

e-CTIM No.08/2010

4 March 2010

TO ALL MEMBERS

TECHNICAL

1. Income Tax - Programme for filing of return forms for 2010

The Inland Revenue Board (IRB) has issued the filing programme for 2010 recently. In connection with this, some related matters, which were discussed at the Operations Dialogue on 8 February 2010 between the Inland Revenue Board (IRB) and the professional taxation/accounting bodies, and deemed appropriate, have been included here.

The last date for filing of return forms is:

- 30 April 2010 for taxpayers with non-business income source(s); and
 - 30 June 2010 for taxpayers with (a) business source(s).
- a) The e-filing system for return forms BE, B, M, E and P for year of assessment 2009 is available from 1 March 2010 onwards.
- b) Grace period for manual submission of return forms by post, in particular:
- Forms C, R, C1, TA, TC and TR for the year of assessment 2010.
 - Forms BE, B, E, M, P, TP, TJ and TF for the year of assessment 2009
- (i) A grace period is given for manually filed return forms C and R received through the post. For companies with financial year-ends 30 Jun 2009, and 31 December 2009, the grace period is fourteen (14) days; whereas for companies with financial year-ends 31 January 2010 and 31 March 2010, the grace period is seven (7) days.
- (ii) These grace periods are also applicable to the payment of outstanding taxes under subsection 103(1), ITA, and any debt owing under the Saving and Transitional Provisions of Finance Acts 2007 and 2009.
- c) Application for extension of time for (manual) filing of (paper) return forms
- (i) The IRB has stated that the above application must be received by the IRB within fifteen (15) days before the *due date for filing*, and must be accompanied by strong reasons.
- (ii) The application will be considered based on the merits of each case.
- (iii) The approved extension of time will not apply to payment of outstanding taxes under subsection 103(1), ITA, and any debt owing under the Saving and Transitional Provisions of Finance Acts 2007 and 2009. Any payment due must be made before or on the *due date for filing* of the return.
- d) Employer Return Form E 2009 must be submitted by 31 March 2010. A grace period of seven (7) days is also available for manually filed forms received through the post. A

request for extension of time is allowed for manual filing. The same conditions, as for Forms C & R, apply.

- e) Tax agents are not allowed to use the PDF version of tax return forms with effect from year of assessment 2009.
- f) There is no need to submit original dividend vouchers together with the return forms for repayment cases. However, the taxpayer has to submit Attachment B1/Worksheet HK-3 to support the claim.

2. Form C.P. 8D

Guidelines have been provided for the submission of form C.P. 8D using Microsoft EXCEL.

3. Real Property Gains Tax

Details have been provided in the filing programme for the use of the relevant forms.

Members may view the details of filing programme on the website of the Institute at http://www.ctim.org.my/technical_techdev_direct.asp or on the website of the IRB at http://www.hasil.gov.my/lhdnv3/documents/maklumat_terkini/Program%20Memfailkan%20Borang%20Tahun%202010.pdf.

4. Acts which have recently come into force.

- Labuan Limited Partnerships And Limited Liability Partnerships Act 2010 (Act 707)
- Labuan Foundations Act 2010 (Act 706)
- Labuan Islamic Financial Services And Securities Act 2010 (Act 705)
- Labuan Financial Services And Securities Act 2010 (Act 704)

These Acts provide the framework for the setting up of new structures i.e. the Labuan Foundations, Labuan Limited Partnerships and Labuan Limited Liability Partnerships as well as the introduction of changes to the Labuan Islamic Financial Services and Securities, designed to reflect the developments in the global financial services sector.

5. Request for 2011 Budget Proposals

CTIM is preparing a memorandum on issues to be considered for the National Budget for 2011. This memorandum is to be submitted to the Ministry of Finance (MOF).

We invite members to submit views and suggestions on any proposals to be considered. Please include your rationale for all proposals or suggestions that you feel should be incorporated in the memorandum. The Technical and Public Practice Committee will review all suggestions and proposals and where appropriate, include them in the memorandum for submission to the MOF.

Members are requested to submit all views and proposals on any issue to be considered together with the rationale for the proposals and/or suggestions not later than **25 March 2010**. Please submit all proposals to kslim@ctim.org.my or fax to the Institute at 03-2162 8990.

