

**Guidance notes for the application for Retailer Licence
in Chinese Herbal Medicines (Trade Show)**

(For traders' reference)

According to the Chinese Medicine Ordinance (Ordinance), Chinese medicines traders who wish to carry on a business in the retail of Chinese herbal medicines, wholesale of Chinese herbal medicines, wholesale of proprietary Chinese medicines or manufacturing of proprietary Chinese medicines shall first apply for a licence from the Chinese Medicines Board under the Chinese Medicine Council of Hong Kong (hereinafter known as “the Chinese Medicines Board”). For effective management of the sale of Chinese medicines in Hong Kong, the Chinese Medicines Board believes that the arrangements of selling Chinese herbal medicines in a mobile manner is in general unfavourable to effective monitoring and is not desirable in the public interest. Therefore, retailing of Chinese herbal medicines in mobile premises by Chinese medicines traders is not encouraged. Pursuant to the spirit of the Ordinance (Cap. 549 of the Laws of Hong Kong) and to facilitate traders to take part in Chinese medicines tradeshows, the Chinese Medicines Board has formulated the following requirements concerning arrangements for Chinese medicines traders to engage in Chinese medicines tradeshows.

1. According to the Ordinance, all Chinese medicines traders shall apply for a licence relevant to their business from the Chinese Medicines Board under the Chinese Medicine Council of Hong Kong (hereinafter known as “the Chinese Medicines Board”);
2. If the proprietary Chinese medicines and / or Chinese herbal medicines of the Chinese medicines traders in the showground are for exhibition purpose only instead of for sale, the activity will not be regarded as a “tradeshow”, so it is not necessary to obtain a licence for the showground. Yet, if those Chinese medicines are sold in the form of “wholesale” and “retail” (refer to Section 2 of the Ordinance for the definitions of “wholesale” and “retail”) after the exhibition, a relevant licence shall then be applied for and obtained from the Chinese Medicines Board in accordance with the mode of sales after the exhibition;
3. Chinese medicines traders shall apply for a retailer licence in Chinese herbal medicines for retailing of Chinese herbal medicines in the

showground during **tradeshows** (hereinafter known as “retailer licence in Chinese herbal medicines (tradeshow)”) from the Chinese Medicines Board. Applicants shall have obtained a Chinese medicines trader licence issued by the Chinese Medicines Board, such as “retailer licence in Chinese herbal medicines”, “wholesaler licence in Chinese herbal medicines”, “wholesaler licence in proprietary Chinese medicines” or “manufacturer licence in proprietary Chinese medicines”. For each valid licence held by the Chinese medicines traders, only one “retailer licence in Chinese herbal medicines (tradeshow)” can be applied for. The Chinese Medicines Traders Committee will assess applications with the powers delegated by the Chinese Medicines Board according to Section 157 of the Ordinance. Applicants shall submit the following information¹:

- (i) name, address and relevant licence number of the licensed company;
- (ii) name and contact telephone number of the company’s responsible person;
- (iii) address of the showground to which application of the licence relates; and
- (iv) commencement and end dates of the tradeshow.

3.1 Upon approval of the application, the applicant will be issued a “retailer licence in Chinese herbal medicines (tradeshow)”, which is valid for two years, after payment of HK\$1,090 in accordance with Item 2 of the Schedule to the Chinese Medicine (Fees) Regulation (Cap. 549E of the Laws of Hong Kong) is made. If the application is rejected, a written notification will be issued. The applicant may request a review or make an appeal in accordance with Section 140 or 141 of the Ordinance.

¹ For tradeshows lasting for not more than 14 consecutive days, if the applicant is unable to provide the confirmed address of the tradeshow premises as well as the commencement and end dates of the tradeshow at the time of application, information items (iii) and (iv) can be submitted to the Chinese Medicines Board in writing at least one working day before the commencement of the tradeshow. For well-organised tradeshows with specific organisers including Chinese medicines traders’ associations or non-profit making organisations) lasting for more than 14 consecutive days, all information must be submitted at the time of application.

