资本商品课税 问题研究

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序言

在经济发展的过程中,货物商品经济借助各类金融资本商品进行交易是市场经济发展不断成熟、经济形态不断高级化的重要标志之一。货物商品经济初级阶段的重要交易媒介是货币。人类社会起初并无货币的存在,货币是在商品交换的长期发展过程中分离出来的特殊商品,是商品交换发展的自然结果。货币产生后极大地促进了货物商品经济的发展和繁荣。它的出现使得辖区内贸易、区域间贸易,甚至国际贸易得以实现,使分工和要素禀赋的资源配置功能更好地得到了发挥,提高了市场经济发展的效率。而随着市场经济发展的深入,除货币商品之外的新金融资本商品层出不穷,大大丰富了金融资本商品的类型,也拓宽了货物商品的交易模式。可以说,人类社会进入金融资本商品经济是现代市场经济的高级形态。

在金融资本商品经济中,股票、企业债券、政府债券、商业票据、可转让大额定期存单、回购协议、期货合约、期权合约、私募股权等等,不断深化货物商品经济的交易形态和交易模式,提高了交易的便利性。在资本商品经济丰富的市场经济体系中,企业产权的商品化、货币化、证券化在很大程度上削弱了生产要素部门间转移的障碍,也大大丰富了人们的财富保有形式。在国际货币基金组织(IMF)每年发布的《世界经济展望》中,其分析的基石之一便是各国金融资本商品价值的稳定性和国际金融资本体系的构建性问题。在历次金融风暴或金融危机之下,国际投机基金、国际投资经营机构的频繁操作及其带来的市场影响引起了世界政治领导者和金融政策执行者的广泛关注,

成为一个令其时刻担心的问题。可以说,金融资本商品无论是在一国之内还是在国际经济交往之中,均是一个重要的研究话题。

从现实经济发展来看、发达国家的居民不断积累金融资本商品的 持有量,形式日益多样化。通过发达的金融资本商品经济体系,发达 国家的居民可以利用金融资本商品提高生活质量和社会福利, 譬如基 金式发展的个人养老保险金账户。这也体现了金融资本商品运作调节 市场经济运行结果、平衡社会财富的重要功能。而随着市场经济的发 展和人民生活水平的提高,我国公民对金融资本商品的持有量也在不 断提高,金融资本商品在居民日常生活中的作用也在不断加大。当前 我国正处于重要的战略机遇期: 宏观经济总量已居世界第二位, 人均 GDP 超过 2000 美元, 年均经济增长速度多年来位于发展中国家的前 列。在这一重要的黄金发展时期,中国也经历了由"温饱"到"小 康"再到"和谐社会"的发展历程。同时,也从物质匮乏的年代进入 了金融资本商品蓬勃发展的历史时期。当前,整个社会几乎人人都享 受着无所不在的金融服务,几乎人人都直接或间接拥有多少不等的金 融资本商品. 规模也持续增大。当然我国公民对金融资本商品的拥有 量与发达国家相比仍有一定的差距。中国人民银行2010年9月16日 发布的《2010年中国金融稳定报告》显示:2009年我国信用卡谕期 透支余额增加超过 30%, 2009 年第三季度末我国居民人均持有金融资 产仅为4502美元。而美国、英国、德国、日本同期人均金融资产分别 为 14. 4 万美元、10. 6 万美元、7. 4 万美元和 12. 6 万美元。对比这一 资料可知:我国居民的金融资产规模仍处于较低水平,大约 32 个中国 老百姓手里的金融资产(存款、股票、基金等加起来)才相当于1个 美国人所拥有的。

但无论如何,金融资本商品正日益成为人们日常生活中的一种社会必需品。然而无论是在发达国家还是在发展中国家,现行经济发展的重点和税收政策的落脚点都集中体现在货物商品经济体系之下,对于金融资本商品的涉税问题关注得还不够。

