

Study on the Main Risks of Real Estate Development Enterprise Income Tax Settlement and Payment

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Abstract: Since the real estate enterprise was included in the tax special inspection in 2002, it has been included in the inspection for 12 consecutive years. The inspection of income tax has become the main source of tax collection and inspection by the tax authorities. The audit brings the risk of late payment and administrative punishment to the enterprise. The income tax settlement and payment work is the key link for the tax authorities to check the risk reduction in the future. Through the income tax settlement and payment, the enterprise can correctly understand and adjust the difference between the accounting and tax laws, and adjust the tax according to the provisions and requirements of the tax law to reduce the taxation. Tax risk. This paper discusses several aspects that should be paid attention to in the settlement and settlement of real estate income tax.

1. Introduction

The main purpose of real estate enterprises to carry out income tax settlement and payment work is to circumvent the inspection risk of tax authorities. After scientific and reasonable income tax settlement and payment, it is beneficial for enterprises to clearly understand the differences between accounting and tax laws, strictly in accordance with tax laws. Standards and requirements comprehensively optimize the taxation links to eliminate tax-related risks.

2. Note changes in tax regulations

Attention should be paid to the tax implications of changes in tax regulations. For example, the General Administration of the People's Republic of China No. 25 of 2011, the Provincial Bureau No. 3 of 2011 canceled the pre-examination of the pre-tax deduction of enterprise assets loss income tax, and changed it to the enterprise before declaring it after deduction, and the undeclared loss of assets shall not be taxed. Before deduction, the enterprise declares the sub-list declaration and special declaration on its own. When the annual settlement and payment declaration is made, the asset loss declaration materials and tax payment materials are submitted to the competent tax authorities as attachments to the enterprise income tax return. This change enables the enterprise to successfully pass the pre-tax deduction of asset losses, but it also exists. Whether the loss of assets is the risk of full pre-tax deduction. For example, in 2013, the company confirmed the loss of 2.45 million in accounting, the investment loss declaration was 2.45 million, and the pre-tax deduction of asset loss after tax assessment was 2.19 million. The difference of 260,000 should be increased as tax, and is included in the attached tax return. Table XI. For example, Article 38 of the Implementation Regulations stipulates that the interest expenses of non-financial enterprises borrowing from non-financial enterprises shall not exceed the amount calculated according to the interest rate of similar loans of financial enterprises in the same period, and shall be deducted before tax, but the same period shall be provided for financial enterprises. Description of the interest rate of similar loans. According to Article 38, it is difficult for enterprises to provide proof of interest rates for similar loans in the same period. For example, the interest generated by enterprises this year is 11.1 million yuan, and the loan interest rates are 6.15%, 8.04%, 8.5%, and 12%, respectively. Before the tax is paid. Wenzhou local tax regulations, enterprises can refer to the same period average interest rate announced by Zhejiang financial enterprises (17.09% in 2013) can be pre-tax interest, and accounted for with legal vouchers, if it does not meet the above conditions, it should be taxed. For

example, there is a clear stipulation on the issue of uniform clothing expenses for controversial enterprise employees. The provisions of Article 27 of the Implementation Regulations can be used as deductions for pre-tax deductions as reasonable expenses for enterprises, as deductions for operating management expenses.

3. Comprehensive review of accounting

The settlement of corporate income tax is based on accounting. The correctness of accounting is directly related to the accuracy of income tax settlement, and accounting accounting also affects the degree of tax-related risk of income tax settlement. Many accounting businesses in real estate enterprises are continuation across the years. Therefore, before the income tax settlement, the enterprises should not only review the accounting business in the current year, but also ignore the related accounting business in previous years. Pay attention to the following aspects when reviewing the accounting business: whether the cost division between development projects is clear. The period fee is distinguished from the development cost, and the special model production fee, sales office, gift, interest, etc. can be collected and distributed according to the accounting standards. The collection of development costs, especially whether the cost is obtained in compliance, whether the cost sharing is reasonable, and whether the completed products are carried forward. The calculation of the taxation cost, especially the cost calculation and cost carry-over method between the house, the shop, the parking space and the office building. Whether business tax and surcharges result in repeated deductions. Revenue recognition, revenue of completed products and unfinished products are confirmed according to regulations and external income. Whether the original invoice obtained is qualified, legal and reasonable, such as the inspection of invoices in different places, the invoices for incomplete, the difference between the tax points of the materials and the timely remedial measures of the engineering quantities. Whether the tax payable is fully paid, and the relevant tax information is filed. Whether the accrued expenses subject complies with the document requirements and whether the preparation materials are complete. In the late stage, some of the development costs of the development project will enter the current cost and the cost will be carried forward in time. Whether the deductible time difference in the deferred income tax asset account and the related business are carried forward. Check long-term accounts payable and other accounts payable. Adjustment of interest on affiliated funds. Through self-examination and self-inspection, enterprises can timely identify and solve problems and potential risks in daily tax management, and ensure the accuracy of income tax settlement.

