

REINFORCEMENT OF MCO & PERMAI STINULUS PACKAGE

18 January 2021

TaxLetter 29



On 11 January 2021, Prime Minister Tan Sri Muhyiddin Yassin reintroduced a 14-days Movement Control Order ("MCO") from 13 January 2021 to 26 January 2021. On the first day of the MCO, Dr. Noor Hisham disclosed that the authorities do not intend to keep the MCO for longer than four weeks. Whether the MCO will be extended, it is still too early to tell. But, most of the businesses have to prepare themselves to face what it takes.

18 January 2021, Prime Minister announced Malaysia's first Stimulus Package ("PERMAI") for 2021 and at the same time declaring another state which will undergo the MCO. Let's find out the details:-

- Selangor, Penang, Johor, Melaka, Sabah, Negeri Sembilan and Federal Territories will go under MCO.
- Pahang, Perak, Kedah, Terengganu, Kelantan, Sibu, Miri and Kuching will go under Conditional MCO ("CMCO")
- Perlis and Sarawak (except Sibu, Miri and Kuching) will go under Recovery MCO ("RMCO")

The five essential economic sectors includes manufacturing, construction, services, trade and distribution, as well as plantations and commodities, are allowed to operate. In order to curb the spread of the pandemic, only 30% of employees who hold management position are allowed to be in the office. There are no restriction for support group employees. However, strict SOP must be adhered.





Trainee Development - Gold

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PERMAI Stimulus Package 2021 18.01.2021

Perlindungan Ekonomi Dan Rakyat Malaysia ("PERMAI") Assistance Package

SN	Description
1	Stepping up Testing of Employees
	It is proposed that the cost of Covid-19 screening for SOCSO registered foreign workers will be borne fully by SOCSO in red zones to identify possible Covid-19 clusters at workplace.
2	Bantuan Prihatin Rakyat ("BPR") Assistance
	Households earning up to RM5,000 per month will receive RM300; and
	Single category, earning up to RM2,000 per month will receive RM150.
3	Tax Deduction for Covid-19 Donations
	It is proposed that donors who donated cash or in kind to those impacted by the pandemic will be eligible for a tax deduction based on their gross business income or aggregate income.
4	Employees Provident Fund ("EPF") i-Sinar Program
	Those who are facing challenges due to the MCO and floods, the EPF will provide an advance of up to RM1,000 from the amount applied under the i-Sinar Category 2 facility.
5	Special Tax Relief on the Purchase of Mobile Phones, Computers and Tablets (Flexible Work Arrangement)
	Special tax relief of RM2,500 on the purchase of mobile phones, computers and tablets which expired on 31 December 2020 will be extended for another year until 31 December 2021.
6	Provision of Free Internet Access
	Provision of free 1 Gigabit data offered to public to browse websites, including for educational purposes, will be extended until 30 April 2021.

Perlindungan Ekonomi Dan Rakyat Malaysia ("PERMAI") Assistance Package

SN	Description
7	Sales Tax Exemption on Passenger Vehicles
	It is proposed that the sales tax exemption for locally assembled and imported passenger vehicles which expired on 31 December 2020, will be extended to 30 June 2021.
8	Moratorium for PTPTN Borrowers
	It is proposed that PTPTN borrowers affected by the Covid-19 pandemic or floods are eligible to apply for a 3-month PTPTN loan repayment moratorium. Application can be made until 31 March 2021.
9	Enhancement of Wage Subsidy Program
	Wage Subsidy Program 3.0 will be enhanced to include all employers operating in the MCO states.
	RM600 per employee for earning less than RM4,000; and
	Wage subsidy limit of 200 employees for each employer will be increased to 500 employees.
10	Employment Insurance System Program
	It is proposed that the Government will relax the conditions for the Employment Insurance System program. Employees who do not meet the minimum contribution conditions, or whose contract was not extended after having being renewed for at least 3 times previously, are now eligible to apply for the assistance of 30% of their monthly salary for a period of 3 months.
11	Prihatin Special Grant
	Prihatin Special Grant Plus assistance is reintroduced:-
	• RM1,000 to 500,000 SMEs in the 7 MCO states; and
	RM500 to 300,000 SMEs in the rest of the states.