因而,从财政经济学的角度研究资本商品的本质属性、理论观点、运行规律、实际经济效应及其对现有税制体系的改革要求,具有重要的经济社会意义。在此朱军博士的《资本商品课税问题研究》系统而深入地研究了这一专题的重大问题,提出了完善我国现行税制的政策建议。在取得博士学位、入职南京财经大学财政与税务学院之后,朱

军博士在自己论文答辩修改意见的基础上进行了认真的修改和补充。 此次他邀我为本书作序,我欣然同意,也乐意把本书介绍给同行学者, 希望通过这一成果与学术界进行广泛交流以引起讨论和共鸣。

总体上,本书具有以下几个方面的特点:

- 一是选题重要,立意深刻。《资本商品课税问题研究》具有一定的前瞻性,"资本税"也是国际上"最优收入税"理论研究的重点。 朱军博士系统地将"资本商品税收"最前沿的理论进行了概括和介绍,高屋建瓴地抓住了经济理论和政策实践中深层次的资本税问题,立足现实,面向未来,以小见大。首先,从基本的经济理论出发,研究我国经济发展中的资本商品问题,深入浅出;其次,书中对资本商品税收的运行规律从细微的经济行为出发,从具体的经济现象出发,研究未来的资本商品税收问题;最后,部分章节的理论研究具有一定的开拓性。
- 二是方法独到,工具新,具有一定的技术性。"青出于蓝而胜于蓝",青年学者在英语和数理理论方面具有明显的优势,他们可以在经济学的理论和实证研究上高屋建瓴,游刃有余。朱军博士的研究亦是如此。在相应的章节,本书或是进行数学推导,或是建构理论模型在翔实数据的基础进行实证研究,或是应用图形进行分析。这使得本书不仅理论功底扎实,而且在规范的定性研究中富有哲理、更加生动。
- 三是理论扎实,分析全面,具有一定的超前性。朱军博士拥有一定的理论功底和系统深厚的专业知识,在本书写作中能够对资本商品课税的理论研究和学术动态进行清晰的梳理和分析。部分章节在目前国内理论研究中具有前沿性,科学性、系统性也较强;并且,部分章节通过实证检验使本书彰显科学性、更加精确,相关结论和观点在本专题的研究上具有重要的理论价值和现实意义。

四是内容丰富,对策新颖,具有一定的实用性。书中部分章节深人分析、总结了国内外的政策实践,引用了国内外许多有关资本商品运行的宏观经济数据、金融数据;在实证分析一章,本书采用翔实的数据和统计资料,通过理论分析、实证检验、模型建构等方面论证作者提出的观点;在政策建议部分,本书提出的对策建议可以作为政府经济管理部门的决策参考与政策依据。

当然,本书对资本商品课税问题的研究也并非完美无瑕,尚有不足之处。本书对于我国居民资本商品的持有状况分析较少,对我国资

本商品税制与货物商品税制的整合性分析也较少,对新型金融资本商品定价机制的研究及其税收处理的分析还不够深入。诸如此类的问题, 希冀朱军博士在今后继续对这一专题进行深入研究,努力解决、完善 这些方面的问题。

最后,虽然博士学位是学位中的最高层次,但却是一个高等教育 科研人员的人生起点。希冀朱军博士在未来的教育、科研之路上,不 断强化自身的理论基础,扎根政策研究的现实根基,认真体味和感悟 中国的制度变迁和经济发展,深入研究中国经济、社会发展中的财政 经济问题,践行"经世济国"的历史使命。

