

GENERAL TABLE OF CONTENTS

Page

Table of Contents

Expanded Table of Contents	x
HIGHLIGHTS OF 2016/2017 TAX CHANGES	1
Features	25
Chapter 1: Individuals	45
Chapter 2: Companies and Limited Liability Partnership	69
Chapter 3: Mutual Concerns	97
Chapter 4: Partnerships and Hindu Joint Families	109
Chapter 5: Estates, Trusts, Beneficiaries, Settlements	123
Chapter 6: Basis of Assessment and Tax Accounting	143
Chapter 7: What is Included in Assessable Income?	165
Chapter 8: Exemptions and Exclusions from Income	269
Chapter 9: Business Deductions	323
Chapter 10: Reliefs and Deductions	461
Chapter 11: Capital Allowances	487
Chapter 12: Non-Residents and Special Cases	563
Chapter 13: Investment Incentives	623
Chapter 14: The Administrative Provisions	809
Chapter 15: Tax Treaties — Double Taxation Relief	903
Chapter 16: Tax Avoidance and Tax Evasion	963
Chapter 17: Real Property Gains Tax	985
Chapter 18: Stamp Duty	1,011
Chapter 19: Goods and Services Tax (GST)	1,033
Abbreviations	1,051
Case Table	1,055
Section Finding List	1,065
Rules and Subsidiary Legislation	1,077
Index	1,093

EXPANDED TABLE OF CONTENTS

HIGHLIGHTS OF 2016/2017 TAX CHANGES ¶100

FEATURES

Due dates	¶200
Tax rates for YA 2009–YA 2016	¶210
Tax rebates for individuals	¶220
Company rates	¶230
Trustee and executor rates	¶240
Association and club rates	¶250
Withholding rate	¶260
Tax deduction rate from dividends	¶270
Real property gains tax	¶300
Checklists	¶400

CHAPTER 1: INDIVIDUALS

Individuals as taxpayers	¶1-100
Who must file a return?	¶1-200
Which form to use?	¶1-300
Individual return Form B/BE simplified	¶1-400
When and where returns are to be filed?	¶1-500
Deceased taxpayer's return	¶1-600
Tax rates	¶1-700
Personal relief and deductions	¶1-800
Compulsory payment schemes	¶1-900

CHAPTER 2: COMPANIES AND LIMITED LIABILITY PARTNERSHIPS

Companies as taxpayers	¶2-100
Taxation of companies	¶2-320
Company losses	¶2-400
Payments to shareholders	¶2-500
Position prior to YA 2008 under the imputation system	¶2-515
Undistributed profits	¶2-600
Financial institutions, non-resident shipping and air transport companies	¶2-700
Payment of tax by instalments	¶2-800
Limited liability partnerships	¶2-850

CHAPTER 3: MUTUAL CONCERNS

Mutuality	¶3-100
Clubs	¶3-200
Trade associations	¶3-300
Other societies	¶3-400
Co-operatives	¶3-500
Returns	¶3-600

CHAPTER 4: PARTNERSHIPS AND HINDU JOINT FAMILIES

Partnerships	¶4-100
Returns, accounts and assessment of partners	¶4-200
Partnership return Form P simplified	¶4-300
Partnership net income or loss and partner's share	¶4-400
Hindu joint families	¶4-500

CHAPTER 5: ESTATES, TRUSTS, BENEFICIARIES, SETTLEMENTS

Trust and estate returns	¶5-100
Estates	¶5-200
Trusts	¶5-300
Beneficiaries	¶5-400
Settlements	¶5-500

CHAPTER 6: BASIS OF ASSESSMENT AND TAX ACCOUNTING

Accounting periods	¶6-100
Accounting	¶6-300
Production of audited accounts	¶6-400
Change of accounting date	¶6-500
Allocation of profits to accounting periods	¶6-700
Trading stock	¶6-800

CHAPTER 7: WHAT IS INCLUDED IN ASSESSABLE INCOME?

What is income?	¶7-050
Ascertainment of taxable income	¶7-100
Employment income or income from personal services	¶7-200
Income from a trade, business, profession or vocation	¶7-300
Income compared with capital	¶7-400
Foreign exchange transactions	¶7-500
Company liquidation	¶7-580
Dividends, interest and discounts	¶7-600
Pensions, annuities and other periodical payments	¶7-700

