



This article was prepared by LehmanBrown International Accountants.



在中外籍人士的"五年税规"导览

背景

中国五年税规起征点及其实施是一个常被误解的问题,而这影响到了所有居住在中华人民共和国的外籍人士(包括香港、澳门和台湾籍)。关于"五年税规"实施的问题有许多。其中最关键的问题包括:

- "五年税规"实际上是什么?
- 它会影响到哪些人?
- 如果不遵从,对外籍人士的纳税义务会有怎样的影响?
- 外籍人士如何避免其在全球的收入在中国被纳税?

由于外籍人士需每年报税的要求于2006年引进,当局现在有能力追踪外籍人士的个人所得税足迹。随着中国地方税务局为满足政府设定的目标,加紧收集政策,加上外籍税收渐成为重要收益,外籍人士从遵从税规和做计划的角度重新审视自己过去、现在和未来的课税情况。

作为一个居中外籍人士要遵从税务政策,清楚了解「五年税规」、中国税收居民需要做什么和个人所得税纳税义务如何对在中华人共和国居住和工作的外籍人士实施。

这篇简短的导览将会说明外籍人士应如何处理所得税问题、如何妥善规划纳税义务,并清楚说明关于中国税收居民身份的要点。

中国税收居民的定义

实际上,中国税收居民可以被定义为在中国居住及工作超过五年的外籍人士(包括香港、澳门和台湾籍)。在中国于一个财政年度从12月31日至1月1日连续居住满365天就会被认定为在中国居住满一年。

如何定义"满一年"?

外籍人士在一年内不离开中国连续30天或累计90天就会被视为在中国居住满一年。在中华人民共和国出入境当天会被界定为当天在中国境内,所以如果去纽约出差7天,出去中国处罚和回到中国当天,你将会有5天被视为不在中国境内。

根据"五年税规",外籍人士应该缴纳多少税?

超过"五年税规"的五年期限,将大幅增加外籍人士的税务负担。如果"五年税规"中的"五年"并没有间断,随后从第六年开始,该外籍人士的全球收入的会被算进个人所得税纳税义务之内,需要向地区税务局缴税。因此,根据法律,所有中国和非中国收入都会被纳入个人所得税范围。在理想情况下,外籍人士应该希望避免这种情况适用于他们的个人所得税纳税义务。

如何避免在全球的收入在"五年税规"下被纳税?

为打破"五年税规"的五年期间,并重置成为税收居民的计算,外籍人士应在一个税收年度中连续离开中国30天一趟,或累 计离开90天。这会是成为税收居民的计算重置为0,并且在下个税收年度将会被重新计算为第一个财政年度。这个操作可以 每五年重复一次,是使籍人士的非中国收入避免被纳税。

然而,外籍人士也可以在第六年后的任何一年在中国境内逗留少于90天,以打破5年居住期,或者外籍人士也可以在任何一个与中国签订双重税收协定的主权地区成为税收居民,这样协定中的条款就会生效(您应仔细查询您的国家和中国质检的税收协定的具体条款)。

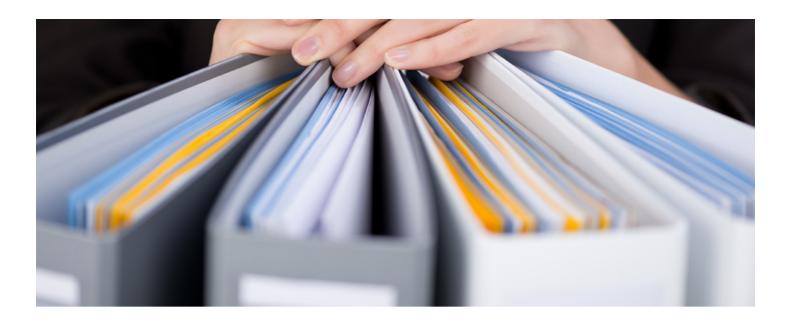
如果错过了五年起征点该怎么办?