中央财经大学税务学院教授 主圈华 中国银河证券股份有限公司稽核审计部

摘 要

由于全球经济一体化的飞速发展和国际金融市场的迅速融合,市场中的商品已经从货物产品扩展到各类资本产品,如各类固定资产的购置、跨国投资的流动、证券期货的投资以及其他金融衍生品。目前,这类资本商品的持有和交易(资本品交易)创造了大量的经济价值,日益成为社会关注的焦点。而为了实现税基的普遍性,近些年的国际潮流是不仅对流通中的实物商品征税,而且也对流通的资本商品进行征税。特别是在资产长期保有、转让而出现数额巨大的所得时,政府对这一所得的课税尤为重要。可以说,世界各国对于资本商品课税已经日益重视,尤其是金融业较为发达的国家和地区,它们已经实现了对证券转让利得、土地转让利得以及各项财产转让所得征收资本税。在此,世界上对资本性商品征税已经成为一种普遍现象。

特别是,2008 年始自美国的金融危机蔓延全球,对各主要经济体造成了不可低估的冲击,凸显了资本商品市场过度"自由主义"下的深层次问题。这次危机也促使人们开始思考"如何更好地规范资本商品市场的发展",开始反思"政府干预主义"、"监管资本主义"代替"自由资本主义"。而这种体现"凯恩斯主义"思想的政府干预主义,在使西方国家实行宽松货币政策的同时,正在考虑如何发挥财政政策的调节效应,考虑税收在规范资本商品市场发展中

的积极作用。对此,本书认为:从微观和宏观入手的税收政策,对于抑制资本商品市场的过度投机、保护投资者利益,对于政府在宏观层面上规范资本商品市场发展,都是必要的、必需的。据此,从政府税收调控作用的角度出发规范金融资本商品市场的发展成为本书的一个重要出发点。

具体而言,本书尝试对资本商品课税问题进行系统的研究,重点分析我国资本商品课税面临的问题及其完善思路,为我国税制体系的完善、财政收入来源的开辟作出一些有益的理论探索,希望对我国资本商品课税理论和实践发挥一些积极的作用。从目前的研究来看,当前我国对资本商品税的研究还处于起步阶段,规范分析多,理论、实证研究还比较少。因此,本书的理论研究、实证研究将有利于我国资本商品课税研究方法的推进和创新。在此,本书将微观经济学、宏观经济学、制度经济学、计量经济学以及动态经济学的相关理论和方法引入到资本商品课税问题的研究之中,希望对中国资本商品课税体系的完善作出贡献。

从实际意义上来看,随着我国经济的不断发展,随着资本市场的不断扩张,资本商品税的税基越来越大。自 1990 年我国建设资本市场以来,截止到 2008 年末,我国上市公司通过境内市场累计筹资 3396 亿元。其中在 2008 年,首次公开发行 A 股 75 只,筹资 1066 亿元;A 股再筹资获得 1332 亿元;上市公司通过发行可转债、可分离债、公司债筹资 998 亿元,增加 587 亿元。2008 年企业共发行债券 20520 亿元。其中,金融债券 11797 亿元、企业(公司)债券 2655 亿元、短期融资债券 4332 亿元、中期票据 1737 亿元。而在另一方面,我国目前的财税政策对资本市场(尤其是证券市场)还缺乏有效的调节。非规范化、非制度化、非法治化因素的大量存在使得政府越来越需要用税收的手段去加强管理。而适时开征资本商品税不仅能使各类经济资源在税收上获得公平待遇,而且具有显著的收入再分配效应(税负主要由持有资产较多的"富人"承担),有利于鼓励长期投资,抑制过度投机。可以说,资本商品税能够成为调控中国资本商品市场发展的一种有效手段。最后,对资本商品

经济中的所得课税,有利于实现社会公平。这也是大多数国家开征 资本税的主要目的,因为资本所得和一般所得一样,增强了纳税人 的纳税能力。

总之,中国经济的发展、资本商品经济的不断成熟使得在未来 建立资本商品税收制度成为可能。但是,目前我国对于资本商品课 税的理论研究、实际操作研究都较为欠缺。特别是在中国金融衍生 品交易处于起步阶段的特殊时期,对其的税收理论研究和政策研究 还较少。目前,关于金融衍生品交易的所得税处理,中国还没有系 统和专业的规定。对此,尹音频等(2006)对中国资本市场的税制 优化问题进行了一些分析和研究后认为,如何设计资本市场的税制 不仅是一个研究热点,而且是一个极为紧迫的现实问题。