	Paragraph
Income from property	¶7-800
Other assessable receipts	¶7-970
Miscellaneous business or employment receipts	¶7-990
CHAPTER 8: EXEMPTIONS AND EXCLUSIONS FROM INCOME	
Concept of exemptions	¶8-100
Rulers	¶8-200
Individuals	¶8-300
Companies and other institutions	¶8-600
CHAPTER 9: BUSINESS DEDUCTIONS	
What are business deductions?	¶9-050
Employee's deductions	¶9-200
Deductions from property income	¶9-300
Investment income expenses	¶9-350
Trading expenditure	¶9-360
Entertainment	¶9-390
Bad debts	¶9-400
Losses through theft, embezzlement or misappropriation	¶9-450
Reserves and provisions	¶9-460
Legal and professional expenses	¶9-470
Interest, taxes and contributions	¶9-500
Repairs, replacements, improvements and alterations	¶9-600
Costs of refresher courses and conference expenses	¶9-650
Head office and management expenses	¶9-670
Miscellaneous expense deductions	¶9-702
Trading losses	¶9-800
Error and mistake relief	¶9-830
Double deductions	¶9-860
Expenditure related to taxation	¶9-900
CHAPTER 10: RELIEFS AND DEDUCTIONS	
Personal relief, deductions and rebates	¶10-050
Who is entitled to these deductions?	¶10-100
Non-residents	¶10-150
Personal relief	¶10-200
Husband relief	¶10-250
Wife relief	¶10-300
Relief for children	¶10-400
Interest expense on a residential property	¶10-500

	Paragraph
Life insurance premiums and contributions to approved schemes and funds	¶10-550
Life assurance	¶10-600
Contributions to approved funds and schemes	¶10-700
Donations and other contributions	¶10-800
Tax rebates	¶10-950
CHAPTER 11: CAPITAL ALLOWANCES	
Concept of capital allowances	¶11-050
Mining allowances	¶11-100
Prospecting expenditure	¶11-150
Agriculture allowances	¶11-200
Forest allowances	¶11-400
Industrial buildings	¶11-500
Plant and machinery	¶11-600
Renovation and refurbishment allowance of business premises	¶11-697
Renewal or replacement basis	¶11-700
Carry forward of unused capital allowances	¶11-800
CHAPTER 12: NON-RESIDENTS AND SPECIAL CASES	
Non-resident companies	¶12-100
Commercial representatives	¶12-150
Other representations	¶12-170
Agents of non-residents	¶12-200
Foreign branch or subsidiary or joint venture	¶12-300
Royalties, technical advice and services	¶12-320
Other activities	¶12-350
Trading by non-resident persons — control	¶12-370
Operation of ships and aircraft	¶12-400
Hire-purchase and instalment plan trading	¶12-460
Leasing	¶12-500
Crew of ships and aircraft	¶12-600
Interest payments to non-residents	¶12-630
Dividends paid to non-residents	¶12-680
Income distributed by REITs to non-resident unitholders	¶12-685
Taxation of takaful participants	¶12-690
Construction contractors and property developers	¶12-700
Non-resident partners	¶12-790
Non-resident contractors and professionals	¶12-800

Paragraph

Other non-resident individuals	¶12-830
Farms	¶12-850

CHAPTER 13: INVESTMENT INCENTIVES

Investment incentives — Promotion of Investments Act	¶13-030
Pioneer status	¶13-050
Investment tax allowance	¶13-150
Pioneer status or investment tax allowance incentives granted to specific industries	¶13-201
Hotel incentives	¶13-230
Allowance for increased exports	¶13-300
Double deductions for promotion of exports	¶13-370
Tax incentives — Income Tax Act	¶13-400
Reinvestment allowance	¶13-420
Operational headquarters (OHQs)	¶13-440
Principal Hub	¶13-480
Venture capital companies	¶13-500
Venture capital management companies	¶13-565
Investment holding companies (IHCs)	¶13-571
Unit trusts	¶13-600
Closed-end funds	¶13-670
Business trusts	¶13-671
Overseas investment	¶13-700
Foreign fund management companies	¶13-720
Services sector	¶13-730
International procurement centre (IPC) companies	¶13-740
Regional distribution centre (RDC) companies	¶13-750
International trading companies	¶13-760
Treasury management centre (TMC)	¶13-761
Group relief for food production	¶13-770
Group relief for resident companies	¶13-790
Tourism, sports, culture, etc	¶13-800
Incentives for healthcare	¶13-805
Biotechnology industry	¶13-842
Iskandar Development Region (IDR)	¶13-848
Other incentives	¶13-850
Labuan International Business and Financial Centre (Labuan IBFC) ..	¶13-900

Paragraph

CHAPTER 14: THE ADMINISTRATIVE PROVISIONS

Administration of income tax	¶14-050
Administration	¶14-100
Self-assessment for companies	¶14-123
Self-assessment for other taxpayers	¶14-138
Returns	¶14-200
The machinery of assessment, tax payment and repayment	¶14-300
Offences and penalties	¶14-500
Appeals	¶14-600
Finality of an assessment	¶14-700
Tax agents of a taxpayer	¶14-750
Review panel	¶14-800
Fund for tax refund	¶14-850
Rulings	¶14-860
Tax audit	¶14-880
Tax investigation	¶14-920

