

Interim Measures for the Administration of Personal Loans [Effective]

个人贷款管理暂行办法 [现行有效]

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中国银行业监督管理委员会令

(2010 年第 2 号)

The Interim Measures for the Administration of Personal Loans, which have been adopted at the 72nd chairman's meeting of China Banking Regulatory Commission, are hereby promulgated, and shall come into force on the date of promulgation.

Liu Mingkang, chairman of China Banking Regulatory Commission

February 12, 2010

《个人贷款管理暂行办法》已经中国银行业监督管理委员会第 72 次主席会议通过，现予公布，并自发布之日起施行。

主席：刘明康

二〇一〇年二月十二日

Interim Measures for the Administration of Personal Loans

个人贷款管理暂行办法

Chapter I General Provisions

第一章 总则

Article 1 To regulate the personal loan business of banking financial institutions, strengthen the prudential operation and management of the personal loan business and enhance the healthy development of the personal loan business, these Measures are formulated according to the Banking Supervision Law of the People's Republic of China, the Law of the People's Republic of China on Commercial Banks and other relevant laws and regulations.

第一条 为规范银行业金融机构个人贷款业务行为，加强个人贷款业务审慎经营管理，促进个人贷款业务健康发展，依据《中华人民共和国银行业监督管理法》、《中华人民共和国商业银行法》等法律法规，制定本办法。

Article 2 Where the banking financial institutions (hereinafter referred to as “the lender”) established inside the People's Republic of China upon the CBRC approval operate the personal loan business, these Measures shall apply.

第二条 中华人民共和国境内经中国银行业监督管理委员会批准设立的银行业金融机构（以下简称贷款人）经营个人贷款业务，应遵守本办法。

Article 3 For the purpose of these Measures, the term “personal loan” refers to a home/foreign currency loan granted by the lender to a natural person who meets the prescribed conditions for the purpose of financing his consumptions, production operations, etc.

第三条 本办法所称个人贷款，是指贷款人向符合条件的自然人发放的用于个人消费、生产经营等用途的本外币贷款。

Article 4 The principles of legality, regulation compliance, prudential operation, equality, free will, fairness and good faith shall be followed when operating the personal loan business.

第四条 个人贷款应当遵循依法合规、审慎经营、平等自愿、公平诚信的原则。

Article 5 The lender shall set up an effective control system over the whole process of the personal loan business, work out the loan management rules, make the operating procedures for each loan product, clarify the prospective borrowers and scope of each product, make differential risk management, and establish evaluation and responsibility systems for each operation link.

第五条 贷款人应建立有效的个人贷款全流程管理机制，制订贷款管理制度及每一贷款品种的操作规程，明确相应贷款对象和范围，实施差别风险管理，建立贷款各操作环节的考核和问责机制。

Article 6 The lender shall set up a risk limitation management system for the personal loan business according to the geographic area, type and client group of different products.

第六条 贷款人应按区域、品种、客户群等维度建立个人贷款风险限额管理制度。

Article 7 The uses of personal loans shall conform to the relevant laws, regulations and policies of the state, and the lender may not grant any personal loans without designated uses. The lender shall strengthen the payment management of loan funds and take effective measures to prevent risks in the personal loan business.

第七条 个人贷款用途应符合法律法规规定和国家有关政策，贷款人不得发放无指定用途的个人贷款。贷款人应加强贷款资金支付管理，有效防范个人贷款业务风险。

Article 8 The term and interest rate of personal loans shall conform to the relevant state provisions.

第八条 个人贷款的期限和利率应符合国家相关规定。

Article 9 The lender shall set up a control mechanism for maintaining a reasonable proportion between the borrower's income and the amount used to repay loan, reasonably determine the amount and term of a loan based on the borrower's income, debt, expenditure, uses of loan funds and guarantee status, and make sure that the repayment made by the borrower for each installment is within his ability to repay the loan.

第九条 贷款人应建立借款人合理的收入偿债比例控制机制，结合借款人收入、负债、支出、贷款用途、担保情况等因素，合理确定贷款金额和期限，控制借款人每期还款额不超过其还款能力。

Article 10 The CBRC shall supervise and regulate the personal loan business pursuant to these Measures.

