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越来越近的个税改革 - 将如何影响您的个税？

最近一段时间，一系列旨在扩大内需、促进投资发展和降低企业、个人税负的惠民政策举措正在密集出台。针对企业所得税方面，中国政府已经出台了在之前的简报中为您介绍过的“七项减税政策”等政策；个人所得税（本文中简称为“个税”）方面，一项改革也正在实施当中：2018年6月19日中国财政部公布了针对现行《个人所得税法》的修正草案，2018年8月27日对该修正草案二稿进行审议，并于2018年8月31日由全国人民代表大会常务委员会对《个人所得税法》做出修改（本文中简称为“个税修正”）并通过。

由于本次改革的范围比较大，本简报中只介绍了与公司日常业务联系紧密的员工工资和其他个人的劳务报酬。通过这篇简报，我们希望您可以了解到即将到来的改革如何影响您这两个方面所得的个税。

The sooner coming IIT Reform - how your IIT will be affected?

Recently, a series of policies aimed at expanding domestic demand, promoting investment and reducing tax burden of enterprises and individuals are being released intensively. For enterprises income tax, the Chinese government has issued policies such as the “seven tax reduction policies” that we have introduced to you in previous newsletters; For individual income tax (here in called as “IIT”), a reform is in implementing by issuing a Draft Amendments to the Individual Income Tax Law on June 19 2018 by China’s Ministry of Finance, and the second version of Draft Amendments was deliberated on August 27 2018. The amendments to the Individual Income Tax Law (here in called as the “Amendments to the IIT law”) was made and adopted by the Standing Committee of the National People’s Congress on August 31 2018.

Since the IIT reform scope is extensive, this newsletter focuses on employees’ wages and other individuals service remuneration, which are closely related to the daily business of a company. By this newsletter, we hope you can learn how your IIT of the two incomes will be affected by the reform.

个税修正的关键点（八点）

1. 拟明确居民身份的概念和判定标准

个税修正首次在法的层面引入“居民”和“非居民”的概念，并将判断标准中的天数的标准从原有的“居住满一年”修订为“居住满一百八十三天”。这一改革也是为了个人所得税法与中国同多数国家签订的双边税收协定的相关规定在概念上的统一。

居民身份判定标准的变化非常值得关注。对在华无住所个人的税负和相关企业的代扣缴工作可能具有较大影响，同时这些变化也将影响企业集团的全球员工派遣安排政策和成本。

2. 拟实行综合征税并对税率表进行修改

个税修正中明确了“综合所得”和“经营所得”，其中：

a) 综合所得

将工资、薪金所得，劳务报酬所得，稿酬所得以及特许权使用费所得并入综合所得。对综合所得实行综合征税，适用附表1所示的新超额累进税率表。

劳务报酬所得以收入减除百分之二十的费用后的余额为收入额。

就一般公司而言，最常见的业务为向雇员或其他个人支付的工资和劳务费，公司将统一按改革后综合所得的规定代扣代缴税金，而非以前的分类计算。

b) 经营所得

个体工商户的生产、经营所得，对企事业单位的承包经营、承租经营所得。（略）

3. 拟对“综合所得”引入年度汇算清缴

个税修正对“综合所得”引入年度汇算清缴。在公司日常业务中（国务院规定的特定行业除外），公司向雇员或其他个人支付的从公司取得的工资和劳务费，将继续按照当前的月度代扣代缴的规定执行，而个人在次年三月一日至六月三十日内办理汇算清缴，已按月预扣预缴的税款应当按照规定予以扣除。

8 key points in the Amendments to the IIT law are as below

1. To define the concept and criterion of residential identity

The Amendments to the IIT law introduce the concept of “resident” and “non-resident” from legal level for the first time, and revise the counting days criterion from original “residence for one year” to “residence for 183 days”, which aims at unifying the concept for both IIT Law and the relevant provisions in Double Tax Treaty that China signed with most of countries.

The change on criterion of residential identity is worthy concerned. There might be great effects on individuals’ tax burden who have no residence in China and the enterprises’ withholding liability, and these changes also will affect the global employee dispatching policies and costs of the enterprise group.

2. To implement comprehensive taxation and modify tax rate schedule

The Amendments to the IIT law define “General Income” and “Business Income”, of which:

a) General Income

To consolidate wages and salaries income, independent personal service income, author’s remuneration income and royalties into General Income and implement comprehensive taxation, which applicable to the new excess progressive tax rate schedule shown in Appendix 1.

For the independent personal service income, the income amount shall be the amount of reducing the service fee by 20%.

