Conditions of Issue commits an offence and is liable on conviction to a maximum fine of HK\$500,000 and to imprisonment for 2 years under the Import and Export Ordinance (Cap. 60). It is also an offence for any person to make a false declaration or to furnish any false or misleading information in respect of this application under the Import and Export Ordinance. The Director-General of Trade and Industry may take administrative actions against the declared importer in the event of breach of any of the Conditions of Issue. The administrative actions taken may involve but shall not necessarily be confined to the denial of certification and related facilities and suspension and revocation of Certificate.

### **Important Notes**

1. All persons carrying on a business of importing, exporting, buying, selling or carrying rough diamonds must be registered with the Director-General of Trade and Industry as rough diamond traders.
2. This Certificate is issued to the declared importer for his use to import goods covered by this application and is not transferrable.
3. The prescribed fee for a *Kimberley Process Certificate (Import)* is payable on issue of the Certificate.
4. The relevant circulars and notices referred to in the above Conditions of Issue are those circulars and notices issued by the Trade and Industry Department and in force at the time of issue of this Certificate. Traders should contact the Rough Diamonds and Ozone Depleting Substances Licensing Unit of the Trade and Industry Department if they are in doubt as to the content and/or application of the Conditions or particular requirements stipulated in these circulars and notices.
5. The importer must lodge import declarations in respect of items on this Certificate within 14 days of shipment.
6. This Certificate is issued in reliance on the information declared on the application. Provision of false information or making false declaration shall render this Certificate null and void. Heavy penalties are provided for false declaration, provision of false, or misleading information, forgery, unauthorized alterations of Certificate and the use of such Certificate.
7. The Trade and Industry Department reserves the right to disclose to third parties either in Hong Kong or elsewhere all or any of the information provided by the importer in this Certificate pertaining to the control on rough diamonds in Hong Kong 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.

### **Important Notes to Shipping, Airline and Transportation Companies**

1. The shipping, airline or transportation company shall retain possession of the goods until the triplicate of the valid *Kimberley Process Certificate (Import)* has been delivered to him by the importer.
2. The shipping, airline or transportation company shall deliver the triplicate of the *Kimberley Process Certificate (Import)* to the Director-General of Trade and Industry together with a copy or extract of the relevant manifest within 7 days after receiving the *Kimberley Process Certificate (Import)* as required by Section 8 of the Import and Export Ordinance (Cap.60).