若错过五年起征点(例如:外籍人士在五年期间并没有离开中国满规定日数),并在第六个年度成为中国税收居民,外籍人士仍可以在第七个年度避免非中国收入被纳税。为了做到这点,他们需要在每个年度都离开中国一段时间(连续30天或累计90天)。不过,在第六个年度理论上全球收入仍会被纳税。

总结

到目前为止,"五年税规"暂时还没在任何具体案例中对居中外籍人士实施,这是一项仍未具体实施的规定。中国税务当局可能会决定实施"五年税规",谨慎起见,外籍人士应准守这项政策,可以选择在五年居住期间离开中国一定的时间。因此,最明智的做法是留意自己留在中国的时间,每年离开中国连续30天或累计90天,并且持续关注自己在中国税务管辖区内外逗留了多场时间。

雷博可以为外籍人士个人或公司提供税务结构优化服务。欲了解更多有关"五年税规"的信息,或了解更多我们可以为您提供的服务,请与我们联系。



About Us

Founded in 2001, LehmanBrown is a China-focused accounting, taxation and business advisory firm, operating in Beijing, Shanghai, Hong Kong, Macau, Shenzhen, Guangzhou and Tianjin. Our firm also manages an extensive affiliate network, providing service throughout China and reach across the globe.

Combining years of international expertise with practical Chinese experience and knowledge, LehmanBrown offers expert advice and support to both local and international clients. Within the mid - tier, we are regarded as a market leader and our clients enjoy access to a combination of senior and experienced counsellors from both China and abroad.

At LehmanBrown we recognise that you are unique, that you have unique requirements and we are committed to providing individually tailored financial solutions. LehmanBrown is dedicated to providing personalised service by working closely with our clients to understand your individual business needs. This enables us to offer the most up-to-date and expert advice.

关于我们

雷博国际会计成立于 2001 年,是一家获得许可,主要从事有关中国范围内会计、税务和财务咨询服务的公司,在北京、上海、香港、澳门、深圳、广州和天津设有专门办事机构,正积极在全国范围内建立广泛的联合专业服务网络。

综合多年的国际经验和对中国市场的深刻理解和实践体验,我们向广大国内外的客户提供高质量的专业服务和意见帮助。 在雷博国际会计的服务过程中,我们作为市场中的佼佼者,您将得到来自中国本土以及其它国家的高级资深专家热忱的咨 询帮助。

我们深刻认识到每一位客户都是独一无二的,并都有其独特的业务需求。雷博国际会计承诺将根据客户的不同业务需求,为客户提供个性化的财务解决方案。我们的专业人员将密切与您合作,以充分了解您独特的业务需求,从而提供满足您所需要的高时效、高质量的专业服务。

Professional Services

Audit & Assurance

External Audit

China Statutory Audit

US GAAP Audit

IFRS Audit

Hong Kong Statutory Audit

Internal Audit

Fraud Investigation

Forensic Accounting

Special Purpose Audit

Foreign Currency Audit

Royalty Audit

Capital Verification Audit

Valuation Services

Corporate Valuation

Damage Assessment Valuation
Intellectual Property Valuation

Asset Valuation

Special Purposes Valuation

Corporate Finance

Debt Restructuring

Acquisition, Disposal & Financing

Mergers & Acquisitions

Transaction Advisory

M&A Divesture

M&A Integration

Financial Due Diligence

Business Services

Company Registration & Maintenance

Market Entry Advisory

Updating Company Certificates

Annual Inspection & Reporting

Company Secretarial Services

Company Ownership Transferring/Corporate Restructuring

Background/Credit Checking

Company Deregistration & Bankruptcy

HR Support Services

China Visa Services for Expatriates

Social Welfare Structures

Outsourcing Services

Accounting & Bookkeeping

Budgeting & Forecasting

Financial Statement Preparation

Head Office Reporting

Financial Management

Interim Financial Management

Finance Manager Function

CFO Function

Cash Flow Management

Treasury Management

Set-up of Bank Account

Payroll Services

Payroll Processing Setup

Expatriate Employees

Local Employees

Secondment & Temping Service

Chop Custodian Services

Taxation Services

Individual Tax Planning (IIT)

Tax Immigration & Investment Review

US & Overseas Personal Income Tax Planning & Filing

IIT Tax Payment Facilitation

Application for Individual Income Tax Refund

Expatriate Staff Individual Income Tax Staff Filing

Local Staff Individual Income Tax

Company Taxation (CIT)