The most common business for normal company is that the wages and service fees paid to employees and other individuals, for such business, the company shall be withheld according to the reformed general income provisions rather than previous classification calculation.

b) Business Income

Income gained by self-employed industrial and commercial households from production or business operations and income gained by enterprises and institutions from contracting or leasing operations. (Omitted)

3. To introduce annual settlement for the “general income”

The Amendments to the IIT law introduce annual settlement for “General Income”. In company’s daily business (except specific industry regulated by the State Council), wages and service fees that company paid to employees and other individuals shall still be withheld monthly as the current regulations, when an individual handle the annual settlement from

非居民个人取得综合所得，有扣缴义务人的，由扣缴义务人按月或者按次扣缴税款，不办理汇算清缴。


Mar 1 to Jun 30 in the following year, the monthly withheld tax shall be deducted according to provisions.

For general income received by a non-resident individual, the withholding agent, if any, shall withhold the tax due on a monthly or time basis, and such individual does not have to handle the final settlement of individual income tax.

4. 引入新的扣除费用

个税改革后，汇算清缴时综合所得的各项扣除费用				
1. 年度减除费用	人民币6万元每年			
2. 专项扣除	即员工负担的“三险一金”，保持和现行税法的规定一致			
3. 专项附加扣除	共以下五种扣除，相关细则尚待公布			
				
子女教育支出	继续教育支出	大病医疗支出	住房贷款利息或住房租金	赡养老人支出

4. To introduce new deductions

After the IIT reform, the deductions of General Income when making IIT annual settlement				
1. Annual deduction fee	RMB 60000 per year			
2. Special deductions	It is that the three social insurances and housing fund paid by employees, which is in accord with the current laws			
3. Special extra deductions	Including below five deductions. The detail deduction regulations is to be issued			
				
Expenses for children's education	Expenses for continuing education	Medical expenses for serious diseases	Interest of mortgages or House rents	Expenses for Caring for the Elderly

5. 首引入个人所得税反避税规定

增加了个人所得税反避税条款。纳税人因移居境外注销中国户籍的，应当在注销中国户籍前办理税款清算。

5. To introduce anti-tax avoidance provisions for the first time

Added IIT anti-tax avoidance provisions. Taxpayers who cancel Chinese household registration due to emigration shall handle the tax settlement before cancellation.

6. 明确了个人所得用于慈善减税的规定

个人将其所得对公益慈善事业进行捐赠，捐赠额未超过应纳税所得额百分之三十的部分，可以从其应纳税所得额中扣除；国务院规定对公益慈善事业捐赠实施全额税前扣除的，从其规定。

6. To clarify the tax reduction for Individual Income used to charities

For an individual donates his individual income to public charity, he can deduct the donation of the portion not exceeding 30% of the taxable income; If the Council of State stipulates that the full amount of pretax deductions for charitable donations shall be obeyed accordingly.

7. 取消“其他所得”及规定


由于个人所得税法列举的收入是比较全面的，因此由国务院规定“其他所得”及相关规定将会删除。

8. 个税修正拟实施日期

个税修正拟自2019年1月1日起施行。在该个税修正施行前，自2018年10月1日至2018年12月31日，企业向雇员或其他人员支付的工资和劳务费，月度减除费用由人民币3500元提高至人民币5000元，同时个税税率适用附表1所示的超额累进税率表计算应纳税额。

通过以上八点，相信您应该大致的了解了即将到来的个税改革。简单来说，个税修正通过以下方式降低了或者影响您的工资薪金或劳务报酬所得的个税负担：

1. 提高个税起征点：增加减除费用，降低个税

个税改革后，综合所得起征点统一上调		
个人所得税起征点：即减除费用		
综合所得		
从2019年1月1日起	每月人民币 5000元 (每年人民币6万元)	
但对于工资薪金所得		
2018年10月1日前	中籍员工	每月人民币 3500元
	外籍员工	每月人民币 4800元
		
2018年10月1日后	中籍员工或外籍员工	每月人民币 5000元 (每年人民币6万元)

2. 合并收入类别

个人有多收入来源的（如工资，劳务费），税负可能会降低，也可能减少，具体根据各收入额而定。

3. 调整税率及结构

综合所得将适用新的税率，具体比对见附表1。

7. To delete the “other incomes” and relevant regulations


Since the incomes listed in the IIT law are comprehensive, the “other incomes” stipulates by the Council of State shall be deleted as well as the relevant regulations.