CHAPTER 15: TAX TREATIES — DOUBLE TAXATION RELIEF

Double taxation	¶15-050
Tax treaties and domestic law	¶15-100
Malaysian double taxation agreements	¶15-150
Residence and source	¶15-200
Permanent establishment	¶15-250
Specific items of income	¶15-300
Miscellaneous articles in Malaysia agreements	¶15-500
Relief provisions	¶15-600
Special tax inducements	¶15-630
The competent authority	¶15-650
Bilateral credit and unilateral credit	¶15-700
International tax avoidance and evasion	¶15-800
Tax treaty shopping	¶15-900

CHAPTER 16: TAX AVOIDANCE AND TAX EVASION

Evasion	¶16-100
Avoidance	¶16-200
Legislation	¶16-300
Investigation	¶16-400

Paragraph

CHAPTER 17: REAL PROPERTY GAINS TAX

Real property gains tax (RPGT)	¶17-050
Who is chargeable?	¶17-100
Chargeable asset	¶17-150
Chargeable gains and allowable losses	¶17-200
Acquisition price	¶17-250
Disposal price	¶17-300
Date of disposal and date of acquisition	¶17-400
Transfers between companies	¶17-450
Transfer of assets	¶17-500
Acquisition and disposal of shares in real property companies	¶17-620
Private residences	¶17-700
Rates of tax	¶17-750
Exemptions	¶17-800

CHAPTER 18: STAMP DUTY

Types of duty, what is chargeable and how it is chargeable	¶18-100
Small and medium enterprises	¶18-200
Islamic banking/financing	¶18-300
Exemptions	¶18-400
Penalties	¶18-500
Penalty for late stamping	¶18-550
Appeals	¶18-600
Retention of documents	¶18-700
Stamp (Amendment) Bill 2016	¶18-750

Chapter 19: GOODS AND SERVICES TAX (GST)

Goods and Services Tax (GST)	¶19-050
Input tax and Output tax	¶19-600
Audit	¶19-900

ABBREVIATIONS

CASE TABLE

SECTION FINDING LIST

RULES AND SUBSIDIARY LEGISLATION

INDEX

HIGHLIGHTS OF 2016/2017
TAX CHANGES

HIGHLIGHTS OF 2016/2017 TAX CHANGES

¶100 2017 Budget Proposals and Finance Act 2017

The Budget 2017 was announced on Friday, 21 October 2016, against the background of a challenging economic environment. The Budget theme of *"Ensuring Unity and Economic Growth, Inclusive Prudent Spending, Well-being of the Rakyat"* although largely similar to recent Budget themes, is nonetheless ambitious given the current economic climate in the country and external factors.

Given the need to maintain revenues in view of the impact of reduced petroleum-based revenue, there has been a flurry of tax audit and investigation activity from the Inland Revenue Board (IRB) this year, and we can expect the same from the Royal Malaysian Customs Department. The introduction of Goods and Services Tax (GST) in 2015 has been critical in plugging the deficit from petroleum taxes/revenue, but the tax revenue must continue to grow to be able to achieve a balanced Budget by 2020. Clearly, this must be coupled with measures to stimulate growth and to manage expenditure effectively with minimum leakages.

The Government has projected a 3% fiscal deficit for 2017, a reduction from 3.1% expected this year. Government revenue for 2017 is projected to be RM219.7 billion, while the operating expenditure is RM214.8 billion and development expenditure is RM46 billion. The growth rate is projected to be between 4% to 5% in 2017 compared to 4% to 4.5% this year. From a tax perspective, the targeted revenue for 2017 sees an increase of RM10 billion to RM7 billion from corporate taxes, RM1 billion from personal taxes and RM2 billion from petroleum income tax. That indeed is a very optimistic target given that the collection in 2016 has not met the original targets which had to be scaled down in January 2016 under the re-calibrated Budget.

Highlights of Budget 2017 include the following:

PERSONAL INCOME TAX

1. Tax relief for lifestyle

Currently, in order to inculcate a reading habit, lead a healthy lifestyle and enhance the usage of computers and internet, a tax resident individual is entitled to claim the following reliefs:

- (i) Tax relief of up to RM1,000 for the purchase of reading materials (excluding newspapers and banned reading materials)
- (ii) Tax relief of up to RM300 for the purchase of sports equipment for sports activities as defined under the *Sports Development Act 1997*, and