

中 华 人 民 共 和 国
外 汇 管 理 法 规 汇 编

LAWS AND REGULATIONS RELATING TO
EXCHANGE CONTROL OF
THE PEOPLE'S REPUBLIC OF CHINA

国家外汇管理局 编

Selected and Edited by the
State Administration of Exchange Control

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中华人民共和国
外汇管理法规汇编
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中华人民共和国外汇管理 暂行条例

(1980年12月18日国务院发布)

第一章 总 则

第一条 为了加强外汇管理，增加国家外汇收入，节约外汇支出，有利于促进国民经济的发展，并维护国家权益，特制订本条例。

一切外汇的收入和支出，各种外汇票证的发行和流通，以及外汇、贵金属和外汇票证等进出中华人民共和国国境，都应当遵守本条例的规定。

第二条 本条例所称外汇系指：

一、外国货币：包括钞票、铸币等；

二、外币有价证券：包括政府公债、国库券、公司债券、股票、息票等；

三、外币支付凭证：包括票据、银行存款凭证、邮政储蓄凭证等；

四、其他外汇资金。

第三条 中华人民共和国对外汇实行由国家集中管理、统一经营的方针。

中华人民共和国管理外汇的机关为国家外汇管理总局及其分局。

中华人民共和国经营外汇业务的专业银行为中国银行。非经国家外汇管理总局批准，其他任何金融机构都不得经营外汇业务。

第四条 在中华人民共和国境内，除法律、法令和

本条例另有规定者外，一切中外机构或者个人的外汇收入，都必须卖给中国银行，所需外汇由中国银行按照国家批准的计划或者有关规定卖给。

在中华人民共和国境内，禁止外币流通、使用、质押，禁止私自买卖外汇，禁止以任何形式进行套汇、逃汇。

第二章 对国家单位和集体 经济组织的外汇管理

第五条 中国境内的机关、部队、团体、学校，国营企业、事业单位，城乡集体经济组织（以下统称境内机构）的外汇收入和支出，都实行计划管理。

国家允许境内机构按照规定持有留成外汇。

第六条 境内机构除经国家外汇管理总局或者分局批准，不得私自保存外汇，不得将外汇存放境外，不得以外汇收入抵作外汇支出，不得借用、调用国家驻外机构以及设在外国和港澳等地区的企业、事业单位的外汇。

第七条 境内机构非经国务院批准，不得在国内外发行具有外汇价值的有价证券。

第八条 境内机构接受外国或者港澳等地区银行、企业的贷款，必须分别由国务院主管部门或省、市、自治区人民政府汇总，编制年度贷款计划，报经国家外汇管理总局和外国投资管理委员会核报国务院批准。

贷款审批办法，另行规定。

第九条 境内机构的留成外汇，非贸易和补偿贸易项下先收后付的备付外汇，贷入的自由外汇，以及经国家外汇管理总局或者分局批准持有的其他外汇，都必须在中国银行开立外汇存款帐户或者外汇额度帐户，按照规定的范围使用，并受中国银行监督。

第十条 境内机构进出口货物，经办银行应当凭海关查验后的进出口许可证，或者凭进出口货物报关单，检查其外汇收支。

第十一条 国家驻外机构必须按照国家批准的计划使用外汇。

设在外国和港澳等地区的企业、事业单位从事经营所得的利润，除按国家批准的计划可以留存当地营运者外，都必须按期调回，卖给中国银行。

一切驻外机构不得自行为境内机构保存外汇。

第十二条 临时派往外国和港澳等地区的代表团、工作组，必须分别按照各该专项计划使用外汇。公毕回国，必须将剩余的外汇及时调回，经核销后卖给中国银行。

前款代表团、工作组及其成员，从事各项业务活动所得外汇，必须及时调回；除经国家外汇管理总局或者分局批准，不得存放境外。

第三章 对个人的外汇管理

第十三条 居住在中国境内的中国人、外国侨民和无国籍人，由外国和港澳等地区汇入的外汇，除国家允许留存的部分外，必须卖给中国银行。

第十四条 居住在中国境内的中国人、外国侨民和无国籍人，存放在中国境内的外汇，允许个人持有。

前款外汇，不得私自携带、托带或者邮寄出境；如需出售，必须卖给中国银行，同时允许按照规定的比例留存部分外汇。

第十五条 居住在中国境内的中国人在中华人民共和国成立前、华侨在回国定居前、港澳同胞在回乡定居前，存放在外国或者港澳等地区的外汇，调回境内的，允许按照国家规定的比例留存部分外汇。