8. Proposed implement date of the amendments

The Amendments to the IIT law are pro-posed to implement from Jan 1 2019. Before the implementation, from Oct 1 2018 to Dec 31 2018, monthly deductible fee for wages and service fee that company paid to employees and other people will raise from RMB 3,500 to RMB 5,000, for which applicable to the new excess progressive tax rate schedule shown in Appendix 1 to calculate tax payable.

Through the above 8 points, we believe that you’ve got a general understanding of the sooner coming IIT reform. Generally, The Amendments to the IIT law reduce or impact on your tax burden of your income of salary and service remuneration by below ways:

1. To raise IIT threshold: To raise the Deduction fee and reduce the IIT

After the IIT reform, the threshold of General Income shall be raised to		
IIT threshold Deduction fee		
General Income		
From Jan. 1 of 2019	RMB 5000 per month RMB 60000 per year	
But for the income of salary and wage		
Before Oct. 1 of 2018	Chinese employee	RMB 3500 per month
	Foreign employee	RMB 4800 per month
		
After Oct. 1 of 2018	Chinese employee or Foreign employee	RMB 5000 per month RMB 60000 per year

2. To consolidate income categories

Individual who has kinds income source (e.g. salary and service renunciation), the IIT burden shall depends on the total amount of incomes and may be raised or reduced.

3. To adjust tax rate and structure

New tax rate shall be applied to General Income, please find the specific comparison in Appendix 1.

4. 增加专项附加扣除: 增加扣除, 降低个税

为了使您理解该改革将如何降低或影响您的个税负担, 我们这里进行简单举例对比改革前后的税负变化, 以供您参考, 具体应待新的政策实施后才能确定。

例 1

A公司雇员的月度税前工资及“五险一金”的信息见下表, 我们分别计算了改革前后的个税, 以对比个税税负的变化:

姓名	月度工资 (人民币)	社会 保险	住房 公积金	根据现行个税法计算			根据个税法修正草案计算			月个税 节省额
				月度 减除费用	应纳税 所得额	个税 ^前	月度 减除费用	应纳税 所得额	个税 ^后	
Mr. Green	8.000	800	960	3.500	2.740	169	5.000	1.240	37	132
Mr. White	10.000	1.000	1.200	3.500	4.300	325	5.000	2.800	84	241
Ms. Smith	15.000	1.500	1.800	3.500	8.200	1.085	5.000	6.700	460	625
Ms. Brown	20.000	2.000	2.400	3.500	12.100	2.020	5.000	10.600	850	1.170
Mr. Black	25.000	2.500	3.000	3.500	16.000	2.995	5.000	14.500	1.490	1.505

注: 个税^前即个税改革前; 个税^后即个税改革后

从上表中可以看出, 对收入来源单一为工资的人员来说, 个税相较改革前会节省。

4. To add special extra deductions

To raise the deduction and reduce the IIT For you to understand how this IIT reform will reduce or impact on your IIT burden, we here take simple examples to compare the IIT burden before and after the reform for your reference. The specific implementations are not certain until the new policy released.

Sample 1

Company A's Employees monthly wages before tax and "five social insurances and housing fund" information are shown as below, we calculate IIT before and after the reform respectively to compare the change on the IIT burden:

Name	Monthly salary (RMB)	Social insuranc- es	Housing fund	Calculation according to current IIT Law			Calculation according to com- ment sought to amendment to IIT Law			Monthly IIT save amount
				Monthly deduction	Taxable Income	IIT ^B	Monthly deduc- tion	Taxable Income	IIT ^A	
Mr. Green	8.000	w	960	3.500	2.740	169	5.000	1.240	37	132
Mr. White	10.000	1.000	1.200	3.500	4.300	325	5.000	2.800	84	241
Ms. Smith	15.000	1.500	1.800	3.500	8.200	1.085	5.000	6.700	460	625
Ms. Brown	20.000	2.000	2.400	3.500	12.100	2.020	5.000	10.600	850	1.170
Mr. Black	25.000	2.500	3.000	3.500	16.000	2.995	5.000	14.500	1.490	1.505

Note: IIT^B means before IIT Reform, IIT^A means after IIT Reform

As you can see from the above tables, the IIT will be saved after the IIT reform when Salary is the only income source.

