

个人所得税

国务院于2007年7月20日发布中华人民共和国国务院令 第502号《关于修改〈对储蓄存款利息所得征收个人所得税的实施办法〉的决定》规定：

- 对储蓄存款利息所得征收个人所得税，减按5%的比例税率执行。
- 储蓄存款在1999年10月31日前孳生的利息所得，不征收个人所得税；储蓄存款在1999年11月1日至2007年8月14日孳生的利息所得，按照20%的比例税率征收个人所得税；储蓄存款在2007年8月15日后孳生的利息所得，按照5%的比例税率征收个人所得税。
- 自2007年8月15日起施行。

出口退税

国家税务总局于2007年7月10日发布财税[2007]97号文《关于调低部分商品出口退税率的补充通知》

- 进一步明确了个别商品出口退税率。
- 明确了对长期对外承包工程合同项下的出口设备和建材的执行范围。
- 对外商投资企业采购符合退税条件的国产设备以及利用外国政府和国际金融组织贷款采用国际招标方式国内企业中标的机电产品或外国企业中标再分包给国内企业供应的机电产品，仍按原退税率执行。

土地增值税

上海市地方税务局于2007年6月12日发布沪地税地[2007]26号文《关于个人转让非普通住房征免土地增值税有关问题的通知》明确：

- 从2007年7月15日起，对个人转让非普通住房，既没有评估价格，又不能提供购房发票的，实行核定征收土地增值税；
- 凡居住未满三年的，按转让收入的0.5%征收，居住满三年未满五年的减半征收。

房产税

上海市地方税务局发布沪地税地[2007]16号文《关于居民住宅内业主共有的经营性房产缴纳房产税有关问题的通知》规定：

- 对居民住宅内业主共有的经营性房产，由实际经营（包括自营和出租）的代缴人或使用人缴纳房产税。
- 上述房产自营的，依照房产原值减除20%余值计征，没有房产原值或不能将业主共有房产与其他房产的原值准确划分的，由房产所在地地方税务机关参照同类房产核定房产原值；出租的，依照租金收入计征。
- 从2007年1月1日起执行。

税收征管

国家税务总局于2007年6月14日发布国税函[2007]645号文《关于未办理土地使用权证转让土地有关税收问题的批复》强调：

- 土地使用者转让、抵押或置换土地，无论其是否取得了该土地的使用权属证书，无论其在转让、抵押或置换土地过程中是否与对方当事人办理了土地使用权属证书变更登记手续，只要土地使用者享有占有、使用、收益或处分该土地的权利，且有合同等证据表明其实质转让、抵押或置换了土地并取得了相应的经济利益，土地使用者及其对方当事人应当依照税法规定缴纳营业税、土地增值税和契税等相关税收。

国家税务总局于2007年7月10日发布国税函[2007]753号文《关于延期申报预缴税款滞纳金问题的批复》

- 纳税人在核准的延期内办理税款结算。预缴税款之后，按照规定期限办理税款结算的，不加收滞纳金。
- 经核准预缴税款之后按照规定办理税款结算时，预缴税额小于应纳税额的，税务机关在纳税人结算补税时不加收滞纳金。

外汇管理

国家外汇管理局、商务部于2007年6月14日发布《关于废止〈出口收汇考核试行办法〉有关问题的通知》内容有：

- 外汇局在办理出口收汇核销单发放、出口收汇自动核销企业资格核定等业务时，不再实行按出口收汇考核等级进行区别对待管理。
- 通知自2007年7月1日起生效。

Individual Income Tax (IIT)

The State Council issued PRC State Council Ordinance No.502 Resolution on Amendment Concerning <Measures for the Implementation of Collection of Individual Income Tax to the Income of Savings Deposit Interest on July 20, 2007 which regulates that:

- IIT rate on saving deposit shall be reduced to 5%.
- Interest income generated on savings deposit before October 31, 1999 shall be exempted from individual income tax; interest income generated on savings deposit between November 1, 1999 to August 14, 2007 is subject to 20% IIT charge rate; interest income generated on savings deposit after August 15, 2007 is subject to 5% IIT charge rate.
- Amendment shall come into effect as of August 15, 2007.

Tax Refund on Export

The SAT issued a Circular Cai Shui [2007] No. 97 Concerning Reducing the Export Tax Refund Rates of Some Commodities on July 10, 2007

- Further clarified tax refund rates of some commodities.
- Ascertained execution scope of export equipments and construction materials involved in long-term foreign construction contract.
- Domestic equipment purchased by foreign investment enterprise that meets the condition of tax refund and mechanical and electronic products of domestic enterprise wins bidding from international bidding using loans taken from foreign government and international finance organization and mechanical and electronic products supplied by foreign enterprise wins bidding who then subcontracts to domestic enterprise shall be executed at the original tax refund rate.