Tax Consulting

Corporate Tax Planning

Business Restructuring

Value Chain Review

Onshore / Offshore Investment

Transfer Pricing

Tax Compliance

Tax Due Diligence

Tax Deregistration

Negotiation of Tax Penalties

Tax Refund Application

Tax Representatives for Tax Audit

VAT & Customs Duty Clearance

PRC Tax Receipt Verification

VAT Application

VAT & Sales Tax Filing

Corporate Income Tax Reporting

Specialist Accounting & Risk Management

Internal Controls

Systems

Risk Management

Sarbanes - Oxley (SOX 404)

GAAP, SEC & IFRS Compliance

US GAAP

US GAAP Financial Statement Preparation

US GAAP Conversion

Other GAAP

GAAP Conversion

Public Company Compliance

Financial Statement Preparation

IFRS

IFRS Accounting Repackaging

IFRS Financial Statement Preparation

IFRS Public Company Compliance

SEC

SEC Public Company Compliance

Legal Services

Legal Advisory

Labour Legal Advisory

Workforce Downsizing Advisory

Labour Tribunal Assistance & Advisory

Labour Law Review & Audits

Review & Preparation of Employment Contracts

Corporate Legal Advisory

Legal Due Diligence

Corporate Restructuring Advisory

Review & Preparation of Articles of Association (AoA)

Review & Preparation of JV Contracts

Review & Preparation of Repatriation Agreements

Other Legal Services

Dispute Mediation & Advisory

Trademark & Intellectual Property Advisory

Debt Collection Assistance

Litigation Support



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For further information about how we can add value and support your individual or business needs, please contact us. 如需为个人或企业获取更多的增值服务及业务协助信息,请与我们联系。

Beijing 北京

6/F, Dongwai Diplomatic Building, 23 Dongzhimenwai Dajie, Beijing 100600, China

中国北京市朝阳区东直门外大街 23 号,东外外交办公大楼 602 Tel: +86 10 8532 1720

Fax: + 86 10 8532 2746

E-mail: beijing@lehmanbrown.com

Shanghai 上海

Room 1501 & 1504, WanTai International Building, No. 480 North Urumqi Road, Shanghai 200040, China

中国上海市静安区乌鲁木齐北路(华山路)480 号 1501 & 1504 Tel: +86 21 6249 0055

Fax: +86 21 6288 1636

E-mail: shanghai@lehmanbrown.com

Guangzhou 广州

Room 3317, China Shine Plaza, 9 Lin He Xi Road, Guangzhou 510610, China

中国广州市林和西路 9 号耀中广场 3317 室

Tel: +86 20 2205 7883 Fax: +86 20 2205 7880

E-mail: guangzhou@lehmanbrown.com

Shenzhen 深圳

Room 3206, News Building 2, Shennan Middle Road, Shenzhen 518027, China

中国深圳市深南中路 2 号新闻大厦 3206

Tel: +86 755 8209 1244 Fax: +86 755 8209 0672

E-mail: shenzhen@lehmanbrown.com

Tianjin 天津

Unit 2901-04, The Exchange Tower 2 189 Nanjing Road, Heping District Tianjin 300051, China

中国天津市和平区南京路 189 号 津汇广场 2座 29层 2901-104室

Tel: +86 22 2318 5056 Fax: +86 22 2318 5001

E-mail: tianjin@lehmanbrown.com

Hong Kong 香港

Suite 03, 16/F, Sino Plaza,

255-257 Gloucester Road, Causeway Bay, Hong Kong 香港铜锣湾告士打道 255-257 号信和广场 16 楼 03 室

Tel: + 852 2426 6426

Fax: + 852 2426 6427

E-mail: hongkong@lehmanbrown.com

Macau 澳门

No. 367, Avenida da Praia Grande, "Keng Ou" Commercial Building #16, A & B, Macau

中国澳门南湾大马路 367 号京澳商业大厦 16 楼 AB 座

Tel: + 853 2835 5015

Fax: +853 2837 1884

E-mail: macau@lehmanbrown.com