Perlindungan Ekonomi Dan Rakyat Malaysia ("PERMAI") Assistance Package

SN	Description
12	Financial Assistance to Taxi and Bus Drivers
	• One-off financial assistance of RM500 will be provided to tourist guides, drivers of taxis, school buses, tour buses, rental cars and e-hailing drivers; and
	• Exemption from excise duty and sales tax for the transfer and disposal of private taxis, provided the vehicle is owned for five (5) years. Effective 1 January 2021 to 31 December 2021.
13	Electricity Bill Discounts
	 A special discount of 10% on electricity bills from January to March 2021 to 6 business sectors nationwide, which include hotel operators, theme parks, convention centres, shopping malls, local airline offices and travel/tour agencies; and
	• Electricity rebates given to all TNB users, at a rate of 2 cents per kilowatt-hour, which is equivalent to a reduction of up to 9% for a period of 6 months. Effective 1 January 2021 to 30 June 2021.
14	Bus and Taxi Hire Purchase Rehabilitation Scheme
	Syarikat Jaminan Pembiayaan Perniagaan will introduce a Bus and Taxi Hire Purchase Rehabilitation Scheme. Through this, sightseeing buses and taxi operators can restructure their financing and enjoy a 12-month moratorium and lower monthly repayments.
15	Rental Reduction Special Deduction
	A special tax deduction has been given to landlord who provides at least 30% rental reduction on business premises to SMEs, for rental period 1 April 2020 to 31 March 2021.
	It is proposed under PERMAI that the special tax deduction will be expanded to cover non-SMEs. The special deduction period will also be extended until 30 June 2021.
16	Human Resource Development Fund ("HRDF") Levy Exemption
	HRDF will be exempted for companies that are unable to operate during the MCO and CMCO periods.

Provision	Description
6	Income Tax Rebate for New SME Under PENJANA, new SMEs which are incorporated and commenced its operation within 01.07.2020 to 31.12.2021, is eligible for a tax rebate of RM20,000 for 3 consecutive years of assessment ("YA"). Under the Finance Act 2020, the income tax rebate has been extended to include Limited Liability Partnership ("LLP"). Effective YA 2021.
34(7) 34A(1) 34A(4) 34A(4A) 34B(1)	Tax Treatment on Research and Development Expenditure Tax Deductions for research and development under the aforesaid provisions has been amended to be applicable to a person resident in Malaysia. The deduction is also applicable to a pioneer status company.
39	Deduction to Labuan Company Restriction of tax deduction will be extended to payments made to all Labuan entities regardless whether they fulfilled the substance requirements. The substance requirements herein are referred to:- i. Adequate number of full-time employees in Labuan; and ii. Adequate amount of operating expenditure in Labuan.
44A(3)(c)	Group Relief The amendment seeks to clarify that when the surrendering company and the claimant company are indirectly owned by another company resident and incorporated in Malaysia through the medium of other companies, these medium companies must be resident and incorporated in Malaysia.
45A(1) 47(1)(b)	Disabled Spouse Relief Additional tax relief limited to disabled spouse be increased from RM3,500 to RM5,000.
46(1)(c)	Parental Medical Relief Income tax relief for medical expenses and parental care be increased from RM5,000 to RM8,000.