第十条 中国银行业监督管理委员会依照本办法对个人贷款业务实施监督管理。

Chapter II Acceptance of applications and Investigation

第二章 受理与调查

Article 11 To apply for a personal loan, the following conditions shall be satisfied:

第十一条 个人贷款申请应具备以下条件：

1. the borrower is a citizen of the People's Republic of China who has complete civil capacity or a foreign natural person who meets the relevant state provisions;

(一) 借款人为具有完全民事行为能力的中华人民共和国公民或符合国家有关规定的境外自然人;

2. the purposes of the loan are clear and legal;

(二) 贷款用途明确合法;

3. the amount, term and currency of the loan as indicated in the application are reasonable;

(三) 贷款申请数额、期限和币种合理;

4. the borrower is willing and able to make repayment;

(四) 借款人具备还款意愿和还款能力;

5. the borrower has a good credit standing and has no record of bad credit; and

(五) 借款人信用状况良好, 无重大不良信用记录;

6. other conditions as set forth by the lender.

(六) 贷款人要求的其他条件。

Article 12 The lender shall ask a borrower to submit a personal loan application in writing and provide materials which can prove that he meets the conditions for loan.

第十二条 贷款人应要求借款人以书面形式提出个人贷款申请, 并要求借款人提供能够证明其符合贷款条件的相关资料。

Article 13 After accepting a borrower's loan application, the lender shall perform the investigation duties with due diligence, check the authenticity, accuracy and integrity of the contents and other relevant matters of the personal loan application and then form an investigation opinion.

第十三条 贷款人受理借款人贷款申请后, 应履行尽职调查职责, 对个人贷款申请内容和相关情况的真实性、准确性、完整性进行调查核实, 形成调查评价意见。

Article 14 Loan investigation shall cover, but not be limited to, the following:

第十四条 贷款调查包括但不限于以下内容:

1. the basic information about the borrower;

(一) 借款人基本情况;

2. the borrower's earnings;

(二) 借款人收入情况;

3. the uses of the loan;

(三) 借款用途;

4. the borrower's source of funds and ability for repayment, and the mode of repayment; and

(四) 借款人还款来源、还款能力及还款方式;

5. the guarantor's will and ability to provide guarantee or the value and cashability of the collateral (pledge).

(五) 保证人担保意愿、担保能力或抵(质)押物价值及变现能力。

Article 15 Loan investigation shall be mainly in the form of field investigation and sometimes accompanied by indirect investigation. Such approaches and methods as field verification, telephone interview and information consultation may be adopted for that purpose.

第十五条 贷款调查应以实地调查为主、间接调查为辅,采取现场核实、电话查问以及信息咨询等途径和方法。

Article 16 Under the precondition of doing no harm to the borrower's legitimate rights and interests and keeping risks under control, the lender may entrust some specific loan investigation matters to a third party in a prudent manner, but must be sure of the eligibility of the third party.

The lender may not entrust all loan investigation matters to a third party.

第十六条 贷款人在不损害借款人合法权益和风险可控的前提下,可将贷款调查中的部分特定事项审慎委托第三方代为办理,但必须明确第三方的资质条件。

贷款人不得将贷款调查的全部事项委托第三方完成。

Article 17 The lender shall establish and strictly execute the interview system for loans.

To grant a low-risk hypothecated loan through e-bank channels, the lender shall at least take effective measures to confirm the borrower's true identity.

第十七条 贷款人应建立并严格执行贷款面谈制度。

通过电子银行渠道发放低风险质押贷款的,贷款人至少应当采取有效措施确定借款人真实身份。

Chapter III Risk Assessment & Examination and Approval

第三章 风险评价与审批

Article 18 The lender shall comprehensively examine the legality, reasonability and accuracy of the loan investigation contents by laying emphasis on the investigator's fulfillment of duties, the borrower's repayment ability and credit standing, guarantee status, coverage rate of the collateral (pledge), risk level, etc.

第十八条 贷款审查应对贷款调查内容的合法性、合理性、准确性进行全面审查，重点关注调查人的尽职情况和借款人的偿还能力、诚信状况、担保情况、抵（质）押比率、风险程度等。