4. Make full use of the standards and scope of tax deductions

And the income tax policy, comprehensively adjust the difference between them. Attention should be paid to the problem: grasp the cost deduction standard and adjust the taxable income for the over-standard expenses. Tax adjustments for time differences, such as advertising fees, business promotion fees, tax adjustments in the future. Guoshuifa (2009) No. 31 stipulates that the sales revenue of unfinished development products can be used as the base for calculating business entertainment expenses, business promotion fees, and advertising fees. The cost deduction standard is as follows: the wages and salaries of the enterprises actually incurred reasonable wages and salaries, and are allowed to be deducted. Pay attention to the reasonableness of wages. The employee welfare expenses shall not exceed 14% of the total wages allowed before tax deduction, and deduction shall be allowed. If there is a year-end balance, the unused portion shall be reversed. The labor union expenditure shall not exceed 2% of the total amount of wages allowed before tax deduction, and shall be deducted before tax by the "Special Receipt of Union Funds Income" issued by the trade union organization. The expenditure on education for employees shall not exceed 2.5% of the total amount of wages allowed before tax deduction, and shall be deducted. If the excess is exceeded, it shall be allowed to be carried forward and deducted in the subsequent tax year. Business entertainment expenses The eligible business entertainment expenses incurred by the enterprise shall be 60% of the actual amount incurred, but shall not exceed the 5 deduction of the

income of the current year, and the excess shall be increased as tax. Expenses for advertising and business promotion expenses The expenditures for eligible advertising and business promotion expenses incurred by the enterprise shall not exceed 15% of the income of the current year, and may be deducted; the excess shall be allowed to be carried forward and deducted in the subsequent tax year. For sales agency fees, the company's handling fee and commission shall not exceed 5% of the amount of income recognized in the service agreement or contract, and the intermediary service organization shall have legal business qualifications and payment by way of transfer, except for entrusting personal agents. Non-eligible parts are subject to tax increases. The public welfare donation expenses incurred by the enterprise that contributes to the expenditure shall not be more than 12% of the total annual accounting profit, and the pre-tax deduction shall be granted. Donations from enterprises for earthquake-stricken areas and specific events can be deducted in full, and tax payments for over-expenditure are increased. Additional deductions The wages paid by persons with disabilities may be deducted 100% on the basis of actual deductions. The heatstroke prevention and cooling expenses are paid according to the standard of each person, and the tax increase is exceeded. Supplementary pension insurance premiums and medical expenses shall be deducted before tax within 5% of the total wages of the employees, and more than part of the tax increase.

5. Strengthening risk management countermeasures in real estate enterprise income tax settlement and payment

At present, real estate development enterprises must fully understand and master the methods and regulations on the management of corporate income tax settlement and payment issued and implemented by the state, and timely transform their roles. In the past, the subject of income tax settlement and settlement of real estate development enterprises was ambiguous, and the mandatory taxpayers and relevant tax authorities cooperated and cooperated to complete the settlement and payment work, which was in a passive state. In the state-sponsored management method for the settlement and payment of corporate income tax, the taxpayer is used as the main part of the settlement and settlement. In this way, the taxpayer must be required to have the correct sense of legal responsibility. The taxpayer should strictly follow the relevant tax laws and regulations in the settlement and payment work, and timely and effectively calculate the actual amount of income and taxable income tax. At the same time, taxpayers must also bear the legal responsibility for the objectivity, reliability and comprehensiveness of tax returns.

In the process of deducting the business hospitality deduction, the taxpayer can only deduct it smoothly if it provides true and reliable certification materials and relevant vouchers to the competent tax authorities. Business hospitality involves a total of invoices, consumer cheques, receipts, accounting accounts and other voucher materials. If it is very difficult to obtain a special invoice in practice, a large number of authentic and reliable testimony is needed to support this. For a simple example, the gifts provided for the customer's business sometimes cannot obtain the voucher materials such as special invoices. However, once the customer accepts the gifts from the company, it naturally establishes a business relationship with the company and obtains the certificate of the customer who accepts the gifts to ensure the The behavior is real. Real estate development enterprises shall strictly follow the relevant tax laws and regulations to construct a trade union organization that adapts to the enterprise. Each month, according to the total salary of all employees of the enterprise, they shall pay the labor union funds to the trade unions in a timely manner. At the same time, they shall also follow the trade unions provided by the trade union organizations. The special receipt for the payment of funds is used to complete the pre-tax deduction processing.

After the real estate development enterprise completes the checkout work at the end of the year, once it finds that the items that should have been deducted before tax have not been deducted in the current period, the real estate development enterprise should make some optimization adjustments to the relevant finances, and the items that have not been deducted before tax. Make a supplement. For real estate development enterprises that implement the enterprise accounting system, it should

be considered to accurately calculate the expenditure cost of the intertemporal scope from the perspective of “deferred expenses” or “accumulated expenses” on an intertemporal basis. . For real estate taxpayers, in the process of prepayment and annual declaration, the company should actively and timely calculate and supplement the eligible losses in the previous year. If the real estate development enterprise has a loss that has not been fully replenished in the previous year, as long as it is within five years, the real estate development enterprise may consider supplementing the loss in the previous year with the taxable income of the current year.

6. Conclusion

Since the real estate development enterprise has the characteristics of long construction period and many settlement items, it further increases the difficulty of reviewing the settlement and payment of corporate income tax. Therefore, the taxation workers of real estate development enterprises are required to communicate with the tax authorities in a timely manner. And the problem should be the first time to consult the competent tax authorities. At the same time, fully grasp and understand all kinds of new policies and systems, and lay a solid foundation for the healthy and stable development of real estate development enterprises.

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