



## Commercial Banking Law of the People's Republic of China

Chinese government website

(Adopted at the 13th meeting of the Standing Committee of the Eighth National People's Congress on May 10, 1995, amended in accordance with the Decision on Amending the Commercial Banking Law of the People's Republic of China at the Sixth Session of the Standing Committee of the Tenth National People's Congress on December 27, 2003)

On December 27, 2003, President Hu Jintao signed Presidential Decree No. 13, promulgating the Decision of the Standing Committee of the National People's Congress on Amending the Commercial Banking Law of the People's Republic of China. The amended Commercial Banking Law of the People's Republic of China came into force on February 1, 2004.

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## Chapter 1 General Provisions

Article 1 This Law is enacted to protect the legitimate rights and interests of commercial banks, depositors, and other customers, regulate the conduct of commercial banks, improve the quality of credit assets, strengthen supervision and management, ensure the steady operation of commercial banks, maintain financial order, and promote the development of the socialist market economy.

Article 2 The term "commercial bank" as used in this Law refers to an enterprise legal person established in accordance with this Law and the Company Law of the People's Republic of China that absorbs public deposits, issues loans, and handles settlements.

Article 3 Commercial banks may engage in some or all of the following businesses:

- (1) Absorbing public deposits;
- (2) Issuing short-term, medium-term and long-term loans;
- (3) Handling domestic and foreign settlements;
- (4) Handling bill acceptance and discounting;
- (5) Issuing financial bonds;
- (6) Acting as an agent for the issuance, redemption and underwriting of government bonds;
- (7) Buying and selling government bonds and financial bonds;
- (8) Engaging in interbank lending;
- (9) Trading, trading, and acting as an agent for foreign exchange;
- (10) Engaging in bank card business;
- (11) Provide letter of credit services and guarantees;
- (12) Agency for receipts and payments and insurance business;
- (13) Provide safe deposit box services;

(14) Other businesses approved by the banking regulatory authority of the State Council.

The scope of business shall be stipulated in the articles of association of commercial banks and reported to the banking regulatory authority of the State Council for approval.

Commercial banks may operate foreign exchange settlement and foreign exchange sales business with the approval of the People's Bank of China.

Article 4 Commercial banks shall operate independently, bear their own risks, bear their own profits and losses, and exercise self-restraint based on the principles of safety, liquidity and efficiency.

Commercial banks conduct business in accordance with the law without interference from any unit or individual.

Commercial banks bear civil liability independently with all their legal person assets.

Article 5 Commercial banks shall follow the principles of equality, voluntariness, fairness and good faith in their business dealings with customers.

Article 6 Commercial banks shall protect the legitimate rights and interests of depositors from infringement by any unit or individual.

Article 7 When commercial banks carry out credit business, they shall strictly review the borrower's creditworthiness, implement guarantees, and

ensure that loans are collected on time.

Commercial banks are protected by law to recover the principal and interest of repayment loans from borrowers in accordance with the law.

Article 8 Commercial banks shall comply with the relevant provisions of laws and administrative regulations when conducting business, and shall not harm the national interest or the public interest.

Article 9 Commercial banks shall abide by the principle of fair competition and shall not engage in unfair competition when conducting business.

Article 10 Commercial banks shall be subject to the supervision and management of the banking regulatory authority of the State Council in accordance with the law, but if the law stipulates that their relevant business shall be supervised and managed by other regulatory departments or institutions, the provisions shall be followed.

## Chapter 2 Establishment and Organization of Commercial Banks

Article 11 The establishment of commercial banks shall be reviewed and approved by the banking regulatory authority of the State Council.

Without the approval of the banking regulatory authority of the State Council, no unit or individual shall engage in commercial banking business such as absorbing public deposits, and no unit shall use the word "bank" in its name.

Article 12 The establishment of a commercial bank shall meet the following conditions:

(1) There are articles of association that comply with the provisions of this Law and the Company Law of the People's Republic of China;

(2) There is a minimum registered capital that meets the provisions of this Law;

(3) There are directors and senior management personnel with professional knowledge and business experience;

(4) Have a sound organizational structure and management system;

(5) There are business premises, safety precautions and other facilities related to business that meet the requirements.

The establishment of commercial banks shall also meet other prudential conditions.