例 2

A公司分别向以下人员支付了劳务报酬，我们分别计算了改革前后的个税，以对比税负的变化：

姓名	月度劳务报酬 (人民币)	根据现行个税法计算		根据个税法修正草案计算			月个税 节省额
		应纳税 所得额	个税 ^前	月度 减除费用	应纳税 所得额	个税 ^后	
Mr. Green	15.000	12.000	2.400	5.000	7.000	490	1.910
Mr. White	50.000	40.000	10.000	5.000	35.000	6.090	3.910
Ms. Smith	261.000	208.800	76.520	5.000	203.800	76.550	-30

注：个税^前即个税改革前；个税^后即个税改革后

Sample 2

Company A paid service remuneration to the following people, we calculate IIT before and after reform separately to compare the change on tax burden:

Name	Monthly service remuneration (RMB)	Calculation according to current IIT Law		Calculation according to comment sought to amendment to IIT Law			Save amount of Monthly IIT
		Taxable Income	IIT ^B	Monthly deduction	Taxable Income	IIT ^A	
Mr. Green	15.000	12.000	2.400	5.000	7.000	490	1.910
Mr. White	50.000	40.000	10.000	5.000	35.000	6.090	3.910
Ms. Smith	261.000	208.800	76.520	5.000	203.800	76.550	-30

从上表中可以看出，劳务报酬在一定额度内，个税相较改革前会节省；但达到一定额度后，改革后的个税相对改革前反而会增加。通过以上举例，您应该对个税改革对您的工资薪金和劳务报酬的个税的影响有了更深的理解。由于对综合所得的汇算清缴的具体细则还未发布，因此，我们暂不讨论。

待明确的2个问题

1. 全年一次性奖金的个税计算问题
2. 外籍员工的免税费用问题

对于以上两方面的税务问题，由于一直未纳入个人所得税税法的范畴，而是由国家税务总局单独或联合财政部发布政策，因此对这两方面仍然有待观察。

如果您有任何问题，请随时与我们联系，bdp财税团队将为您详细介绍并提供定制化服务。

Note: IIT^B means before IIT Reform, IIT^A means after IIT Reform

As you can see from the above tables, the IIT will be saved when labor remuneration is within a certain amount; but after the amount is reached, IIT after reform is on the contrary higher compared with that before the reform.

You should now have a deeper understanding on how IIT Reform impact your wages and salaries and labor remuneration through above examples. Now that the specific regulations on annual settlement of general income are not yet released, therefore, we will not discuss it at the moment.

The 2 issues to be clarified

1. The issue of IIT calculation of annual bonus
2. The issue of IIT exemption for foreigner employee

For the above two issues, because it has not been included in the scope of the IIT law, but the State Taxation Administration issued policies separately or jointly with the Ministry of Finance. Therefore, these two issues are still to be observed.

If you have any questions, please don't hesitate and contact us, bdp accounting and tax team will give you detail explanation and provide customized services.

附表1: 新个税超额累进税率表 (综合所得)

个人所得税税率对比 (适用综合所得)			
现行级距 (月应纳税所得额)	拟议新级距 (月应纳税所得额)	税率 (%)	影响
不超过1.500元	不超过3.000元	3	扩大
1.500-4.500元	3.000-12.000元	10	扩大
4.500-9.000元	12.000-25.000元	20	扩大
9.000-35.000元	25.000-35.000元	25	缩小
35.000-55.000元	35.000-55.000元	30	不变
55.000-80.000元	55.000-80.000元	35	不变
超过80.000元的部分	超过80.000元的部分	45	不变

调整后的综合所得按超额累进税率征税，但部分税率所对应的级距（即月应纳税所得额=税前工资-社会保险-起征点）会发生变化：3%、10%、20%三档税率级距扩大，25%税率级距缩小，30%、35%、40%三档税率级距将保持不变。

Appendix 1: New excess progressive tax rate schedule (General Income)

Comparison of IIT rate (subject to General income)			
Current tax bracket (monthly taxable income in RMB)	Proposed tax bracket (monthly taxable income in RMB)	Tax rate (%)	Effects
Not exceed 1.500	Not exceed 3.000	3	Widened
1.500 - 4.500	3.000 - 12.000	10	Widened
4.500 - 9.000	12.000 - 25.000	20	Widened
9.000 - 35.000	25.000 - 35.000	25	Narrowed
35.000 - 55.000	35.000 - 55.000	30	Unchanged
55.000 - 80.000	55.000 - 80.000	35	Unchanged
The part exceed 80.000	The part exceed 80.000	45	Unchanged

The adjusted general income subject to the excess progressive tax rate, but some of the tax brackets (which means monthly taxable income is the amount of income before tax minus the amount of social insurances and threshold) will change: Tax brackets for 3%, 10% and 20% widened, that for 25% narrowed, and that for 30%, 35%, 40% remain the same.

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