在此,本书尝试对这一问题进行初步的研究。在具体的内容安排上,本书首先分析了资本商品及资本商品市场的发展现状,提出了资本商品市场发展过程中的政府调节,强调了税收政策调节的必要性。并根据这一分析提出:在以实物商品税收体系为主的现行税制体系下,必须加强资本商品税收体系的建设。在此,本书首先对资本商品的特征、资本商品市场的特征、分类和对象进行了分析,对资本商品市场的发展、现行税收体系下资本商品税收体系存在的必要性进行了分析。

对于资本商品税收,传统观点认为不应该征收。对于这一观点,本书在理论上进行了系统、深入的总结,并根据现代经济学中资本商品税收模型进行了理论上的论证。然后,本书根据最新的现代公共经济学理论研究发现:不仅应对不完备市场下的资本商品征税,而且还应该对完备市场下的资本商品课税。在这一观点明确之后,本书对实际经济中的各国资本商品税收政策进行了分析。或者说,为使本书的研究具有可比性、参照性,为了吸取西方发达国家和发展中国家开征资本商品税收的经验,本书对国外资本商品税收的政策进行了系统的分析,并总结出了它们的经验及其对我国的借鉴意义。

开征资本商品税就必须对资本商品税收的负担情况进行分析。 在此,本书首先根据税收负担的基本理论分析了资本商品税收的合 理负担。其次,本书提出了一些衡量资本商品税收负担的指标,并根据现行的税收政策分析了目前我国资本商品市场的部分负担指标。再次,对于资本商品税收的负担问题,本书还进行了实证研究。这一实证研究既分析了资本商品税收的价格效应,也阐述了税收政策调整后的税收负担对资本商品市场的影响。最后,本书针对以上分析总结了我国资本商品税收制度建设的注意点。

建立资本商品税收制度,不但要研究其对宏观经济总体和微观 经济个体的税负影响,还必须考察资本商品税收的税负转嫁、税收 的公平效率问题。在此,本书通过基础的税收理论分析了资本商品 税收的转嫁问题、公平问题和效率问题,并对这些问题进行了总 结,以期为政策制定提供必要的指导。

由于国际间资本的流动及全球贸易的发展,各国的资本商品课税制度也处于不断调整和改革之中。在税制的改革中,如何依据我国经济发展和资本市场结构情况,参照国际上资本商品课税的经验,建立符合中国实际又切实可行的资本商品税收制度,具有重要的理论和现实意义。在此,本书最后一部分根据前面的分析并结合资本商品经济的发展趋势,构建了初步的资本商品税收制度,提出了相关的资本税收政策及其他需要完善的配套措施。

总体上,本书具有以下几个方面的创新之处: (1) 在对资本商品以及资本商品市场特征分析的基础上,本书以政府与市场的关系为切人点,分析了政府在促进资本商品经济发展中的职能,特别是分析了政府的税收调节作用。(2) 本书对税收理论中最优资本税问题进行了延伸研究,深入探讨了不同理论假设下的最优资本税收究竟为多少。本书的创新点主要在于模型推导的理论价值及其对资本商品税收实践的指导意义。(3) 在理论分析的基础上,本书检索和总结了世界上主要国家的资本商品税收政策情况,提出了其对我国建设资本商品税收制度的借鉴意义。(4) 本书通过对资本商品课税负担的定量分析,提出了衡量我国资本商品税收负担的指标,阐述了资本商品课税的税负转嫁问题,并进行了相应的实证研究。(5) 本书构建了资本商品税的初步税制模式,提出了资本商品税收的政策措施。