Article 13 The minimum registered capital for the establishment of a national commercial bank is RMB 1 billion. The minimum registered capital for the establishment of urban commercial banks is 100 million yuan, and the minimum registered capital for the establishment of rural commercial banks is 50 million yuan. The registered capital should be paid-in capital.

The banking regulatory authority of the State Council may adjust the minimum registered capital limit in accordance with the requirements of prudential supervision, but it shall not be less than the limit specified in the preceding paragraph.

Article 14 To establish a commercial bank, the applicant shall submit the following documents and materials to the banking regulatory authority under the State Council:

(1) The application form shall specify the name, location, registered capital, business scope, etc. of the commercial bank to be established;

(2) Feasibility study report;

(3) Other documents and materials required by the banking regulatory authority of the State Council.

Article 15 If the application for the establishment of a commercial bank meets the requirements of Article 14 of this Law after review, the applicant shall fill in the official application form and submit the following documents and materials:

(1) Draft Articles of Association;

(二) 拟任职的董事、高级管理人员的资格证明;

(三) 法定验资机构出具的验资证明;

(四) 股东名册及其出资额、股份;

(五) 持有注册资本百分之五以上的股东的资信证明和有关资料;

(六) 经营方针和计划;

（七）营业场所、安全防范措施和与业务有关的其他设施的资料；

（八）国务院银行业监督管理机构规定的其他文件、资料。

第十六条 经批准设立的商业银行，由国务院银行业监督管理机构颁发经营许可证，并凭该许可证向工商行政管理部门办理登记，领取营业执照。

第十七条 商业银行的组织形式、组织机构适用《中华人民共和国公司法》的规定。

本法施行前设立的商业银行，其组织形式、组织机构不完全符合《中华人民共和国公司法》规定的，可以继续沿用原有的规定，适用前款规定的日期由国务院规定。

第十八条 国有独资商业银行设立监事会。监事会的产生办法由国务院规定。

监事会对国有独资商业银行的信贷资产质量、资产负债比例、国有资产保值增值等情况以及高级管理人员违反法律、行政法规或者章程的行为和损害银行利益的行为进行监督。

第十九条 商业银行根据业务需要可以在中华人民共和国境内外设立分支机构。设立分支机构必须经国务院银行业监督管理机构审查批准。在中华人民共和国境内的分支机构，不按行政区划设立。

商业银行在中华人民共和国境内设立分支机构，应当按照规定拨付与其经营规模相适应的营运资金额。拨付各分支机构营运资金额的总和，不得超过总行资本金总额的百分之六十。



第二十条 设立商业银行分支机构，申请人应当向国务院银行业监督管理机构提交下列文件、资料：

（一）申请书，申请书应当载明拟设立的分支机构的名称、营运资金额、业务范围、总行及分支机构所在地等；

(2) The applicant's financial accounting reports for the last two years;

(3) Qualification certificate of the senior management to be appointed;

(4) Business policies and plans;

(5) Information on business premises, safety precautions, and other facilities related to business;

(6) Other documents and materials stipulated by the banking regulatory authority of the State Council.

Article 21 The approved commercial bank branches shall be issued a business license by the banking regulatory authority under the State Council, and the business license shall be registered with the administrative department for industry and commerce with the license.

Article 22 Commercial banks shall implement a financial system of unified accounting, unified allocation of funds and hierarchical management of their branches.

Branches of commercial banks do not have legal personality and conduct business within the scope of the authorization of the head office, and their

civil liability shall be borne by the head office.

Article 23 The approved commercial banks and their branches shall be announced by the banking regulatory authority under the State Council.

If a commercial bank or its branch fails to open for more than six months without justifiable reasons from the date of obtaining a business license, or if it has been suspended for more than six consecutive months after opening, the banking regulatory authority under the State Council shall revoke its business license and make an announcement.

Article 24 If a commercial bank has any of the following changes, it shall be approved by the banking regulatory authority of the State Council:

- (1) Change of name;
- (2) Change of registered capital;
- (3) Change the location of the head office or branch office;
- (4) Adjust the scope of business;
- (5) Change of shareholders holding more than 5% of the total capital or shares;
- (6) Amend the articles of association;

