

税负持平计划与雇主承担税款比较

Comparing tax equalization plan and employer bearing the tax

问：倘若一个香港员工被派到广州工作，该员工月工资港币 30000 元、餐费补贴港币 2000 元，全部由雇主在香港支付，双方约定大陆与香港税款的差额由公司承担，如何实施税负持平计划？假设税额应该是多少？

Q: If a staff works in Guangzhou, with HK\$30000 paid by the employer in Hong Kong, how do we implement the tax equalization plan? What is the amount of hypo tax?

假设该员工全年收入港币\$390,000 = 30,000 x 13。而且，该员工如果交香港税享有已婚人士免税额\$200,000 及可扣除强积金供款\$12,000。

A: Assuming that the employee's annual income is HK\$30,000x13=390,000, and that he/she is eligible for a married couple allowance and mandatory fund contribution allowance of HK\$200,000 and HK\$12,000 respectively for HK tax purposes.

一、假设税计算如下：

[a] 应课税实额 = (390,000-200,000-12,000) =178,000;

[b] 薪俸税= 35,000x2% + 35,000x7% + 35,000x12% + 73,000x17% = HK\$19,760, 除以 12 个月 = 19760/12=1647 (假设税)

[c] 雇主每个月从工资总额扣除假设税 1647。尽管该员工在税率较高的广州工作，但是他只需要缴交一如在香港工作的税额。

[I] The computation of HK salaries tax (hypo-tax) will be as follows:

(a) Assessable income = (390,000-200,000-12,000) =178,000;

(b) Salaries tax is: 35,000x2% + 35,000x7% + 35,000x12% + 73,000x17% = HK\$19,760, which is divided by 12 months = 19760/12=1647 (hypo tax)

(c) The hypo tax is to be deducted each month from the employee's gross pay, so that he pays the same tax as if he worked in Hong Kong.

二、根据国家税务总局文件(1994) 89 号及(1996) 199 号，由雇主负担税款的个人所得税计算如下：

(a) (月薪 - 假设税) x 汇率 (1 对 0.96; 中国人民银行上月最后一日外汇牌价)
(30,000-1647) x 0.96 = RMB27,218.88

(b) 然后，将上述金额转为含税应纳税所得额

(27,218.88 - 4,800 - 1,375)/(1-25%) = 28,058.51; 公式中的 4800 是法定扣除金额，25%和 1,375 分别是在附表中第 5 行相对应的税率和速算扣除数。

(c) 应纳税额：应纳税所得额 x 税率 - 速算扣除数

= 28,058.51 x 25% - 1375 = RMB5,639.63 (or HK\$5,874.61).

[II] The PRC individual income tax (IIT), wholly borne by the employer, should be computed in the following way according to the circulars no. (1994) 89 and (1996) 199 as issued by the State Administration of Taxation in China:

(a) (Monthly salary – hypo tax) x exchange rate (Say 1: 0.96; the rate on last date of preceding month as announced by the People’s Bank of China)

$(30,000-1647) \times 0.96 = \text{RMB}27,218.88$

(b) Then he salaries are grossed up to arrive at taxable income.

$(27,218.88 - 4,800 - 1,375)/(1-25\%) = 28,058.51$; where the amount of 4,800 is the statutory deduction for foreign employees as per PRC IIT law. 25% and 1,375 are the tax rate and quick deduction amount obtainable from the fifth row of the IIT computation table.

(c) The amount of IIT is: taxable income x tax rate – quick deduction

$= 28,058.51 \times 25\% - 1375 = \text{RMB}5,639.63$ (or HK\$5,874.61).

三、按照与员工的约定，雇主每月替该员工支付 5874.61 的国内个人所得税款，也同时从工资中扣除 1647 的假设税。雇主实施税负持平计划的成本是 $5874.61-1647 = 4227.61$ 。如果该员工有小孩子或者可以申请父母免税额的话，假设税额是计算结果就完全不同了。该员工在申报香港薪俸税的时候，由于已经在大陆申报了全部收入并且交了个人所得税，他可以根据税务条例第 8(1A)条(c)项，申请豁免薪俸税。

[III] Under the tax equalization plan, the employer shall pay the IIT (equal to HK\$5,874.61) for the employee in China and deduct HK\$1,647 from the gross pay of the employee in HK. The cost of equalizing the tax is $5874.61-1647 = 4227.61$ each month. Note that if the employee has children or parents that are eligible for additional allowances in HK, the computation of hypo tax will be different. In HK, the employee can claim tax exemption under section 8(1A)(c) of the Inland Revenue Ordinance since all of his employment income is reported in China and IIT has been paid.