Abstract

As a result of rapid development of global economic integration and quick merging of international financial market, the commodities in the market have already expanded from the tangible commodity to each kind of capital commodity, such as each kind of purchasing of fixed asset, the capital flowing of transnational corporation, investment of securities and other financial derivatives. At present, the owing and transaction of those commodities created lots of economic values, gradually becoming the focus of the society. Therefore, to realize the universality of tax base, we not only need impose tax on the physical commodity in the real economy, but also we need levy tax on capital commodity during economic exchanging. Especially, it is very important for the government to impose tax when the transfer of capital commodity presents lots of income after long time holding. Therefore, the countries all over the world pay more and more attentions to capital income tax, particularly for those countries and areas with developed financial industry. They have already collected capital taxations from the income of securities exchange, the income of land transfer and some other profits of asset transfer. In a word, taxing the capital commodity is becoming a common phenomenon in the world.

What we should mention especially is that, financial crisis, starting from America in 2008, spreads the whole world. It has had an enormous im-

pact on each main economy, showing deep troubles of capital market under excessive development of laissez faire. Thus, this crisis also urges people to start to ponder how to standardize capital market's development, to reconsider substituting laissez faire with the government intervention and supervision capitalism. The government intervention principle manifesting the view of the keynesismis considering how to provide adjustment effect of fiscal policy and exhibit positive role of taxation in standardizing capital market development when causing western countries implement the loosening monetary policy. This dissertation argues that, the taxation policy functioning from macrolevel and micro-level, is necessary and needed for the government to suppress the speculations in capital market, protect the investor's benefit and standardize capital market development. In terms of this, that to standardize capital market development by means of the regulation function of taxation implemented by the government, has become an important starting of this paper.

Explicitly, in order to provide theoretical probing for perfecting China's taxation system and explore a new source of fiscal revenue, this paper attempts to conduct systematic research while focusing on analyzing China's problem of capital taxation and how to perfect capital taxation system, hoping that this paper can play some positive roles in China's capital taxation theory and its practice. Compared with the western countries, the current research on capital taxation in China is also at the start stage and there is much positive analysis while empirical analysis is scarcity. Therefore, the theoretical analysis and empirical analysis of this article may be conducive to the method advancing and innovation in researching China's capital taxation. In a word, the theory and method of advanced microeconomics, advanced macroeconomics, institutional economics, econometrics and dynamic economics are used in this paper to conduct systematic research on capital taxation, hoping that this paper can make some contributions to perfect China capital taxation system.

In practice, with the unceasing development of China's economy and

the increasing of capital market scale, the tax base of capital taxation is getting bigger and bigger. Since the establishment of securities market of China in 1999, the listed company in China has collected 339.6 billion Yuan in all through the domestic market by the end of 2008. In 2008, the market issued 75 A shares through IPO, collecting 106.6 billion Yuan and recollecting 133. 2 billion Yuan. Through issuing convertible bonds, warrants bonds and debenture, the listed companies collected 99. 8 billion Yuan, increased by 58. 7 billion Yuan. 2052 billion Yuan bonds is issued by the corporate in 2008, consisted of financial bonds with 1179.7 billion Yuan, debenture with 1179.7 billion Yuan, short-term financing bonds with 433.2 billion Yuan and medium-term note with 173.7 billion Yuan. On the other hand, the capital market, especially the securities market, has not been effectively regulated through our country's fiscal policy and tax policy. That the unregulated factors, non-institution factor and non-legalization factor exist massively urges us to make use of tax polices to strengthen the management. The imposing of capital taxation at the right time can not only cause each kind of economic resource to obtain fair play in the market, it also has the remarkable effect of income redistribution. That is advantageous in encouraging the long-term investment and suppressing speculation. Because the burden of capital taxation is mainly undertaken by "the rich", it can be said that capital taxation can be an effective tool to regulate Chinese capital market development. Finally, to impose tax on capital is conducive to realize social justice. Levying capital tax is most countries' main purpose, because the capital income also strengthens taxpayer's taxable capacity like other kinds of income.

