

Guidance Notes of Application for Sale of Chinese Herbal Medicines via the Internet for
Retailers or Wholesalers of Chinese Herbal Medicines
(For Reference by the Industry)

(I) Introduction

According to the Chinese Medicine Ordinance (“CMO”), Chinese herbal medicines refer respectively to the toxic Chinese herbal medicines specified in Schedule 1 to the Ordinance and the Chinese herbal medicines specified in Schedule 2 to the Ordinance which are commonly used in Hong Kong. Chinese medicines traders who wish to carry on a business in the retail or wholesale (including sales via the Internet) of Chinese herbal medicines¹ shall first apply for a retailer licence or a wholesaler licence in Chinese herbal medicines from the Chinese Medicines Board under the Chinese Medicine Council of Hong Kong (hereinafter known as "the Chinese Medicines Board"). In the light of the growing popularity of sales via the Internet, the Chinese Medicines Board has introduced the following regulations on the sale of Chinese herbal medicines via the Internet for retailers/wholesalers of Chinese herbal medicines:

1. Retailers or wholesalers of Chinese herbal medicines who intend to conduct sale of Chinese herbal medicines on the Internet shall apply to the Chinese Medicines Board specifying the related website(s).
2. Online sale of Chinese herbal medicines shall only be conducted via the website(s) specified in the licence.
3. Any Chinese herbal medicines sold over the internet shall be supplied from the premises specified in the licence and such premises shall comply with the related licensing requirements for a retailer licence or a wholesaler licence in Chinese herbal medicines. Staff of the Department of Health will inspect the subject premises as authorised by section 146 of the CMO to safeguard the quality of the Chinese herbal medicines concerned.
4. Unless the applicant can provide proof of how the requirements related to dispensing in the CMO and the Practising Guidelines for Retailers of Chinese Herbal Medicines can be complied with, no dispensing of Chinese herbal medicines² on the Internet is allowed.

¹ “Retail of Chinese herbal medicines” refers to the selling of any Chinese herbal medicines to a person who obtains the same other than for the purpose of wholesale; “wholesale of Chinese herbal medicines” refers to obtaining or importing any Chinese herbal medicine for the purpose of selling to a manufacturer or a person who obtains such Chinese herbal medicine for the purpose of selling again, supplying or causing to supply such medicine to a third party in the course of business or activity carried out by that person.

² “Dispensing Chinese herbal medicines” refers to the preparation and supply of Chinese herbal medicines as stated in or according to the prescription given by a registered or a listed Chinese medicine practitioner.

(II) Applicants

1. Applicants for online sale by retail of Chinese herbal medicines shall be holders of, or applicants for, a retailer licence in Chinese herbal medicines.
2. Applicants for online sale by wholesale of Chinese herbal medicines shall be holders of, or applicants for, a wholesaler licence in Chinese herbal medicines.
3. Applicants shall ensure that the premises from which Chinese herbal medicines are supplied for sale on the Internet are the same premises specified in the retailer licence/wholesaler licence in Chinese herbal medicines³ and that such premises comply with the stipulated licensing requirements.

(III) Application Procedures

1. Complete the “Application Form for Sale of Chinese Herbal Medicines via the Internet” in the Appendix.
2. Applicants who are not holders of the retailer licence/wholesaler licence in Chinese herbal medicines shall apply for the appropriate licence at the same time⁴.
3. Send the application by registered post or deliver it in person during office hours to the following address:

Chinese Medicine Regulatory Office, Department of Health

16/F, AIA Kowloon Tower, Landmark East, 100 How Ming Street, Kwun Tong, Kowloon

Office hours:	Monday to Friday	9:00 a.m. to 5:30 p.m.
	Saturday, Sunday and public holidays	Closed

4. Applicants who are holders of recognised organisational digital certificates can also submit online application via electronic forms at the Chinese Medicine Council of Hong Kong's website (www.cmchk.org.hk/pcm/eng/#main_down01.htm).
5. The Chinese Medicines Board may, pursuant to the CMO, require applicants to submit other supporting documents as necessary.

³ Upon receipt of an order on the specified website, if the Chinese herbal medicines concerned are delivered directly from the central warehouse to the location specified by the buyer, the central warehouse shall be a holder of a Chinese medicine trader licence and submit an application for sale of Chinese herbal medicines via the Internet; if the Chinese herbal medicines concerned are delivered from a retail store to the location specified by the buyer, the retail store concerned shall be a holder of a Chinese medicine trader licence and submit an application for sale of Chinese herbal medicines via the Internet

⁴ The application methods for the retailer licence and the wholesaler licence in Chinese herbal medicines are uploaded to the website of the Chinese Medicine Council of Hong Kong: http://www.cmchk.org.hk/pcm/eng/#main_down01.htm

(IV) Application Results

Applicants who are holders of the retailer licence/wholesaler licence in Chinese herbal medicines will be notified in writing if their application for online sale by retail/wholesale of Chinese herbal medicines is approved. Upon receipt of the prescribed fees, the updated licence will be sent to the applicant by post. If the application is rejected, the applicant will be notified in writing thereof. Applicants who are also applying for the retailer licence/wholesaler licence in Chinese herbal medicines will be notified in writing if their licence application and the application for online sale by retail/wholesale of Chinese herbal medicines are approved. Upon receipt of the prescribed fees, the new licence will be sent to the applicant by post.

(V) Licensing Fees and Methods of Payment

Application for sale of Chinese herbal medicines via the Internet is free of charge. A fee of \$155, however, is payable for changes in licence information concerning the licensed retailers and wholesalers of these medicines as a result of such application. Applicants who are not holders of the retailer licence/wholesaler licence in Chinese herbal medicines shall submit their application for the relevant licence together with the application for Internet sale of those medicines and the payment for the relevant licensing fees. The Department of Health will issue a General Demand Note to applicants, who may make payment according to the payment methods stated in the General Demand Note.

(VI) Note

These notes are intended as a general guide and should not be treated as a complete or authoritative statement of the law on any particular case.

(VII) Enquiries

Enquiries on the contents of these notes can be made by calling the enquiry hotline, fax or post to the Chinese Medicine Regulatory Office, Department of Health:

Enquiry No.: 2319 5119

Fax No.: 2319 2664

Address: 16/F, AIA Kowloon Tower, Landmark East, 100 How Ming Street, Kwun Tong, Kowloon