4. For exhibitors or local agents who have already obtained a “retailer licence in Chinese herbal medicines (tradeshow)” to participate in a tradeshow which lasts for not more than 14 consecutive days in the future, the Chinese Medicines Board shall be notified in writing at least one working day before the commencement of the tradeshow (no additional fee is required). Yet, unless with prior approval of the Chinese Medicines Board, sale of Chinese herbal medicines at the same tradeshow premises shall not last for more than 14 days within 30 days starting from the commencement date of that tradeshow. For **Organised tradeshows**² lasting for more than 14 consecutive days, an application must be made to the Chinese Medicines Board at least 14 working days before the commencement of the tradeshow, so as to facilitate the Chinese Medicine Traders Committee’s assessment process (no additional fee is required as well). The written notification or application shall include information / documents listed in paragraphs 4.1 and 4.2 below:

4.1 General information:

- (i) name, address and relevant licence number of the licensed company;
- (ii) name and contact telephone number of the company’s responsible person;
- (iii) address of the showground to which the application relates; and
- (iv) commencement and end dates of the tradeshow.

(For tradeshows lasting for not more than 14 consecutive days, if the applicant is unable to provide the confirmed address of the tradeshow premises as well as the commencement and end dates of the tradeshow at the time of application, information items (iii) and (iv) mentioned above can be submitted to the Chinese Medicines Board in writing at least one working day before the commencement of the tradeshow.

4.2 Supporting documents of the tradeshow activity, which include:

- (i) proof of participation in the relevant activity; and
- (ii) floor plan of the showground, specifying display stands, space for storage and the layout (only the location of each unit, the

² **Organised tradeshows** refer to those with specific organisers (e.g. Chinese medicines traders’ associations or non-profit making organisations).

company's name and nature of its relevant business have to be specified on the layout plan if the entire venue is used solely for Chinese medicines tradeshow).

5. A “retailer licence in Chinese herbal medicines (tradeshow)” issued by the Chinese Medicines Board is subject to the following licensing conditions:
 - (i) The licence holder shall conduct the sale of Chinese herbal medicines at only one tradeshow premises other than the premises specified in the licence above. Under normal circumstances, for tradeshow lasting for not more than 14 consecutive days, the Chinese Medicines Board shall be notified in writing at least one working day before the commencement of the sale of the Chinese herbal medicines at each tradeshow. The location of the tradeshow premises shall be identical to that set out in the written notification submitted to the Chinese Medicines Board;
 - (ii) For tradeshow with specific organisers including Chinese medicines traders' associations or non-profit making organisations lasting for more than 14 consecutive days, an application must be made to the Chinese Medicines Board at least 14 working days before the commencement of the sale of the Chinese herbal medicines at each tradeshow. Sale of Chinese herbal medicines at the tradeshow can only be conducted upon approval. Otherwise this license shall become void automatically;
 - (iii) Unless with prior approval from the Chinese Medicines Board, sale of Chinese herbal medicines at the same tradeshow premises shall not last for more than 14 days within 30 days starting from the commencement date of that tradeshow;
 - (iv) The premises of the tradeshow to which the written notification submitted to the Chinese Medicines Board relates by the licence holder must meet the licensing requirements stipulated under Section 3 of the Chinese Medicines Regulation;
 - (v) This licence holder must display the license at a conspicuous position in the tradeshow premises to which the written notification submitted to the Chinese Medicines Board relates;
 - (vi) The tradeshow premises to which the written notification submitted to the Chinese Medicines Board relates must be for non-residential use and

- at a fixed booth location;
- (vii) The licence holder shall not engage in manufacture of proprietary Chinese medicines, dispensing of Chinese herbal medicines, decoction of Chinese herbal medicines for customers or sale of Schedule 1 Chinese herbal medicines specified in the Chinese Medicines Ordinance at the tradeshow premises to which the written notification submitted to the Chinese Medicines Board relates;
- (viii) The licence holder shall simultaneously hold any of the following effective Chinese medicines traders licence issued by the Chinese Medicines Board, such as a retailer licence in Chinese herbal medicines, a wholesaler licence in Chinese herbal medicines, a wholesaler licence in proprietary Chinese medicines, or a manufacturer licence in proprietary Chinese medicines. Otherwise, this licence shall become void automatically.
6. Chinese medicines traders shall comply with the relevant ordinances of Hong Kong when conducting the businesses concerned. For instance, Chinese medicines traders if engaged in the import and export of proprietary Chinese medicines, herbal medicines specified in Schedule 1 or the five herbal medicines specified in Schedule 2 (i.e. processed Radix Aconiti, processed Radix Aconiti Kusnezoffii, Radix Clematidis, Flos Campsis and Radix Gentianae) shall comply with the relevant import and export control requirements under the Import and Export (General) Regulations (Cap. 60 of the Laws of Hong Kong).