第十六条 派赴外国或者港澳等地区的工作人员、学习人员公毕返回，如汇入或者携入属于个人所有的外汇，允许全部留存。

第十七条 本条例第十三、十四、十五条规定的允许个人留存的外汇，其留存比例，另行规定。

本条例第十三、十四、十五、十六条规定的允许个人留存的外汇，必须存入中国银行。此项外汇存款，可以卖给中国银行，可以通过中国银行汇出境外，也可以凭中国银行证明携出境外；但是，不得将存款凭证私自携带、托带或者邮寄出境。

第十八条 来中国的外国人，短期回国的华侨、回乡的港澳同胞，应聘在中国境内机构工作的外籍专家、技术人员、职工，以及外籍留学生、实习生等，由外国或者港澳等地区汇入或者携入的外汇，可以自行保存，可以卖给或者存入中国银行，也可以汇出或者携出境外。

第十九条 居住在中国境内的中国人、外国侨民和无国籍人，如需购买外汇、汇出或者携出境外，可以向当地外汇管理分局申请，经批准后，由中国银行卖给。

应聘在中国境内机构工作的外籍专家、技术人员和职工，汇出或者携出外汇，由中国银行按照合同、协议的规定办理。

第四章 对外国驻华机构 及其人员的外汇管理

第二十条 各国驻华外交代表机构、领事机构、商务机构，驻华的国际组织机构和民间机构，外交官、领事官以及各该机构所属常驻人员，由外国或者港澳等地

区汇入或者携入的外汇，可以自行保存，可以卖给或者存入中国银行，也可以汇出或者携出境外。

第二十一条 各国驻华外交代表机构、领事机构，收取中国公民以人民币交付的签证费、认证费，如要求兑成外汇，必须经国家外汇管理总局或者分局批准。

第五章 对侨资企业、外资企业、 中外合资经营企业及其 人员的外汇管理

第二十二条 侨资企业、外资企业、中外合资经营企业的一切外汇收入，都必须存入中国银行；一切外汇支出，从其外汇存款帐户中支付。

前款企业必须定期向国家外汇管理总局或者分局填送外汇业务报表，国家外汇管理总局或者分局有权检查其外汇收支的活动情况。

第二十三条 侨资企业、外资企业、中外合资经营企业与中华人民共和国境内的企业或者个人之间的结算，除经国家外汇管理总局或者分局核准者外，都应当使用人民币。

第二十四条 侨资企业、外资企业、中外合资经营企业的外国合营者依法纳税后的纯利润和其他正当收益，可以向中国银行申请从企业的外汇存款帐户中汇出。前款企业、外国合营者，如将外汇资本转移到中国境外，应当向国家外汇管理总局或者分局申请，从企业的外汇存款帐户中汇出。

第二十五条 侨资企业、外资企业、中外合资经营企业中的外籍职工和港澳职工依法纳税后，汇出或者携出外汇，以不超过其本人工资等正当净收益的百分之五十为限。

第二十六条 依法停止营业的侨资企业、外资企业、中外合资经营企业，在中国境内的未了债务、税务事项，应当在有关主管部门和国家外汇管理总局或者分局的共同监督下，负责按期清理。