Provision	Description
46(1)(f)	Education Fees Relief
	Courses claimable under this tax relief be extended to cover course of study undertaken for the purpose of upskilling or self-enhancement. These courses must be conducted by a body recognized by the Director General of Skills Development under the National Skills Development Act 2006.
	Limited to maximum of RM1,000 for each YA. Effective YA 2021 and YA 2022.
46(1)(g)	Medical Treatment Relief
	Medical relief for serious diseases for taxpayer, spouse and child be increased from RM6,000 to RM8,000.
	The tax relief is now extended to include vaccination for pneumococcal, human papillomavirus, influenza, rotavirus, varicella, meningococcal, Tetanus-Diphtheria-Acellular-Pertussis ("TDAP") combination and Coronavirus Disease ("Covid-19").
	Limited to maximum of RM1,000 for each YA. Effective YA 2021 and subsequent YA.
46(1)(h)	Medical Check-Up Relief
	Medical check-up expenses be increased to RM1,000. Effective YA 2021 and subsequent YA.
46(1)(p)	Lifestyle Relief : Subscription of Electronic Newspaper
	The lifestyle relief has been extended to include subscription of electronic newspaper. Effective YA 2021 and subsequent YA.
46(1)(r)	Tax Relief for Fees paid to Child Care Centres and Kindergartens
	Under PENJANA, fees paid to child care centres and kindergartens has further increased RM1,000 to RM3,000. Effective YA 2020 and YA 2021.
46(1)(s)	Domestic Travel Relief
	Income tax relief of RM1,000 is given to individual resident for domestic travel expenses which include accommodation expenses and entrance fees to tourist attraction. Travel expenses incurred from 01.03.2020 to 31.12.2021.



Provision	Description
46(1)(t)	Lifestyle Relief under Flexible Work Arrangement
	Additional income tax relief of RM2,500 be provided for individual who bought a personal computer, smart phone or tablet for his own, wife or child use. Applicable for purchases made from 01.06.2020 to 31.12.2020.
46(1)(u)	Lifestyle Relief : Sports Equipment
	Lifestyle relief has been increased to RM3,000 with the additional RM500 allocated for the cost of purchasing sports equipment, entrance or rental fee to any sports facility and payment of registration fee for any sports competition where the organizer is approved and licensed by the Commissioner of Sports under the Sports Development Act 1997.
	Effective YA 2021 and subsequent YA.
6(1)(m)	Incentive Scheme
6(1A) 65B	New tax incentive be introduced for the establishment of Global Trading Centre for companies carry out qualifying trading activities to enjoy a concessionary rate of 10% for a period of 5 years and renewable for another 5 years.
	The business of a person from the qualifying activity shall be treated as separate and distinct business and source of that person. Any loss for a YA which is carried forward can only be deducted from the source of income of the qualifying activity. Any unabsorbed losses during the period of an incentive scheme can only be utilized for a period of 7 consecutive YA after the YA in which incentive scheme ends.
	Effective YA 2021 and subsequent YA.
77A(1A)	Tax Submission of a Limited Liability Partnership
	LLP shall file its tax return via e-filing. The Inland Revenue Board ("IRB") no longer accepts manual filing. Effective YA 2021 and subsequent YA.
83(2) 83(3)	Employer Tax Obligation : Notification of Death of Employee
83(4)	The employer is required to notify the Director General upon the death of an employee in a prescribed form within 30 days from informed death. Effective 01.01.2021.
	In respect of new employment, termination of employment and leaver cases, the due date for submission of written notice (previously was prescribed form) has been replaced from one month to 30 days.



Provision	Description			
103B	Tax Payable notwithstanding Institution of Proceedir	ngs under any other W	ritten Law	
	The Section is introduced to provide that the institution of the Government or the Director General shall not relieve other sum due and payable by the taxpayer. Effective 01	any person from liabil		
104(1A)	Certificate to Prevent Taxpayers from Leaving the Co	ountry		
	To improve the efficiency for the Commissioner of Police to the aforesaid authorities through an electronic medium			may be issued
109D	Withholding Tax on Income Distribution from Real Es	state Investment Trus	t ("REIT")	
	Withholding tax deducted from the income distribution to final tax paid. Therefore, the income distribution receive shall be disregarded for the purpose of ascertaining the c	d by unit holders (after	deduction of v	
Schedule 1 Part I	Review of Income Tax Rate for Individual The tax rate for resident taxpayer be reduced by 1% for	Chargeable Income (RM)	Current Tax Rate (%)	New Tax Rate (%)
- C - C - C - C - C - C - C - C - C - C	chargeable income band of RM50,001 to RM70,000.	0 – 5,000	0	0
	Effective terrestings of DM000	5,001 – 20,000	1	1
	Effective tax savings of RM200.	20,001 – 35,000	3	3
	Effective YA 2021.	35,001 – 50,000	8	8
		50,001 – 70,000	14	13
		70,001 - 100,000	21	21
		100,001 – 250,000	24	24
		250,001 - 400,000	24.5	24.5
		400,001 - 600,000	25	25
		600,001 - 1,000,000	26	26
		1,000,001 - 2,000,000	28	28
		Exceeding 2,000,000	30	30



