

中国出台新规监管网络借贷机构

——网络平台将不再办理公共存款、融资或收益担保业务

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China laid down new rules to regulate online lenders

--Online platforms would not take deposits from public, pool investors' money, or guarantee returns

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目前，由于网络平台不能正常发挥作用，并且存在疑似诈骗信息。正是由于该新兴产业面临诸多风险，中国银行监管部门针对数千个网上对等借贷平台（P2P 借贷平台）出台了限制性规定，旨在规范市场。

Nowadays, as some Chinese online platforms do not run very well and involve suspected frauds which highlight risks facing the booming industry, China's banking regulator came out restrictive rules on thousands of online peer-to-peer lenders, aiming to regulate the market.

12月28日，中国银行监督管理委员会首次发布了拟定规则，强调网络平台不许办理公共存款、融资或担保及退货业务。银监会发布这一计划的当天中央银行也出台相应规定，加大对在线支付商的监管力度。

On 28th December, China Banking Regulatory Commission (CBRC) initiated a draft rule that online platforms should not take deposits from the public, pool investors' money or guarantee returns. At the same time, the central bank put out a rule to tighten oversight of online-payment firms.

依据该规定，网络平台必须公开借贷方的信息，资金去向，相关风险，贷款总额以及最大借贷方未偿付的份额等信息，P2P平台将需要向地方金融监管处登记，并且不允许提供资金帮助借贷方投资股票市场。另外，中央银行正在加大对在线支付公司，如阿里巴巴集团有限公司的金融分支机构的监管力度。仅在8月份，有270家在线支付公司被纳入监管范围。

Under the planned rule, online P2P platforms will need to publicly disclose information on their borrowers, the project that money is going into, relevant risks, and the total amount of loans brokered as well as information on the proportion outstanding to the largest borrower. They also need to register with local financial regulators and cannot help borrowers to raise money to invest in the stock market. In addition, the central bank is tightening oversight of online-payment firms like Alibaba Group Holding Ltd's finance affiliate. Only in August, there were 270 firms were taken into account for oversight.

银监会称，目前截至 11 月，中国拥有 2,612 个正常运营的借贷平台，而其他的 1000 个平台均存在一定问题。许多网络平台通过发布理财产品获得收益。在银监会看来，网络平台作为网络借贷信息中介机构，不应借自身优势筹集资金或提供贷款，因此清理了一些诸如此类 P2P 网站。

According to CBRC, China had 2,612 online lending platforms operating normally as of November, while another 1000 still had some problems; for example some platforms enlarge and diversify their revenues by distributing wealth-management products, which should by no means be part of the role played by online platforms—intermediaries between borrowers and lenders. As a result, it ruled out some of those P2P sites.

今年 9 月，新华社报道，最高人民检察院表示，P2P 借贷平台的匿名性被一些不法分子利用，导致了金融犯罪的急剧上升。为防止 E 租宝此类违规事件的再次发生，保护消费者利益，银监会特提出该细则，并向公众征求意见，截止日期为 1 月 27 日。

According to an official of Xinhua News Agency, in September, the Supreme People's Procuratorate said many criminals exploited the anonymity of P2P lending platforms, accounting for an explosion in financial crimes. The draft rule, aimed at preventing Ezuobao and similar incidents from occurring and protecting the interests of customers, is open for public comment and feedback by Jan 27.

对于银监会的新举措，业内出现了质疑的声音。麦子金服是一个总部设在上海的金融服务集团，主要经营 P2P 网站以及其他投资平台，它表示，“这个规定太严苛了。移动互联网金融行业需要通过理财产品等途径获得发展，这个规定的出台必将导致商业模式多样化的希望彻底破灭。”

Questioning voice can be heard as the CBRC's approach came out. "The rule is rather strict", Shanghai-based Maizi Financial Services, which operates a P2P site and other investment platforms, said. "The industry needs to uprate themselves with wealth-management products. The clampdown is sure to completely dash the hope of adopting a diversified model in this industry."

银监会在一份独立声明中说到，“许多网上借贷机构已经不再扮演信息中介的角色，”声称新规旨在保护消费者的利益和规范市场。该细则将于明年 7 月生效，基于安全程度，在线支付账号将被划分为三类。拥有 5 种以上验证方式，或使用当面验证方式的消费者，可以开通使用范围最广的一类账户，每人每年在线或移动支付数额可达 200,000 元(43,410 美元)。

The CBRC said in a separate statement that many online lenders are far from playing the role

of information intermediary, adding that the rule is to protect customers and regulate the market. Under the rule, which is to take effect July 1, there will be three categories of online payment accounts on the basis of security level. Customers with over five methods of verification or through face-to-face verification can open the most comprehensive account, having access to annual online or mobile payments of about 200,000 yuan (S\$43,410) per person.

本细则的出台意味着网络借贷市场将面临更加严格的管制。网络借贷作为一个新兴行业，不可避免的存在一些风险和问题，因而需要政策引导和规范，从而使其正常运行，服务于公众。从另一个角度而言，该管制措施也表明，监管部门肯定了网络借贷机构对经济的促进作用，也会对网络借贷行业的发展继续支持、鼓励和积极引导。

The rule, once takes effect, means tighter regulations are to be put on online lender. As a new industry undergoing changes and risks, online lending platforms need to be regulated and guided by the government policy so as to ensure they will run well and serve for the public interests. The restrictive rule, from another perspective, also represents that regulators acknowledge the positive effect online lenders have on national economy and will continue to support, encourage and guide the development of this booming industry.

Source: *The Business Times (Singapore)*