第六章 对外汇、贵金属和外汇票证等 进出境的管理

第二十七条 携带外汇、贵金属、贵金属制品进入中国国境，数量不受限制；但是，必须向入境地海关申报。

携带或者复带外汇出境，海关凭中国银行证明或者凭原入境时的申报单放行。

携带或者复带贵金属、贵金属制品出境，海关区别情况按照国家规定或者按照原入境时的申报单放行。

第二十八条 携带人民币旅行支票、旅行信用证等人民币外汇票证，入境时，海关凭申报单放行；出境时，海关凭中国银行证明或者凭原入境时的申报单放行。

第二十九条 居住在中国境内的中国人，持有境外的债券、股票、房地契，以及同处理境外债权、遗产、房地产和其他外汇资产有关的各种证书、契约，非经国家外汇管理总局或者分局批准，不得携带、托带或者邮寄出境。

第三十条 居住在中国境内的中国人、外国侨民和无国籍人所持有的人民币支票、汇票、存折、存单等人民币有价凭证，不得携带、托带或者邮寄出境。

第七章 附 则

第三十一条 对违反本条例规定者，任何单位、个人都有权检举揭发。对检举揭发有功的单位、个人，给

予奖励。对违法案件，由国家外汇管理总局、分局、或者由公安部门、工商行政管理部门、海关，按其情节轻重，强制实行收兑外汇，单处或者并处罚款、没收财物，或者由司法机关依法惩处。

第三十二条 经济特区、边境贸易和边民往来的外汇管理办法，由有关省、市、自治区人民政府根据本条例规定结合当地具体情况制订，报国务院批准后施行。

第三十三条 本条例的施行细则，由国家外汇管理总局制订。

第三十四条 本条例自一九八一年三月一日起施行。

Provisional Regulations for Exchange Control of the People's Republic of China

(Promulgated by the State Council on December 18, 1980)

Chapter I — General Provisions

Article 1 These provisional regulations are formulated for the purpose of strengthening exchange control, increasing national foreign exchange income and economizing on foreign exchange expenditure so as to expedite the national economic growth and safeguard the rights and interests of the country.

All foreign exchange income and expenditure, the issuance and circulation of all kinds of payment instruments in foreign currency, dispatch and carriage into or out of the People's Republic of China of foreign exchange, precious metals and payment instruments in foreign currency shall be governed by these regulations.

Article 2 Foreign exchange herein mentioned refers to:

- a. Foreign currencies, including banknotes, coins, etc.
- b. Securities in foreign currency, including government bonds, treasury bills, corporate bonds and debentures, shares, interest and dividend coupons, etc.
- c. Instruments payable in foreign currency, including bills, drafts, cheques, bank deposit certificates, postal savings certificates, etc.
- d. Other foreign exchange funds.

Article 3 The People's Republic of China pur-

sues the policy of centralized control and unified management of foreign exchange by the state.

The administrative organ in charge of exchange control of the People's Republic of China is the State General Administration of Exchange Control (SGAEC) and its branch offices.

The specialized foreign exchange bank of the People's Republic of China is the Bank of China. No other financial institution shall engage in foreign exchange business, unless approved by the SGAEC.

Article 4 All Chinese and foreign organizations and individuals residing in the People's Republic of China must, unless otherwise stipulated by law or decree or in these regulations, sell their foreign exchange proceeds to the Bank of China. Any foreign exchange required is to be sold to them by the Bank of China in accordance with the quota approved by the state or with relevant regulations.

The circulation, use and mortgage of foreign currency in the People's Republic of China are prohibited. Unauthorized sales or purchases of foreign exchange and unlawfully seizing possession of foreign exchange in whatever ways and by whatever means are prohibited.

Chapter II — Exchange Control Relating to State Organizations and Collective Economic Units

Article 5 Foreign exchange income and expenditure of state organs, armed forces units, non-governmental bodies, educational institutions, state enterprises, government establishments, and urban and rural collective economic units in China (hereinafter referred to as domestic organizations) are all subject to control according to plan.

Domestic organizations are permitted to retain a proportion of their foreign exchange receipts in accordance with relevant regulations.

Article 6 Unless approved by the SGAEC or its branch offices, domestic organizations shall not:

- possess foreign exchange;
- deposit foreign exchange abroad;
- offset foreign expenditure against foreign exchange income; or

- use the foreign exchange belonging to state organs stationed abroad or Chinese enterprises and establishments resident in foreign countries or in the Hongkong and Macao regions, by way of borrowing or acquisition.