Transfer Pricing Updates

There are updates in this year's Finance Act 2020. The Government introduced penalties for non-compliance on transfer pricing where there were none in the past. And, we are seeing more and more tax queries raised
by the IRB concerning Transfer Pricing. This shows that the IRB is taking more interest in this grey area of business tax law.
For multinational companies and larger companies which have related party transactions but have yet to prepare a Transfer Pricing Documentation, you may want to have your Documentation prepared as soon as possible because from 1 January 2021 onwards, failure to furnish the Transfer Pricing Documentation to the IRB will expose the company to penalties ranging from RM20,000 to RM100,000 .
In addition to the penalty, a surcharge of not more than 5% on any transfer pricing adjustment will be imposed by the IRB on all tax audit and investigation cases, whether the adjustment is taxable or not.
Currently, a penalty is imposed when a transfer pricing adjustment is made during a tax audit , resulting in additional tax payable. The penalty is to be applied on the amount of additional tax payable. However, in cases when a transfer pricing adjustment does not result in additional tax payable, penalties cannot be imposed. Hence, Section 140A(3C) and Section 140A(3D) will be introduced in the year 2021 for the IRB to impose a surcharge of not more than 5% on any transfer pricing adjustment regardless of whether the adjustment is taxable or not.
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	Provision	Description
Income Tax Act		Preferential Tax Rate for Incentive Scheme
1967	Schedule 1 Part XVII	The Section introduced to provide preferential tax rate for chargeable income for a person (business) in respect of an incentive scheme approved by the Minister. The chargeable income shall be taxed at the rate of not more than 20%. The Ministry may prescribe the applicable rate, YA and conditions under the approved incentive scheme.
	Schedule 1 Part XVIII	Similar treatment applies to chargeable income of an individual resident who is not a citizen having and exercising an employment in a company that carries on a business in respect of a qualifying activity under an incentive scheme approved by the Minister. The chargeable income shall be taxed at the rate of not more than 20%.
		Effective YA 2021 and subsequent YA.
	Schedule 3 Para 70A	Definition of Plant
		A new definition of plant has been added to Paragraph 70A of the Schedule 3.
		"Plant" means an apparatus used by a person for carrying on his business but does not include a building, an intangible asset, or any asset used and that functions as a place within which a business is carried on.
		Effective YA 2021 and subsequent YA.
	Schedule 6	Compensation for Loss of Employment
	Para 15(1)(b)	The income tax exemption for Compensation for Loss of Employment be increased from RM10,000 to RM20,000 for each full year of service.
		Effective YA 2020 and YA 2021.
	Schedule 7A	Special Reinvestment Allowance ("RA")
R	Para 2B	Special RA is reintroduced for existing manufacturing and agriculture companies which have exhausted their eligibility to qualify for RA.
		Effective YA 2020, YA 2021 and YA 2022.

