

CPA

TAX & INVESTMENT REVIEW

2004



Foreword

By President

The CPA *Tax and Investment Review* is intended to serve as a quick source of reference on the latest changes in tax laws and regulations as well as Government's policies and guidelines on investment and incentives.

The publication contains updates on tax laws and regulations, an index of current amendments to the Income Tax Act and related legislation, and a summary of recent tax cases. It also contains quick information on doing business in Malaysia, including Malaysia's investment policies and incentives; the procedures for incorporation of companies; guidelines on foreign investment; list of promoted activities and products; immigration procedures and the contact numbers of the relevant Ministries, Government agencies and regulatory authorities.

The Institute hopes that the publication will not only assist members in their work as business professionals but also their clients and other businesses as a handy source of reference on the latest changes and developments in tax laws, investment policies, incentives and other relevant information on doing business in Malaysia.

I would like to take this opportunity to thank the Institute's Tax Practice Committee for their technical input in the production of this publication. I would also like to thank the various Ministries and Government agencies, especially the Malaysian Industrial Development Authority (MIDA), for allowing us to extract relevant information from their guidelines and publications.

Dato' Ab Halim Mohyiddin

President

MICPA

Contents

Foreword By President	v
Acknowledgements	vi

Part I Tax Review

1.	IRB (Inland Revenue Board) Guidelines and Rulings	
A.	<u>Public Ruling No. 1/2003</u> Tax Treatment of Leave Passage	4
B.	<u>Public Ruling No. 2/2003</u> "Key-man" Insurance	10
C.	<u>Public Ruling No. 1/2002</u> Deduction for Bad & Doubtful Debts and Treatment of Recoveries	13
D.	<u>Public Ruling No. 2/2002</u> Allowable Pre-operational & Pre-commencement of Business Expenses for Companies	26
E.	<u>Public Ruling No. 1/2001</u> Ownership of Plant and Machinery for the Purpose of Claiming Capital Allowances	35
F.	<u>Public Ruling No. 2/2001</u> Computation of Initial & Annual Allowances in Respect of Plant & Machinery	41
G.	<u>Public Ruling No. 3/2001</u> Appeal Against an Assessment	52
H.	<u>Public Ruling No. 4/2001</u> Basis Period for a Non-Business Source (Individuals & Persons other than Companies)	58
I.	<u>Public Ruling No. 5/2001</u> Basis Period for Business Sources (Co-operatives)	60

	J.	<u>Public Ruling No. 6/2001</u> Basis Period for a Business Sources (Individuals & Persons other than Companies/Co-operatives)	70
	K.	<u>Public Ruling No. 7/2001</u> Basis Period for Business & Non-Business Sources (Companies)	80
<hr/>			
2.		Indirect Taxes	
<hr/>			
	A.	Excise Act 1976	92
<hr/>			
3.		Summary of Tax Cases	
<hr/>			
	A.	Malaysian Special Commissioners' Decisions	104
	B.	Malaysian Court Decisions	115
<hr/>			
4.		Gazette Notifications – Amendments to Income Tax Act 1967, Petroleum Income Tax Act, 1967 Real Property Gains Tax Act 1976, Promotion of Investments Act 1986 and Stamp Act 1949	142
<hr/>			
5.		MIDA (Malaysian Industrial Development Authority) Investment Policy and Incentives	
<hr/>			
	A.	Approval of Industrial Projects & Incorporating a Company	174
	B.	Guidelines on Equity Policy	181
	C.	Incentives for Investment	185
	D.	Taxation	239
	E.	Banking, Financial and Exchange Control	246
	F.	Immigration Procedures	263
	G.	List of Promoted Activities and Products	270
	H.	Useful Addresses	293

6.	MIDA (Malaysian Industrial Development Authority) Guidelines	
A.	Guidelines (Revised) and Procedure for Applying Tax Incentive for Small Scale Manufacturing Companies under the Promotion of Investments Act, 1986	314
B.	Guidelines on Tax Incentives for Companies Providing Cold Chain Facilities	316
	<i>Appendix 6-1</i>	320
	<i>Appendix 6-2</i>	330
	<i>Appendix 6-3</i>	346
	<i>Finance Act 2003</i>	367