



## Eligibility Policy for Supply Class Membership

(Service Providers of E-commerce or Internet-Related Services,  
or Associations Representing Their Interests)

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### 1. Purpose of this Policy

1.1. This Policy sets out the principles and guidance applied by Hong Kong Internet Registration Corporation Limited (“**HKIRC**”) in determining whether a person qualifies for eligibility for Supply Class membership under Article 6A(a)(iv) of the articles of association of HKIRC (the “**Articles of Association**”) being:

- (a) a service provider of e-commerce or Internet-related services; or
- (b) an association representing the interests of such service providers.

1.2. This Policy is intended to (a) clarify the meaning and scope of the relevant requirements for membership eligibility purposes and (b) promote consistency and transparency in the exercise of the HKIRC’s discretion.

1.3. This Policy does not form part of the Articles of Association and does not confer any right to membership.

### 2. General Eligibility Principles

2.1. Eligibility for Supply Class membership is assessed by reference to the nature, substance and significance of the applicant’s activities, rather than form alone.

2.2. The applicant must be an organization, business or company carrying on activities in an operational or commercial capacity. Natural persons acting solely in a personal capacity are not ordinarily eligible.

2.3. The applicant’s activities must be genuine, ongoing and relevant to e-commerce or to the Internet ecosystem, rather than incidental or purely ancillary.

2.4. The ultimate determination of eligibility shall be made in the opinion of HKIRC, which retains full discretion notwithstanding the guidance set out in this Policy.

### 3. Eligibility as a Service Provider of E-commerce Services

#### Meaning of E-commerce Services

- 3.1. For eligibility purposes, e-commerce services refer to services that enable, facilitate or operate commercial transactions conducted primarily through Internet-based systems, including the online offering, ordering, sale, purchase or provision of goods or services. Such services may be provided through an applicant's own domain website (including business-to-consumer (B2C), business-to-business (B2B) or online-to-offline (O2O) models), or through the applicant's registration and operation on an e-commerce or e-marketplace platform.

#### Examples Generally Regarded as E-commerce Service Providers

- 3.2. Subject to HKIRC discretion, the following are generally regarded as providers of e-commerce services:
- (a) Businesses conducting commercial transactions through their own Internet websites (e.g. a supermarket website accepting online orders);
  - (b) Businesses operating registered shops on e-commerce or e-marketplace platforms;
  - (c) Online bookstores where orders are made and processed online, regardless of physical delivery method;
  - (d) Online travel agencies providing Internet-based booking of hotels, flights or tour packages;
  - (e) Online food ordering platforms;
  - (f) Group-buying platforms where the group coupon is generated online;
  - (g) Digital creators selling virtual goods or digital content through online platforms or social networking services (e.g. WhatsApp, Line or WeChat);
  - (h) Banks or licensed entities providing online banking or online financial transaction services;
  - (i) Licensed money lenders providing online loan application and processing services; and
  - (j) Businesses with both physical and online shops, where online sales form part of their operations, even if such sales represent a smaller proportion of total business.

Examples Generally Not Regarded as E-commerce Service Providers

- 3.3. Unless otherwise determined by HKIRC, the following activities are generally not regarded, on their own, as constituting e-commerce services:
- (a) Websites used solely for advertising or marketing purposes, without online commercial transactions;
  - (b) Businesses accepting orders only through email, messaging apps or social networking platforms, where transactions are concluded manually or offline;
  - (c) Businesses whose payment methods are limited to personal bank accounts, bank transfers, deposits or offline payment, without online transaction infrastructure;
  - (d) Charitable organizations selling souvenirs or collecting donations solely for fundraising purposes;
  - (e) Tutorial or education services where applications are downloaded online but submitted via email, instant messaging or in person;
  - (f) Websites provide electronic marketing activities only, even if the transaction is completed via email or instant messaging;
  - (g) Websites offering mere online enquiry or information services (e.g. free online dictionaries);
  - (h) Platforms providing only free services to users (e.g. forums and bulletin boards);
  - (i) Companies are issuing online promotional coupons that do not involve online transactions or settlement.