(七) 国务院银行业监督管理机构规定的其他变更事项。

更换董事、高级管理人员时，应当报经国务院银行业监督管理机构审查其任职资格。

第二十五条 商业银行的分立、合并，适用《中华人民共和国公司法》的规定。

商业银行的分立、合并，应当经国务院银行业监督管理机构审查批准。

第二十六条 商业银行应当依照法律、行政法规的规定使用经营许可证。禁止伪造、变造、转让、出租、出借经营许可证。

第二十七条 有下列情形之一的，不得担任商业银行的董事、高级管理人员：

（一）因犯有贪污、贿赂、侵占财产、挪用财产罪或者破坏社会经济秩序罪，被判处刑罚，或者因犯罪被剥夺政治权利的；

（二）担任因经营不善破产清算的公司、企业的董事或者厂长、经理，并对该公司、企业的破产负有个人责任的；

（三）担任因违法被吊销营业执照的公司、企业的法定代表人，并负有个人责任的；

（四）个人所负数额较大的债务到期未清偿的。

第二十八条 任何单位和个人购买商业银行股份总额百分之五以上的，应当事先经国务院银行业监督管理机构批准。

### 第三章 对存款人的保护

第二十九条 商业银行办理个人储蓄存款业务，应当遵循存款自愿、取款自由、存款有息、为存款人保密的原则。

Commercial banks have the right to refuse any unit or individual to inquire, freeze or deduct personal savings deposits, unless otherwise provided by law.

Article 30 Commercial banks have the right to refuse any unit or individual inquiry about unit deposits, except as otherwise provided by laws and administrative regulations. It has the right to refuse any unit or individual to freeze or deduct money, unless otherwise provided by law.

Article 31 Commercial banks shall determine the deposit interest rate in accordance with the upper and lower limits of the deposit interest rate stipulated by the People's Bank of China and make an announcement.

Article 32 Commercial banks shall deposit deposits with the People's Bank of China in accordance with the provisions of the People's Bank of China and set aside sufficient reserves.

Article 33 Commercial banks shall ensure the payment of the principal and interest of deposits, and shall not delay or refuse to pay the principal and interest of deposits.

### Chapter 4 Basic rules for loans and other businesses

Article 34 Commercial banks shall carry out loan business under the guidance of national industrial policies in accordance with the needs of national economic and social development.

Article 35 Commercial banks shall strictly review the borrower's loan purpose, repayment ability, repayment method, etc.

Commercial bank loans shall implement a system of separate review and loan review and hierarchical approval.

Article 36 Borrowers shall provide guarantees for commercial bank loans. Commercial banks shall strictly review the guarantor's ability to repay, the ownership and value of the collateral and pledge, and the feasibility of realizing the mortgage and pledge rights.

If the commercial bank has reviewed and evaluated and confirms that the borrower has good credit and can repay the loan, it may not provide a guarantee.

Article 37 Commercial banks shall sign a written contract with the borrower for loans. The contract shall stipulate the type of loan, the purpose of the loan, the amount, the interest rate, the repayment period, the repayment method, the liability for breach of contract, and other matters that both parties deem necessary to agree.

Article 38 Commercial banks shall determine the loan interest rate in accordance with the upper and lower limits of the loan interest rate stipulated by the People's Bank of China.

Article 39 Commercial banks shall comply with the following provisions on the management of asset-liability ratios:

(一) 资本充足率不得低于百分之八;

(二) 贷款余额与存款余额的比例不得超过百分之七十五;

(三) 流动性资产余额与流动性负债余额的比例不得低于百分之二十五;

(四) 对同一借款人的贷款余额与商业银行资本余额的比例不得超过百分之十;

(五) 国务院银行业监督管理机构对资产负债比例管理的其他规定。

If the asset-liability ratio of a commercial bank established before the implementation of this Law does not comply with the provisions of the preceding paragraph after the implementation of this Law, it shall comply with the provisions of the preceding paragraph within a certain period of time. The specific measures shall be prescribed by the State Council.

Article 40 Commercial banks shall not issue credit loans to related parties; The conditions for issuing guaranteed loans to related parties shall not be better than those of similar loans from other borrowers.

The related parties referred to in the preceding paragraph refer to:

(1) Directors, supervisors, managers, credit business personnel and their close relatives of commercial banks;

(2) Companies, enterprises and other economic organizations in which the personnel listed in the preceding paragraph invest or hold senior management positions.

Article 41 No unit or individual may force commercial banks to issue loans or provide guarantees. Commercial banks have the right to refuse any unit or individual to compel them to issue loans or provide guarantees.

Article 42 The borrower shall repay the principal and interest of the loan on time.