Real Property Gains Tax Act 1976

Provision	Description
14(5A) 15(4A)	Power to Remit Penalty Imposed due to Failure to Retain and Remit If an acquirer fails to retain and remit the amount of Real Property Gains Tax ("RPGT") due to incorrect or wrong notification provided by the disposer, the Director General is empowered to remit the whole or any part of the penalty imposed on the disposer on his discretion. Effective 01.01.2021.
21B	Duty of Acquirer to Retain and Pay Part of the Consideration (Non Citizen / Non Permanent Resident)
	The Section is introduced to provide clarification to an acquirer. Acquirer shall retain the whole of the money or a sum not exceeding 7% of the total value of the consideration relating to the disposal of a chargeable asset by disposer under Part III of Schedule 5, which includes an executor of an estate of a deceased person who is non citizen and non permanent resident. Effective 01.01.2021.
21C	Tax Payable notwithstanding Institution of Proceedings under any other Written Law
	The Section is introduced to provide that the institution of any proceedings under any other written law against the Government or the Director General shall not relieve any person from liability for payment of tax, debt or other sum due and payable by the taxpayer. Effective 01.01.2021.
22	Certificate to Prevent Taxpayers from Leaving the Country
	To improve the efficiency for the Commissioner of Police or Director of Immigration, certificate may be issued to the aforesaid authorities through an electronic medium or by way of electronic transmission. Effective 01.01.2021.
57A	Authorization to Submit on behalf of Taxpayer
	The Section is introduced to empower tax agent, and advocate and solicitors of High Court to furnish a return via electronic medium on behalf of a taxpayer. Effective 01.01.2021.
Schedule 5	Disposal of Chargeable Asset by an Association registered under Societies Act 1966
	The Section is introduced to clarify that association registered under Societies Act 1966 will subject to RPGT equivalent to the rate imposed on Companies incorporated in Malaysian or a Trustee of a Trust.



Gazette Order	Description
P.U. (A) 2/2021	Income Tax (Deduction for Expenditure for Expenditure on Issuance or Offering of Sustainable and Responsible Investment Sukuk) (Amendment) Rules 2021
	The special deduction for expenditure incurred on issuance or offering of sustainable and responsible Sukuk investment introduced in YA 2016 shall be extended from YA 2020 to YA 2023.
P.U. (A) 5/2021	Income Tax (Deduction for Expenditure on Issuance of Sukuk and Retail Sukuk Structured Pursuant to the Principle of Wakalah) (Amendment) Rules 2021
	For the purpose of ascertaining the adjusted income of a company from its business in the basis period for a YA, there shall be allowed a special deduction equivalent to an amount of expenditure or additional expenses incurred by the company on the issuance of:-
	a. A Sukuk structured pursuant to the principle of Wakalah comprising a mixed component of asset and debt
	Total amount of deduction allowed shall be equivalent to the amount of expenditure allowed under these rules.
	b. A Retail Sukuk structured pursuant to the principle of Wakalah comprising a mixed component of asset and debt, approved or authrorised by the Securities Commission Malaysia under the Capital Markets and Services Act 2007.
	Total amount of deduction allowed shall be equivalent to the amount of expenditure and twice the amount of additional expenses allowed under these rules.
P.U. (A) 6/2021	Income Tax (Exemption) (No. 7) 2011 (Amendment) Order 2021
0/2021	Tax exemption is given to individual who is a non-Malaysian citizen from the payment of income tax in respect of fees received by that individual in his capacity as a director of a Labuan entity. The tax exemption has been extended from YA 2011 to YA 2025.





Sales Tax
Gazette Orders

Gazette Order	Description
P.U. (A) 418/2020	 Sales Tax (Amendment) (No. 2) Regulations 2020 Effective 1 January 2021, Sales Tax drawback has been extended to include taxable goods which are imported into a free zone for the purpose of re-export and the re-exportation was made at the same free zone of importation. Such taxable goods include: a) Cigarettes; b) Tobacco products; c) Smoking pipes (including pipe bowls); d) Electronic cigarettes and similar personal electric vaporising devices; or e) Preparation of a kind used for smoking through electronic cigarette and electric vaporising device, in forms of liquid or gel, not containing nicotine.
P.U. (A) 420/2020	 Sales Tax (Imposition of Sales Tax in Respect of Designated Area) (Amendment) Order 2020 Effective 1 January 2021, the following goods imported into Designated Areas will subject to sales tax:- a) Cigarettes; b) Smoking pipes (including pipe bowls); c) Electronic cigarettes and similar personal electric vaporising devices; or d) Preparation of a kind used for smoking through electronic cigarette and electric vaporising device, in forms of liquid or gel, not containing nicotine.