Article 7 Unless approved by the State Council, domestic organizations shall not issue securities with foreign exchange value inside or outside China.

Article 8 Departments under the State Council and people's governments of various provinces, municipalities and autonomous regions shall compile annual overall plans for domestic organizations under their respective jurisdiction whereby loans may be accepted from banks or enterprises in foreign countries or in the Hongkong and Macao regions. These plans shall be submitted to the SGAEC and the Foreign Investment Control Commission for examination and forwarding to the State Council for approval.

The procedure for examining and approving individual borrowings shall be prescribed separately.

Article 9 The portion of foreign exchange retained by domestic organizations, non-trade foreign exchange and foreign exchange under compensatory trade received in advance for later payments, funds borrowed in convertible foreign currency, and other foreign exchange held with the approval of the SGAEC or its branch offices, must be placed in foreign currency deposit accounts or foreign currency quota accounts to be opened with the Bank of China, and must be used within the prescribed scope and be subject to the supervision of the Bank of China.

Article 10 When domestic organizations import or export goods, the banks handling the transactions

shall check their foreign exchange receipts and payments either against the import or export licenses duly verified by the Customs or against the Customs declaration forms for imports or exports.

Article 11 State organs stationed abroad must use foreign exchange according to the plan approved by the state.

The operating profits of enterprises and establishments in foreign countries or in the Hongkong and Macao regions must, except the portion kept locally as working funds according to the plan approved by the state, be transferred back on scheduled time and be sold to the Bank of China.

No Chinese organization stationed abroad is permitted to keep foreign exchange for domestic organizations without authorization.

Article 12 Delegations and work-groups sent temporarily to foreign countries or to the Hongkong and Macao regions must use foreign exchange according to their respective specific plans, and must, upon their return, promptly transfer back to China their surplus foreign exchange to be checked by and sold to the Bank of China.

Foreign exchange earned in their various business activities by the delegations and work-groups referred to in the above paragraph and by members thereof, must be promptly transferred back to China and must not be kept abroad without the approval of the SGAEC or its branch offices.

Chapter III — Exchange Control Relating to Individuals

Article 13 Foreign exchange remitted from foreign countries or from the Hongkong and Macao regions to Chinese or foreign nationals or stateless persons residing in China must be sold to the Bank of China, except the portion retained as permitted by the state.

Article 14 Chinese and foreign nationals and stateless persons residing in China are permitted to keep in their own possession foreign exchange already in China.

The foreign exchange referred to in the above paragraph shall not, without authorization, be carried or sent out of China either in person or by others or by post. If the owners wish to sell the foreign exchange, they must sell it to the Bank of China and are permitted to retain a portion thereof as convertible foreign currency according to the percentage prescribed by the state.

Article 15 When foreign exchange that has been kept in foreign countries or in the Hongkong and Macao regions by Chinese residents in China prior to the founding of the People's Republic of China, by overseas Chinese prior to their returning to and settling down in China, by Hongkong and Macao compatriots prior to their returning to and settling down in their home places, is transferred to China, the owners are permitted to retain a portion thereof as convertible foreign currency according to the percentage prescribed by the state.

Article 16 When foreign exchange belonging personally to individuals sent to work or study in foreign countries or in the Hongkong and Macao regions is remitted or brought back to China, the owners returning after completion of their missions are permitted to retain the entire amount as convertible foreign currency.

Article 17 The percentages of foreign exchange retention permitted under Articles 13, 14 and 15 of these regulations shall be prescribed separately.

Foreign exchange retained by individuals as permitted under Articles 13, 14, 15 and 16 of these regulations must be deposited with the Bank of China. These foreign exchange deposits may be sold to the Bank of China or remitted out of China through the Bank of China, or taken out of China against certification by the Bank of China. It is however not permitted, without authorization, to carry or send deposit certificates out of China either in person or by others or by post.