

## MALAYSIAN TAXATION

### AIM

To equip students with

- (a) An in-depth knowledge and understanding of the concepts and principles of taxation.
- (b) The ability to solve practical problems which draw on the interaction of different taxes as well as case law.

### INTRODUCTION

This paper is designed to provide students a thorough understanding of the fundamental concepts and principles of the Malaysian taxation system and the relevance of taxation to personal and business decision making.

Students are expected to display an in-depth understanding of the impact of all major taxes on the transactions of individuals, companies and special undertakings and be able to identify, discuss and advise on the tax issues in a particular situation as well as planning opportunities to minimise potential tax liabilities.

At the advanced stage, students must not only be fully conversant with the Malaysian income tax system but also a good understanding of real property gains tax, investment incentives and indirect taxation.

### SYLLABUS WEIGHTING

SYLLABUS CONTENT AREA	WEIGHTING
Taxation of individuals and companies Principles of taxation Real property gains tax Investment incentives Labuan as an international offshore financial centre Tax planning	60%
Taxation of special cases Cross border activities Indirect taxation	25%
Tax audit & investigations Tax policies	15%
Total:	100%

## EXAMINATION FORMAT

A 3-hour written paper comprising 5-6 compulsory questions

<b>SYLLABUS CONTENT</b>	<b>LEVEL</b>
<b>1. Taxation of Individuals and Companies</b> Computation and advice on tax liabilities of individuals and companies drawing on the relevant principles of taxation expressed in the syllabus.	<b>A</b>
<b>2. Taxation of Special Cases</b>	
a    Agriculture industry	<b>A</b>
i    Agriculture allowances/charges under Schedule 3	
ii   Expenditure on approved agricultural projects under Schedule 4	
b    Timber industry	<b>A</b>
i    Forest allowances/charges under Schedule 3	
c    Sea and air transport undertakings	<b>B</b>
d    Insurance business	<b>B</b>
i    General insurance	
ii   Life insurance	
iii  Inward re-insurance	
iv   Offshore insurance	
e    Banking institutions	<b>B</b>
f    Leasing companies	<b>B</b>
g    Co-operative societies, trade associations and clubs	<b>B</b>
h    Property developers	<b>B</b>
i    Unit trusts	<b>B</b>
j    Charitable institutions	<b>B</b>
k    Trusts and estates under administration	<b>B</b>
l    Settlements	<b>B</b>
m    Investment holding companies	<b>B</b>
n    Operational headquarters company	<b>B</b>
<b>3. Principles of Taxation</b> Advanced aspects of taxation including case law relating to assessability of receipts, deductibility of expenses, commencement and cessation of business, capital allowances.	<b>A</b>
<b>4. Cross Border Activities</b>	<b>B</b>
a)    Trading in/with Malaysia	
b)    Principles of avoidance of double taxation	
c)    Bilateral/unilateral credits under Schedule 7	
d)    Double taxation agreements	

- 5. Real Property Gains Tax** **A**  
Principles, scope, chargeable assets/persons, exemptions, tax rates, administrative aspects and computation of tax under the Real Property Gains Tax, 1976 including transactions involving shares in real property companies.
- 6. Investment Incentives** **A**  
Incentives under the Promotion of Investments Act, 1986 and the Income Tax Act, 1967 including venture capital and Multimedia Super Corridor incentives.
- 7. Labuan as an International Offshore Financial Centre** **B**  
Principles, scope, administration and computation of tax under the Labuan Offshore Business Activity Tax Act, 1990.
- 8. Tax Planning** **A**  
Identifying opportunities to legally avoid, mitigate or defer the impact of direct taxation, including utilisation of unabsorbed losses and capital allowances, remuneration packages, restructuring of business operations, etc.
- 9. Indirect Taxation** **B**
- a Organisational structure and powers of the Royal Customs and Excise Department.
  - b Principles, scope, administration and computation of sales tax and service tax under the Sales Tax Act, 1972 and the Service Tax Act, 1975
  - c Stamp duties and customs duties
- 10. Tax Audit and Investigation** **B**
- a Distinction between tax avoidance and tax evasion.
  - b Power of the Director General of Inland Revenue.
  - c Procedure and compliance aspects.
  - d Preparation of capital statement and ascertainment of income understated.
- 11. Tax Policies** **B**  
Tax reforms and awareness of any recent developments in the field of taxation.

**RECOMMENDED BASIC TEXTS**

MICPA	Advanced Taxation Study Manual	MICPA
CCH Tax Editors	Malaysian Master Tax Guide	CCH Asia Ltd 19th Edition
Chin Yoong Kheong	Malaysian Taxation	Pearson 5th Edition

**RECOMMENDED REFERENCE TEXT**

Veerinderjeet Singh (2008)	Veerinder on Taxation	Arah Pendidikan
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**Tax Legislation/Guidelines (As Amended)**

Income Tax Act 1967 and Finance Acts  
Real Property Gains Tax Act 1976 (Act 169) and Finance Acts  
Promotion of Investments Act 1986 (Act 327) and Amendment Acts  
Labuan Offshore Business Activity Tax Act 1990 (Act 445)  
Sales Tax Act 1972 (Act 64) and amendments/regulations  
Service Tax Act 1975 (Act 151) and amendments/regulations  
Income Tax (Capital Allowance and Charges) Rules 1969  
Income Tax (Approved Agricultural Projects) Order 1989  
Income Tax Leasing Regulations 1986  
Various orders/rules made under the Promotion of Investments Act 1986  
Double Taxation Agreements  
Income Tax Rules and Exemption Orders  
Public Rulings and Guidelines Issued by the Inland Revenue Board