If the borrower fails to repay the guaranteed loan when due, the commercial bank has the right to require the guarantor to return the loan principal and interest or to receive priority repayment of the collateral in accordance with the law. The real estate or equity acquired by a commercial bank through the exercise of mortgage or pledge rights shall be disposed of within two years from the date of acquisition.

If the borrower fails to repay the credit loan when due, it shall be liable in accordance with the contract.

Article 43 Commercial banks shall not engage in trust investment and securities business within the territory of the People's Republic of China, and shall not invest in real estate for non-self-use or in non-bank financial institutions and enterprises, unless otherwise provided by the State.

Article 44 Commercial banks handling settlement business such as bill acceptance, exchange, and entrusted collection shall cash out bills within the prescribed time limit, collect and pay in the account, and shall not press orders, bills, or refund bills in violation of regulations. Provisions on the time limit for cashing, receiving and paying should be announced.

Article 45 Commercial banks shall report for approval in accordance with the provisions of laws and administrative regulations when issuing financial bonds or borrowing money overseas.

Article 46 Interbank lending shall comply with the provisions of the People's Bank of China. It is prohibited to use borrowed funds to issue fixed asset loans or use them for investment.

The dismantling funds are limited to the idle funds after the full payment of deposit reserves, sufficient reserves and the return of the People's Bank of China's due loans. The borrowed funds are used to make up for the shortfall of bill settlement, the exchange rate difference position of the United Bank and the need to solve the temporary working capital needs.

第四十七条 商业银行不得违反规定提高或者降低利率以及采用其他不正当手段，吸收存款，发放贷款。

第四十八条 企业事业单位可以自主选择一家商业银行的营业场所开立一个办理日常转账结算和现金收付的基本账户，不得开立两个以上基本账户。

任何单位和个人不得将单位的资金以个人名义开立账户存储。

第四十九条 商业银行的营业时间应当方便客户，并予以公告。商业银行应当在公告的营业时间内营业，不得擅自停止营业或者缩短营业时间。

第五十条 商业银行办理业务，提供服务，按照规定收取手续费。收费项目和标准由国务院银行业监督管理机构、中国人民银行根据职责分工，分别会同国务院价格主管部门制定。

第五十一条 商业银行应当按照国家有关规定保存财务会计报表、业务合同以及其他资料。

第五十二条 商业银行的工作人员应当遵守法律、行政法规和其他各项业务管理的规定，不得有下列行为：



（一）利用职务上的便利，索取、收受贿赂或者违反国家规定收受各种名义的回扣、手续费；

（二）利用职务上的便利，贪污、挪用、侵占本行或者客户的资金；

（三）违反规定徇私向亲属、朋友发放贷款或者提供担保；

（四）在其他经济组织兼职；

（五）违反法律、行政法规和业务管理规定的其他行为。

第五十三条 商业银行的工作人员不得泄露其在任职期间知悉的国家秘密、商业秘密。

## 第五章 财务会计

第五十四条 商业银行应当依照法律和国家统一的会计制度以及国务院银行业监督管理机构的有关规定，建立、健全本行的财务、会计制度。

第五十五条 商业银行应当按照国家有关规定，真实记录并全面反映其业务活动和财务状况，编制年度财务会计报告，及时向国务院银行业监督管理机构、中国人民银行和国务院财政部门报送。商业银行不得在法定的会计账册外另立会计账册。

第五十六条 商业银行应当于每一会计年度终了三个月内，按照国务院银行业监督管理机构的规定，公布其上一年度的经营业绩和审计报告。

第五十七条 商业银行应当按照国家有关规定，提取呆账准备金，冲销呆账。

第五十八条 商业银行的会计年度自公历1月1日起至12月31日止。

## 第六章 监督管理

第五十九条 商业银行应当按照有关规定，制定本行的业务规则，建立、健全本行的风险管理和内部控制制度。

第六十条 商业银行应当建立、健全本行对存款、贷款、结算、呆账等各项情况的稽核、检查制度。

商业银行对分支机构应当进行经常性的稽核和检查监督。

Article 61 Commercial banks shall submit balance sheets, income statements, and other financial accounting and statistical statements and materials to the banking regulatory authority under the State Council and the People's Bank of China in accordance with regulations.