Gazette Order	Description
P.U. (A) 419/2020	Service Tax (Digital Services) (Amendment) (No. 2) Regulations 2020
	The Service Tax Regulation has been amended to take into consideration of the:-
	1. Transitional Rules due to change of Service Tax rate and adjustment in the course of business;
	2. Where there is a reduction or addition to the service tax amount, foreign registered person shall make deduction or addition of service tax in the return for the taxable period with credit note or debit note;
	3. Specification of credit note and debit note; and
	4. Any person who is eligible to claim for refund under Paragraph 38(1)(a), subsection 34(6) or 40(3) of the Service Tax Act 2018, shall apply to the Director General in the form and manner as he may determine.
	Effective 01.01.2021.
P.U. (A) 422/2020	Service Tax (Amendment) (No. 2) Regulations 2020
	The Service Tax Regulation has been amended to take into consideration in the case of a registered person who has ceased to be a registered person. Such person shall make a deduction or addition of Service Tax in the return for the last taxable period during which he was registered.
	Effective 01.01.2021.

Service Tax Gazette Orders



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Filing Due Dates for 2021



Individual, Sole Proprietor / Enterprise and Partnership Tax Filing Due Dates

LHDN MALAYSIA	Basis Period	Statutory Deadline	E-Filing Extension
<u>Annual Tax Filing</u> Individual (Tax Resident) : Form BE Individual (Non Tax Resident) : Form M	01.01.2020 – 31.12.2020	30.04.2021	15.05.2021
e	VNC /		
	Basis Period	Statutory Deadline	E-Filing Extension
<u>Annual Tax Filing</u> Individual (Tax Resident with Business Income) : Form B Individual (Non Tax Resident with Business Income) : Form M	01.01.2020 – 31.12.2020	30.06.2021	15.07.2021

Company & Limited Liability Partnership (LLP) Tax Filing Due Dates

	Year End	Statutory Deadline	E-Filing Extension
	30.04.2020	30.11.2020	31.12.2020
	31.05.2020	31.12.2020	31.01.2021
	30.06.2020	31.01.2021	28.02.2021
Annual Tax Filing	31.07.2020	28.02.2021	31.03.2021
Company : Form C	31.08.2020	31.03.2021	30.04.2021
Limited Liability Partnership : Form PT	30.09.2020	30.04.2021	31.05.2021
	31.10.2020	31.05.2021	30.06.2021
	30.11.2020	30.06.2021	31.07.2021
	31.12.2020	31.07.2021	31.08.2021

Employer Tax Filing Due Dates

LHDN MALAYSIA	Period	Statutory Deadline	E-Filing Extension
Employee Statement of Remuneration : Form EA	01.01.2020 – 31.12.2020	28.02.2021	-
CP58 to Agent, Dealer or Distributor	01.01.2020 – 31.12.2020	31.03.2021	-
Employer Tax Filing : Form E	01.01.2020 – 31.12.2020	31.03.2021	30.04.2021

Employees Provident Fund

Mandatory Contribution Payment Date and Statutory Rate for 2021

The date for employers to remit their mandatory EPF contribution for 2021 is back to **15th of every month**, starting January 2021. Extension provided under due to Covid-19 pandemic no longer applicable.

Effective February 2021 (wages for the month of January 2021), the employee's EPF rate will be reduced from 11% to 9%. Members who wish to maintain the contribution rate for employees at 11% may fill the KWSP 17A (Khas 2021) form, starting 1 December 2020.

Kindly download the KWSP 17A (Khas 2021) form : HERE

Nevertheless, the Form only acts as an evidence that the employees have agreed to retain at 11%. Application has to be made by employers on the i-Akaun Portal. You can refer to the guide : <u>HERE</u>





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