In a word, it is possible that capital taxation system can be established in the future when the real economy and capital economy are both highly developed. However, the theoretical research and the research on practical policy about China's capital taxation is very scarcity. For example, China has few systematically and professional income taxation policy to cope with financial derivative transaction at present. After their analysis and research on

the optimization of China's securities market taxation, Yin Yinpin (2006) argues that, how to design capital market taxation system is not only a hot topic, but also it is an extremely urgent realistic problem.

So this paper attempts to do some research about this problem. With regard to the content, this article has analyzed the development of capital commodity and capital market in the beginning, proposed government regulation in the development of capital market, and emphasized the necessity of tax policy regulation. According to above analysis, the paper argues that the establishment of capital taxation system should be emphasized under the current commodity taxation system. Explicitly, this article firstly analyses the characteristic of capital commodity and capital market, the classification and object of capital market. The development of capital market and the necessity of capital taxation under the current commodity tax system are also discussed in this part.

Capital commodity should not be taxed under traditional viewpoint. This article has carried on thorough summary systematically and analyses this problem according to capital taxation model under the framework of modern economics toward this argument. Then this paper finds that whatever the market is completed, the capital taxation should exist. When this viewpoint is clear, this article carries on the summary of practical policies of major countries' capital taxation. In other words, in order to make the founding of this paper comparative and learn the experience of developed and development countries' capital taxation which imposed it, this article analyses others countries' capital taxation policies systematically and provides some implications for China's capital taxation.

The burden of capital taxation must be discussed when considering starting to establish capital taxation system. Explicitly, the appropriated burden of capital taxation has been proposed in this article according to the analysis of basic theory about tax burden. Secondly, the paper provides some indexes to measure the burden of capital taxation and analyses some practical indexes of China's capital tax. Thirdly, this dissertation carries on an empiri-

cal analysis on the burden of capital taxation based on China's securities market. This empirical analysis shows that capital taxation has price effect and its burden also has effect on capital market after capital taxation adjustment. Finally, some attentions are summarized according to the above analysis in considering capital taxation in this part.

In order to establish capital taxation system, not only the burden of macro economy and the micro economic individuals should be researched, but also the transfer of capital taxation burden and the equity and efficiency should be considering. In view of this, this paper analyses the transfer of capital taxation burden and probed the problem of equity and efficiency of capital taxation through basic tax theories. Then this paper summaries those problems in order to guide China's capital taxation decision-making.

Most countries' capital taxation system is also under adjustment and reforming with the rapid flowing of international capital and the development of global trade. In reforming taxation system, it is very important in theory and practices that establishing practical and feasible capital taxation system according to China's economic development and capital market structure. This capital taxation system should conform to Chinese economic conditions when learning the experience of capital taxation practice from other countries. Thus, according to the above analysis and considering the economic trend of capital commodity, the last part of the article puts out a preliminary capital taxation system and provides some related tax policies and some other policies that should be perfected.

As a whole, this article has several innovations as follows. Firstly, based on the characteristic of capital commodity and capital market and starting from the relationship between the government and the market, this paper has analyzed the function of government, especially tax regulation function of government in promoting the development of capital commodity economy. Secondly, this dissertation conducts the further research of optimal taxation theory, deeply analyzing whether capital taxation is needed under different economic models. Here the innovations are the theoretical value of deriving

different models and its implications toward the practice of capital taxation. Thirdly, this article collects capital taxation policies of major countries in the world and summaries their experience. Then, this article provides some implications for the establishment of China's capital taxation. Fourthly, through quantitative analysis of the burden of capital taxation, this article provides some indexes to measure the burden of capital taxation and exerts an empirical analysis. Finally, this paper proposes the elementary mode of capital taxation and provides some preliminary policies about capital taxation.

Key words: Capital Commodity; Research on Capital Tax; Institutional Designing