Land Appreciation Tax (LAT)

Shanghai Local tax bureau issued a Circular Hu Di Shui Di [2007] No. 26 Concerning Collection and Exemption of LAT on Transferring Individual Residential Houses of Non-Ordinary Standard on June 12, 2007

- Since July 15, 2007, individuals who transfer residential houses of non-ordinary standard without valuation or purchase invoice are deemed to be subject to LAT according to regulations.
- A rate of 0.5% is applied to transfer income for houses have been resided for less than 3 years; houses have been resided for more than 3 years but less than 5 years are subject to half of the above rate.

Real Estate Tax

Shanghai Local tax bureau issued a Circular Hu Di Shui Di [2007] No. 16 Concerning Real Estate Tax on Commercial House Jointly Owned in A Residential Property

- Regarding commercial house jointly owned in a residential property, real estate Tax is paid by actual house operator (including self-operating or leasing) or actual house user.
- For self-operated houses, tax is based on the net value after deduction of 20% from the original value of the house; For houses without original value or that can not be precisely divided from other properties by using original value, the value of which shall be deemed by local tax authority with reference to properties fall in the same category; For leased houses, tax is based on lease income.
- The notice shall come into effect as of January 1, 2007.

Tax Levy Administration

SAT issued Reply on Issues regarding Tax on Land Transfer without Obtaining Certificate of Land Use Right (Guo Shui Han [2007]No.645) on June 14, 2007, making emphasis on

- As long as land users have right to possess, use, benefit from and dispose the land, and hold such evidence as contract to indicate substantial transfer, mortgage or exchange of land as well as acquisition of the relevant benefits, land users and the related parties shall be liable for paying business tax, land appreciation tax, deed tax and other relevant tax when land users transfer, mortgage or exchange their land, no matter whether they obtain certificate of land use right of the land, and no matter whether they perform the procedures for changing the owners of certificate of land use right in the process of transferring, mortgaging and exchanging land.

SAT issued Reply on Issues regarding Late Payment Interest on Prolonged Report of Prepayment of Tax (Guo Shui Han [2007]No.753) on July 10, 2007.

- Taxpayers shall complete tax filing and payment within a deemed prolonged time limit. After prepaying the tax, taxpayers shall not be subject to late payment interest if they could complete tax filing and payment within the prescribed time limit.
- If amount of prepaid tax is less than that of tax payable, tax authorities shall not charge late payment interest on the difference when taxpayers handle tax filing and payment in line with relevant rules after prepaying tax.

Foreign Exchange Administration

SAFE and Ministry of Commerce (MOF) issued Circular on Issues regarding Abolishing Trial Measures of Examination of Export Proceeds in Foreign Exchange on June 14, 2007, stating that

- SAFE shall not make a difference based on grades of examination of export collection in foreign exchange when conducting issuance of verification and writing-off of export proceeds in foreign exchange, reviewing enterprises' qualification for automatic verification and writing-off of export proceeds in foreign exchange, and handling other relevant issues.
- This Circular will come into effect as of July 1, 2007.

Operation Administration

MOF issued Opinions on Enterprises with Direct Sale License Engaging in Operating Activities of Direct Sale (Shang Ban Jian Han [2007]No.60) on May 16, 2007, stipulating that

- Besides obtaining Direct Sale License, enterprises engaging in direct sale must complete examination and registration of service sites before they start activities of direct sale.

What's new.

New catalogue of restricted commodities of processing trade, promulgated jointly by MOF and General Administration of Customs (GAC) on July 23, is mainly in connection with labor-intensive industries, such as raw material and products of plastic, yarn, cloth, furniture, etc. The new catalogue comprises 1853 ten-figure commodities tax item numbers, making up 15% of the entire customs commodities code. Substantial transfer of bank margin money account shall be required on administration of commodities listed in the restricted catalogue. This adjustment on policy of restricted commodities of processing trade is carried out to optimize the nation's export structure, strictly control exportation of highly energy-consumed, highly polluted and resource-type commodities, restrain exportation of low value-added and low-tech commodities, diminish trade friction, promote trade balance and alleviate prominent contradiction resulting from excessively favorable balance of foreign trade.

With the adjustment on policy of restricted commodities of processing trade, the east of China and the middle and west of China shall pursue different policy. Newly-established foreign trade enterprises in the east of China shall be prohibited to engage in processing trade of restricted commodities. Processing trade enterprises of Type A and Type B in the middle and west of China shall continuously carry out empty transfer of bank margin money account.

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