Article 62 The banking regulatory authority under the State Council has the right to inspect and supervise the deposits, loans, settlements, and bad debts of commercial banks at any time in accordance with the provisions of Chapters 3, 4, and 5 of this Law. When inspecting and supervising, inspection and supervision personnel shall present legal documents. Commercial banks shall provide financial and accounting information, business contracts and other information related to operation and management in accordance with the requirements of the banking regulatory authority under the State Council.

The People's Bank of China has the right to inspect and supervise commercial banks in accordance with the provisions of Articles 32 and 34 of the People's

Bank of China Law of the People's Republic of China.

Article 63 Commercial banks shall accept the audit supervision of audit organs in accordance with law.

## Chapter VII Takeover and Termination

Article 64 When a commercial bank has or is likely to have a credit crisis that seriously affects the interests of depositors, the banking regulatory authority under the State Council may take over the bank.

The purpose of the takeover is to take necessary measures against the commercial bank to protect the interests of depositors and restore the normal operating capacity of the commercial bank. The creditor's rights and debts of the commercial bank that has been taken over do not change due to the takeover.

Article 65 The takeover shall be decided by the banking regulatory authority of the State Council and shall be organized and implemented. The takeover decision of the banking regulatory authority under the State Council shall specify the following contents:

- (1) The name of the commercial bank being taken over;
- (2) Receives the management reason;
- (3) Takeover organization;
- (4) Receivership period.

The takeover decision shall be announced by the banking regulatory authority of the State Council.

Article 66 The takeover shall begin from the date of implementation of the takeover decision.

From the date of the start of the takeover, the receivership organization shall exercise the operation and management power of the commercial bank.

Article 67 Upon the expiration of the period of takeover, the banking regulatory authority under the State Council may decide to extend the period of the receivership, but the maximum period of takeover shall not exceed two years.

第六十八条 有下列情形之一的，接管终止：

（一）接管决定规定的期限届满或者国务院银行业监督管理机构决定的接管延期届满；

（二）接管期限届满前，该商业银行已恢复正常经营能力；

（三）接管期限届满前，该商业银行被合并或者被依法宣告破产。

第六十九条 商业银行因分立、合并或者出现公司章程规定的解散事由需要解散的，应当向国务院银行业监督管理机构提出申请，并附解散的理由和支付存款的本金和利息等债务清偿计划。经国务院银行业监督管理机构批准后解散。

商业银行解散的，应当依法成立清算组，进行清算，按照清偿计划及时偿还存款本金和利息等债务。国务院银行业监督管理机构监督清算过程。

第七十条 商业银行因吊销经营许可证被撤销的，国务院银行业监督管理机构应当依法及时组织成立清算组，进行清算，按照清偿计划及时偿还存款本金和利息等债务。

第七十一条 商业银行不能支付到期债务，经国务院银行业监督管理机构同意，由人民法院依法宣告其破产。商业银行被宣告破产的，由人民法院组织国务院银行业监督管理机构等有关部门和有关人员成立清算组，进行清算。

商业银行破产清算时，在支付清算费用、所欠职工工资和劳动保险费用后，应当优先支付个人储蓄存款的本金和利息。

第七十二条 商业银行因解散、被撤销和被宣告破产而终止。

## 第八章 法律责任

第七十三条 商业银行有下列情形之一，对存款人或者其他客户造成财产损害的，应当承担支付迟延履行的利息以及其他民事责任：

（一）无故拖延、拒绝支付存款本金和利息的；

（二）违反票据承兑等结算业务规定，不予兑现，不予收付入账，压单、压票或者违反规定退票的；

（三）非法查询、冻结、扣划个人储蓄存款或者单位存款的；

（四）违反本法规定对存款人或者其他客户造成损害的其他行为。

有前款规定情形的，由国务院银行业监督管理机构责令改正，有违法所得的，没收违法所得，违法所得五万元以上的，并处违法所得一倍以上五倍以下罚款；没有违法所得或者违法所得不足五万元的，处五万元以上五十万元以下罚款。

Article 74 In any of the following circumstances, the banking regulatory authority under the State Council shall order corrections, and if there are unlawful gains, confiscate the unlawful gains, and if the unlawful gains exceed 500,000 yuan, a fine of not less than one but not more than five times the unlawful gains shall be imposed; if there are no unlawful gains or the illegal gains are less than 500,000 yuan, a fine of not less than 500,000 yuan but not more than 2 million yuan shall be imposed; if the circumstances are particularly serious or the correction is not made within the time limit, the business license may be ordered to be suspended for rectification or revoked; If a crime is constituted, criminal responsibility shall be pursued in accordance with law:

(1) Establishment of branches without approval;

(2) Failure to report for approval of changes in separation, merger, or violation of regulations;

(3) Raising or lowering interest rates in violation of regulations and using other improper means to absorb deposits and issue loans;

(4) Leasing or lending business licenses;

(5) Buying and selling or acting as an agent for foreign exchange without approval;

(6) Buying and selling government bonds or issuing or trading financial bonds without approval;

(7) Engaging in trust investment and securities business in violation of state regulations, investing in real estate for non-self-use or investing in non-bank financial institutions and enterprises;

(8) The conditions for issuing credit loans or guaranteed loans to related parties are better than those for similar loans from other borrowers.

Article 75 In any of the following circumstances, the banking regulatory authority under the State Council shall order corrections and impose a fine of not less than 200,000 yuan but not more than 500,000 yuan; if the circumstances are particularly serious or the correction is not made within the time limit, the business license may be ordered to be suspended for rectification or revoked; If a crime is constituted, criminal responsibility shall be pursued in accordance with law:

(1) Refusing or obstructing the inspection and supervision of the banking regulatory authority under the State Council;

(2) Providing financial accounting reports, statements, and statistical statements that are false or conceal material facts;

(3) Failure to comply with the capital adequacy ratio, deposit and loan ratio, asset liquidity ratio, loan ratio of the same borrower, and other provisions of the banking regulatory authority of the State Council on the management of asset-liability ratio.

Article 76 In any of the following circumstances, a commercial bank shall be ordered by the People's Bank of China to make corrections, and if there are

unlawful gains, confiscate the unlawful gains, and if the unlawful gains exceed 500,000 yuan, a fine of not less than one but not more than five times the unlawful gains shall be imposed; if there are no unlawful gains or the illegal gains are less than 500,000 yuan, a fine of not less than 500,000 yuan but not more than 2 million yuan shall be imposed; If the circumstances are particularly serious or not corrected within the time limit, the People's Bank of China may recommend that the banking regulatory authority under the State Council order the suspension of business for rectification or revoke its business license. If a crime is constituted, criminal responsibility shall be pursued in accordance with law:

(1) Handling foreign exchange settlement or sale without approval;

(二) 未经批准在银行间债券市场发行、买卖金融债券或者到境外借款的;

(三) 违反规定同业拆借的。

Article 77 In any of the following circumstances, the People's Bank of China shall order corrections and impose a fine of not less than 200,000 yuan but not more than 500,000 yuan; If the circumstances are particularly serious or not corrected within the time limit, the People's Bank of China may recommend that the banking regulatory authority under the State Council order the suspension of business for rectification or revoke its business license. If a crime is constituted, criminal responsibility shall be pursued in accordance with law:

(1) Refusing or obstructing the inspection and supervision of the People's Bank of China;

(2) Providing financial accounting reports, statements, and statistical statements that are false or conceal material facts;



(3) Failure to deposit deposit reserves in accordance with the proportion prescribed by the People's Bank of China.

Article 78 Where a commercial bank has the circumstances specified in Articles 73 to 77 of this Law, it shall impose disciplinary sanctions on the directly responsible directors, senior managers, and other directly responsible personnel; if a crime is constituted, criminal responsibility shall be pursued in accordance with law.

Article 79 In any of the following circumstances, the banking regulatory authority under the State Council shall order corrections, and if there are unlawful gains, confiscate the unlawful gains, and if the unlawful gains exceed 50,000 yuan, a fine of not less than one but not more than five times the unlawful gains shall be imposed; Where there are no unlawful gains or the illegal gains are less than 50,000 yuan, a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed:

(1) Using the word "bank" in the name without approval;

(2) Purchasing more than 5% of the total shares of a commercial bank without approval;

(3) Opening an account in the name of an individual for storage.

Article 80 If a commercial bank fails to submit relevant documents and materials to the banking regulatory authority under the State Council in accordance with the regulations, the banking regulatory authority under the State Council shall order corrections, and if it fails to make corrections within the time limit, a fine of not less than 100,000 yuan but not more than 300,000 yuan shall be imposed.