CONTINUING PROFESSIONAL DEVELOPMENT (CPD) PROGRAMMES

1. Seminar: Highlights of the Leading Tax Cases in 2009: Discerning the Judicial Mood in Interpreting Tax law

8 CPD Points

Date : 9 March 2010
Time : 9.00 am – 5.00 pm
Venue : Park Royal Hotel, Kuala Lumpur

Topics and Speakers:

- ***Kerajaan Malaysia v Neraca Untung Sdn Bhd Rayuan Sivil W-01-1-2005 (Court of Appeal)***

- Analysis of Section 145 of the ITA 1967: The service of a notice of assessment

Speaker:

Mr Andrew Davis
Partner, Issacs & Davis

- ***SE&TM Sdn Bhd v Ketua Pengarah Hasil Dalam Negeri (Rayuan No. PKCP(R) 14/2008***
- Whether the IRB may restrict reinvestment allowance to production area only?

Speaker:

Datuk D.P. Naban
Senior Partner, Lee Hishammuddin Allen & Gledhill

- ***RPC Shares / Para 34A of Schedule 2 to the Real Property Gains Tax Act, 1976***

- KPHDN v Binastra Holding Sdn Bhd
- KPHDN v Casio Computer Co. Ltd

- ***Sec 91(1) of the Income Tax Act, 1967 - Disallowance of capital allowances brought forward from "time barred periods"***

- PKCP (R) 9/2008

Speaker:

Mr Vijey M Krishnan
Partner, Raja, Darryl & Loh

- ***Fairy Tales & Nightmares in Tax Disputes***

Speaker:

Mr Anand Raj
Partner, Shearn Delamore & Co.

- ***Judicial Review in the Tax Field***

- Ta Wu Realty Sdn Bhd v Ketua Pengarah Hasil Dalam Negeri & Anor [2009] 1 MLJ 555.

Speaker:

Mr Sudharsanan Thillainathan
Partner, Shook Lin & Bok

2. Seminar: Goods & Services Tax – "The Way Forward"

8 CPD Points

Date : 15 March 2010

Time : 9.00 am – 5.00 pm
Venue : Park Royal Hotel, Kuala Lumpur

Topics and Speakers:

▪ ***The rationale and latest development on the Goods and Services Tax (GST) Bill***

Speaker:

YBhg Dato' Kamariah bt Hussain (*invited*)
Chairman, Tax Review Panel, Ministry of Finance Malaysia

▪ ***Laying the Foundation***

Speaker:

Mr Ronnie Lim
Managing Director, Deloitte KassimChan Tax Services Sdn Bhd

▪ ***Getting ready! – What need to be considered by businesses on GST***

Speaker:

Mr Raja Kumaran
Executive Director, PricewaterhouseCoopers Tax Services Sdn Bhd

▪ ***Comments on GST Bill***

Speaker:

Mr Bhupinder Singh
Executive Director, Ernst & Young Tax Consultants Sdn Bhd

▪ ***Special schemes for GST***

Speaker:

Mr Michael Hendroff
Director, KPMG Tax Services Sdn Bhd

Kindly logon to www.ctim.org.my for the latest updates on the CPD events or contact the Secretariat, Ms Latha/Ms Ally/Ms Nur at 03-2162 8989 ext 108/113/106 for further information. Alternatively, you can email your enquiries to cpd@ctim.org.my.

ONLINE SURVEY

Please find attached, the URL link <http://infoec.uitm.edu.my/perseus/se.ashx?s=151C4C3D4044EBF5> to an online survey relating to “members’ experience in filing their tax returns via the IRB’s e-filing system in 2009”. Kindly click on the attached link in order to complete the online survey.

This online survey is conducted by Cik Mazilena Tajuddin who is currently pursuing her Master in Business Administration (MBA) degree at the University of Technology MARA. She is carrying out her survey on members’ experience in the use of the IRB’s e-filing system in 2009. After the survey, a summarised article on the survey results will be sent to CTIM.

The Institute is supportive of tax research which is essential in developing any ideas for further improving the tax system in the country. As such, the Institute encourages members to complete

the survey by accessing the URL link attached above. All queries pertaining to the survey can be forwarded to mazilenataj@yahoo.com or laimingling@salam.uitm.edu.my.

Thank you.

REMINDER

Survey on Corporate Taxpayers Perception towards the Self Assessment System

We would like to appeal to those of you who have received the survey envelopes to distribute the envelopes to your corporate clients. Please remind your corporate clients to complete the survey and return it using the self-addressed reply-paid envelope. Kindly contact the researcher at khadijah.mohdisa@postgrad.curtin.edu.au if you have any enquiries.

Thank You.

For queries or feedback on the CTIM e-circular, please email secretariat@ctim.org.my.

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