Online Payment and Transaction Services

- 3.4. Where an applicant provides online payment or electronic transaction services as part of its business:
- (a) The provision of payment gateways, transaction processing or settlement infrastructure will generally be regarded as relevant to e-commerce eligibility; and
  - (b) The existence of appropriate licenses or authorizations under applicable law may be taken into account.

For the avoidance of doubt, merely collecting or receiving payments through electronic banking services, mobile payment applications or similar channels, without providing a payment gateway or



online transactional infrastructure, is not ordinarily sufficient to constitute an e-commerce service provider for eligibility purposes.

#### **4. Eligibility as a Service Provider of Internet-Related Services**

##### *Meaning of Internet-Related Services*

- 4.1. For eligibility purposes, Internet-related services refer to services that contribute to the construction, development, operation, operation, security, reliability or application of the Internet ecosystem, including its infrastructure, platforms and enabling technologies.

##### *Indicative Categories of Internet-Related Services*

- 4.2. Subject to the discretion of HKIRC, Internet-related service providers may include, without limitation, providers of:
- (a) Internet access, connectivity, broadband, wireless or mobile data services;
  - (b) Domain name registration, administration or related naming services;
  - (c) Web hosting, cloud computing, data center or platform infrastructure services;
  - (d) Email, messaging or Internet-based communication services;
  - (e) Web-based or mobile application development and deployment services (including App designers);
  - (f) Internet exchange, routing, addressing or content delivery services (including IP address allocation service providers);
  - (g) Internet security, cybersecurity, authentication or trust-related services; and
  - (h) Hardware, equipment or devices forming an integral part of Internet connectivity or Internet-enabled services (including sellers of routers, smartphones and Internet cameras).
- 4.3. Activities limited to the sale of general consumer peripherals or electronic accessories, without a substantive connection to Internet services, such as sellers of mice, flash drives or speakers, are not ordinarily regarded as Internet-related services for eligibility purposes.

## **5. Eligibility as an Association Representing the Interests of Service Providers**

- 5.1. For eligibility purposes, an “association” refers to an organization, body or entity that represents, promotes or advances the interests of service providers of e-commerce or Internet-related services.
- 5.2. Such associations may include (without limitation):
- (a) Industry associations or trade bodies;
  - (b) Chambers of commerce or business federations;
  - (c) Professional or industry representative organizations; and
  - (d) Other bodies established to support, develop or advocate for service providers of e-commerce or Internet-related services.
- 5.3. In assessing whether an applicant qualifies as an association under Article 6A(a)(iv) of the Articles of Association, HKIRC may consider factors including (without limitation):
- (a) The nature and composition of its membership;
  - (b) Whether it primarily represents or serves service providers of e-commerce or Internet-related services; and
  - (c) The relevance of its activities to the Internet or digital ecosystem.

## **6. Illustrative Nature of Guidance**

- 6.1. The categories and descriptions set out in this Policy are illustrative only and are not intended to be exhaustive.
- 6.2. An applicant’s eligibility for Supply Class membership shall not be determined solely by whether it fits within a particular example or category described in this Policy.

## **7. HKIRC Discretion in Eligibility Determination**

- 7.1. The determination of whether an applicant qualifies under Article 6A(a)(iv) of the Articles of Association for eligibility purposes shall be made in the opinion of HKIRC.
- 7.2. In assessing eligibility, HKIRC may consider factors including (without limitation):



- (a) The substance and scale of the applicant's activities;
- (b) Their relevance to the Internet or digital ecosystem;
- (c) Their alignment with the objects and activities of HKIRC; and
- (d) Any other matters HKIRC considers appropriate.

## **8. Relationship with the Articles of Association**

8.1. This Policy is intended to supplement, and be read consistently with, the Articles of Association.

8.2. In the event of any inconsistency between this Policy and the Articles of Association, the Articles of Association shall prevail.

## **9. Amendment of Policy**

9.1. HKIRC reserves the right to amend, vary, supplement or replace this Policy at any time, whether in whole or in part, as it considers appropriate at its sole and absolute discretion. Any such amendment shall take effect upon publication of the amended Policy, or from such other date as HKIRC may specify.