If a commercial bank fails to submit relevant documents and materials to the People's Bank of China in accordance with regulations, the People's Bank of China shall order corrections, and if it fails to make corrections within the time limit, a fine of not less than 100,000 yuan but not more than 300,000 yuan shall be imposed.

Article 81 Where a commercial bank is established without the approval of the banking regulatory authority under the State Council, or illegally absorbs public deposits or disguised public deposits, constituting a crime, criminal responsibility shall be pursued in accordance with law; and banned by the banking regulatory authority of the State Council.

If forging, altering, or transferring a commercial bank business license constitutes a crime, criminal responsibility shall be pursued in accordance with law.

Article 82 Where a borrower uses fraudulent means to obtain a loan and constitutes a crime, criminal responsibility shall be pursued in accordance with law.

Article 83 Where the acts provided for in Articles 81 and 82 of this Law do not constitute a crime, the banking regulatory authority under the State Council shall confiscate the unlawful gains, and if the unlawful gains exceed 500,000 yuan, a fine of not less than one but not more than five times the unlawful gains shall be imposed; if there is no unlawful gain or the illegal gain is less than 500,000 yuan, a fine of not less than 500,000 yuan but not more than 2 million yuan shall be imposed.

Article 84 Where a staff member of a commercial bank takes advantage of his position to solicit or accept bribes, or accepts kickbacks or fees in various names in violation of state regulations, constituting a crime, he shall be investigated for criminal responsibility in accordance with law; if it does not constitute a crime, disciplinary sanctions shall be given.

If there is an act in the preceding paragraph, the person shall bear all or part of the liability for compensation if he or she causes losses by issuing loans or providing guarantees.

Article 85 If a staff member of a commercial bank takes advantage of his position to embezzle, embezzle, or embezzle the funds of the Bank or customers, constituting a crime, he shall be investigated for criminal responsibility in accordance with law; if it does not constitute a crime, disciplinary sanctions shall be given.

Article 86 Where a staff member of a commercial bank violates the provisions of this Law and neglects his duties and causes losses, he shall be given disciplinary sanctions; if a crime is constituted, criminal responsibility shall be pursued in accordance with law.

Those who violate regulations by privately issuing loans or providing guarantees to relatives or friends and cause losses shall bear all or part of the liability for compensation.

Article 87 If a staff member of a commercial bank leaks state secrets or trade secrets learned during his or her tenure, he shall be given disciplinary sanctions; if a crime is constituted, criminal responsibility shall be pursued in accordance with law.

Article 88 Where a unit or individual compels a commercial bank to issue loans or provide guarantees, it shall impose disciplinary sanctions on the directly responsible managers and other directly responsible personnel or individuals; If losses are caused, they shall bear all or part of the liability for compensation.

If the staff of a commercial bank compels a unit or individual to issue a loan or provide a guarantee but refuses to refuse, they shall be given disciplinary sanctions; If losses are caused, they shall bear corresponding liability for compensation.

Article 89 Where a commercial bank violates the provisions of this Law, the banking regulatory authority under the State Council may, distinguishing between different circumstances, revoke the qualifications of directors and senior managers directly responsible for a certain period of time up to life, and prohibit directly responsible directors, senior managers and other directly responsible personnel from engaging in banking work for a certain period of time until life.

If the conduct of a commercial bank does not constitute a crime, the directly responsible directors, senior managers and other directly responsible personnel shall be given a warning and a fine of not less than 50,000 yuan but not more than 500,000 yuan shall be imposed.

Article 90 Where a commercial bank or its staff is dissatisfied with the penalty decision of the banking regulatory authority of the State Council or the People's Bank of China, it may file a lawsuit with the people's court in accordance with the provisions of the Administrative Procedure Law of the People's Republic of China.

## Chapter 9 Supplementary Provisions

Article 91 Before the implementation of this Law, commercial banks approved for establishment in accordance with the provisions of the State Council shall no longer go through examination and approval procedures.

Article 92 The provisions of this Law shall apply to foreign-funded commercial banks, Sino-foreign joint venture commercial banks, and branches

of foreign commercial banks, and if laws and administrative regulations provide otherwise, those provisions shall be followed.

Article 93: The relevant provisions of this Law shall apply to urban credit cooperatives and rural credit cooperatives in handling deposits, loans, settlements, and other businesses.

Article 94 The relevant provisions of this Law shall apply to postal enterprises handling the relevant business of commercial banks.

Article 95 This Law shall come into force on July 1, 1995.

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