Table I: PRC Income Tax Rates and Brackets (in RMB)

表一：個人所得稅稅階及稅率(人民幣):

	Tax borne by employee 由僱主支付稅款	Tax borne by employer 由僱主支付稅款	Tax rate 稅率	Quick deduction 速算扣除數
1	Less than 少於 500	Less than 少於 475	5%	0
2	501 - 2,000	476 - 1,825	10%	25
3	2,001 - 5,000	1,826 - 4,375	15%	125
4	5,001 - 20,000	4,376 - 16,375	20%	375
5	20,001 - 40,000	16,376 - 31,375	25%	1,375
6	40,001 - 60,000	31,376 - 45,375	30%	3,375
7	60,001 - 80,000	48,376 - 58,375	35%	6,375
8	80,001 - 100,000	58,376 - 70,375	40%	10,375
9	Over 超過 100,000	Over 超過 70,375	45%	15,375

问：假如雇主只承诺为员工承担 50%的税款，各自承担的税款如何计算？

Q: What is the tax burden for the employer and the employee respectively if the employer only offers to bear 50% of the PRC IIT

答：先按以下公式将不含税的工资收入换成含税应纳税所的额，然后才计算应纳税额：

含税应纳税所得额：(工资-扣除额-速算扣除数 x 雇主承担比例) / (1-税率 - 雇主承担比例) = ((30,000 x 0.96=28800) - 4800 - 1375 x 50%) / (1 - 25% x 50%) = 26642.86; 25%和 1375 可从附表中第 5 项找到。

应纳税额：含税应纳税所得额 x 税率-速算扣除数 = 26642.86 x 25% -1375 = 5285.71 (0.96:1 = HK\$5505.95)

A: The taxable income should be converted into income including employer's share of tax by the following formula, and then compute the tax payable.

Taxable income = (RMB income - statutory deduction - quick deduction x employer's share) / (1- tax rate x employer's share) = ((30,000 x 0.96=28800) - 4800 - 1375 x 50%) / (1 - 25% x 50%) = 26642.86; where the 25% and 1375 are obtainable from the computation table.

Tax payable = taxable income x tax rate - quick deduction = 26642.86 x 25% -1375 = 5285.71 (0.96:1 = HK\$5505.95)

因为雇主只承担一半的税款，员工需要交税 5285.71/2=2642.86。以上计算结果可以用下面方法复核：

1. 含税收入：26642.86 + 4800 = 31442.86
2. 应纳税额：(31442.86 - 4800) x 25% - 1375 = 5285.72
3. 不含税收入：31442.86 - 5285.72 x 1/2 = 28800

Since the employer is to share 50%, the employee has to pay 5285.71/2=2642.86. One can perform the verification in the following way:

(a) Income including tax borne by employer = 26642.86 + 4800 = 31442.86

(b) Tax payable = (31442.86-4800) x 25% - 1375 = 5285.72

(c) Income excluding employer's share 31442.86 - 5285.72 x 1/2 = 28800

以下是雇主分别承担 100%、50%、33.33% 三个不同方案的计算结果：

The following computations produce different results where the employer bears 100%, 50% and 33.33% of the PRC tax for the employees respectively:

Options 选择方案	[I]	[II]	[III]
Income in HK\$ 香港工资	30,000.00	30,000.00	30,000.00
Hypo-tax 假设税款 (N/A 不适用)	-	-	-
	30,000.00	30,000.00	30,000.00
Exchange rate 汇率	0.96	0.96	0.96
Income in RMB 工资	28,800.00	28,800.00	28,800.00
Standard deduction 法定扣除	4,800.00	4,800.00	4,800.00
Quick deduction 速算扣除数	1,375.00	1,375.00	1,375.00
Tax borne by employer [a] 雇主承担的百分比	100%	50%	33%
Taxable income [b] 含税收入	30,166.67	26,642.86	25,663.49
Tax rate 税率	25%	25%	25%
Quick deduction 速算扣除数	1,375.00	1,375.00	1,375.00
Tax payable 应纳税额 [c]	6,166.67	5,285.71	5,040.87
Tax payable in HK\$	6,423.61	5,505.95	5,250.91

Taxable income	[1] = [b]	30,166.67	26,642.86	25,663.49
Standard deduction	[2]	4,800.00	4,800.00	4,800.00
Income plus tax				
含税收入	[3]=[1]+[2]	34,966.67	31,442.86	30,463.49
Tax payable				
应纳税额	[4] = [c]	6,166.67	5,285.71	5,040.87
Employer's share				
雇主承担部分	[5] = [4] x[a]	6,166.67	2,642.86	1,663.49
Income net of tax				
不含税收入	[6]=[3]-[5]	28,800.00	28,800.00	28,800.00
Employee's share	[7] = [4]-[5]	-	2,642.86	3,377.38
员工承担税款				
Effective tax rate	[7]/[1]x100%	0.00%	9.92%	13.16%
员工实际税率				

[b] Income including tax = (28800- 4800- 1375 x 100%) / (1-25% x 100%)=30166.67

[b] 含税收入=(28800- 4800- 1375 x 100%)/ (1-25%x100%)= 30166.67

[c] Tax payable = 30166.67 x 25% - 1375 = 6166.67

[c] 应纳税额 = 30166.67 x 25% - 1375 = 6166.67

比较而言，雇主承担全部或者部分税款计算方便和较为容易操作，灵活性也比税负持平计划要高。要注意在雇主承担全部的情况下，员工的收益高于税负持平计划，雇主因成本太高一般不会采用。

Compared with tax equalization plan, the sharing of tax burden between the employer and the employee is easier in terms of computation and administration. It gives greater degree of flexibility than tax equalization plan. Note that where the employer bears all the tax, the employee's position is far better than that under tax equalization plan. The employer rarely adopts this in practice for cost reasons.

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