

### KETERANGAN AM

|    |                 |   |                                                                                                                                                                 |
|----|-----------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Kementerian     | : | Kewangan                                                                                                                                                        |
| 2. | Jabatan         | : | Kastam Diraja Malaysia                                                                                                                                          |
| 3. | Tajuk Mesyuarat | : | Mesyuarat Panel Perundingan Kastam-Swasta, Bil. 1/2005.                                                                                                         |
| 4. | Tarikh          | : | 23 Mac 2005                                                                                                                                                     |
| 5. | Masa            | : | 10.00 pagi                                                                                                                                                      |
| 6. | Tempat          | : | Bilik Gerakan,<br>Ibu Pejabat Kastam Diraja Malaysia,<br>Aras 3 Utara, Blok 2G1B,<br>Kompleks Kementerian Kewangan, Presint 2,<br>Ibu Pejabat Kastam Putrajaya. |

### AGENDA MESYUARAT

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| Agenda 1 | : | Ucapan Pengerusi                       |
| Agenda 2 | : | Ucapan Pengerusi Bersama               |
| Agenda 3 | : | Mengesahkan Minit Mesyuarat Bil.1/2004 |
| Agenda 4 | : | Membincangkan Perkara Berbangkit       |
| Agenda 5 | : | Membincangkan Usul-Usul Baru           |
| Agenda 6 | : | Hal-Hal Lain                           |

**SENARAI KEHADIRAN  
MESYUARAT PANEL PERUNDINGAN KASTAM-SWASTA  
BIL.1/2005**

| <b>BIL.</b> | <b>NAMA</b>                                   | <b>JAWATAN / PERTUBUHAN</b>                                                              |
|-------------|-----------------------------------------------|------------------------------------------------------------------------------------------|
| 1.          | Y.Bhg. Tan Sri Abdul Halil bin Abd. Mutalib   | Ketua Pengarah Kastam<br><b>(Pengerusi)</b>                                              |
| 2.          | Encik RS Raja Kumaran                         | Dewan Perniagaan Dan Perindustrian<br>Antarabangsa (MICCI)<br><b>(Pengerusi Bersama)</b> |
| 3.          | Y.Bhg. Dato' Haji Wazir bin Haji Muaz         | Timbalan Ketua Pengarah Kastam<br>(Pengurusan)                                           |
| 4.          | Tuan Zainol Abidin bin Din                    | Pengarah Kastam Negeri<br>Pulau Pinang                                                   |
| 5.          | Y. Bhg. Dato' Haji Ibrahim bin Jaapar         | Pengarah<br>Bahagian Pengurusan Sumber Manusia<br>& Kewangan                             |
| 6.          | Y. Bhg. Datu Mohamed Khalid bin Mohamed Yusof | Pengarah Kastam Negeri<br>Selangor                                                       |
| 7.          | Y. Bhg. Dato' Chuang Chu Chuan                | Pengarah<br>Bahagian Teknologi Maklumat                                                  |
| 8.          | Tuan Mat Yusof bin Abdullah                   | Pengarah<br>Bahagian Kastam                                                              |
| 9.          | Y. Bhg. Dato' Haji Mohd. Rajion bin Mat Idin  | Pengarah Kastam Negeri<br>Wilayah Persekutuan                                            |
| 10.         | Tuan Haji Sarmin bin Md. Hussin               | Pengarah Kastam Negeri<br>Johor                                                          |
| 11.         | Puan Siti Aminah binti Abdullah               | Pengarah<br>Bahagian Perkhidmatan Teknik                                                 |

| BIL. | NAMA                            | JAWATAN / PERTUBUHAN                                                           |
|------|---------------------------------|--------------------------------------------------------------------------------|
|      |                                 |                                                                                |
| 12.  | Tuan Ibrahim bin Md. Isa        | Pengarah<br>Bahagian Perancangan Koporat                                       |
| 13.  | Puan Jalilah binti Mahdan       | Penolong Kanan Pengarah Kastam<br>Cawangan Cukai Jualan                        |
| 14.  | Tuan Baharudin bin Md. Yusup    | Penolong Kanan Pengarah Kastam<br>Bahagian Pencegahan                          |
| 15.  | Tuan Mohammad Hafiz bin Ishak   | Urusetia                                                                       |
| 16.  | Cik Noorlida binti Ibrahim      | Urusetia                                                                       |
| 17.  | Tuan See Zoo Thai               | Penguasa Kastam<br>Unit Perhubungan Awam<br><b>(Penolong Setiausaha)</b>       |
| 18.  | Tuan Azis bin Yacub             | Penolong Kanan Pengarah Kastam<br>Unit Perhubungan Awam<br><b>(Setiausaha)</b> |
| 19.  | Puan M. Kavitha a/p V. Muthiah  | Dewan Perniagaan Dan Perindustrian<br>Antarabangsa (MICCI)                     |
| 20.  | Puan Lee Ah Yem                 | Kassim Chan Tax Services Sdn. Bhd                                              |
| 21.  | Encik Yeoh Cheng Guan           | Kassim Chan Tax Services Sdn. Bhd                                              |
| 22.  | Puan Kulwant Kaur               | Institut Setiausaha Dan Pentadbiran<br>Berkasun Malaysia (MAICSA)              |
| 23.  | Encik Nadaraja s/o Patchaimuthu | Institut Setiausaha Dan Pentadbiran<br>Berkasun Malaysia (MAICSA)              |
| 24.  | Encik Soo Huk Kheong            | Institut Akauntan Awam Bertauliah<br>Malaysia (MICPA)                          |

| <b>BIL.</b> | <b>NAMA</b>                         | <b>JAWATAN / PERTUBUHAN</b>                                              |
|-------------|-------------------------------------|--------------------------------------------------------------------------|
| 25.         | Encik Beh Tok Koay                  | Institut Akauntan Awam Bertauliah Malaysia (MICPA)                       |
| 26.         | Encik Harpal Singh                  | Institut Percukaian Malaysia (MIT)                                       |
| 27.         | Cik Yeo Siew Lee                    | Institut Percukaian Malaysia (MIT)                                       |
| 28.         | Encik Mohammad Hafiz bin Abdul Rauf | Institut Percukaian Malaysia (MIT)                                       |
| 29.         | Encik Chandran Ramasamy             | Institut Percukaian Malaysia (MIT)                                       |
| 30.         | Encik Yazirruddin bin Md. Sam       | Kontena Nasional Berhad                                                  |
| 31.         | Puan Zarina Ree                     | Kontena Nasional Berhad                                                  |
| 32.         | Encik Walter Culas                  | Airfreight Forwarders Association Of Malaysia (AFAM)                     |
| 33.         | Encik Zainal Abidin                 | Airfreight Forwarders Association Of Malaysia (AFAM)                     |
| 34.         | Encik Loo Che Hee                   | Gabungan Dewan-Dewan Perniagaan Dan Perindustrian Cina Malaysia (ACCCIM) |
| 35.         | Encik Poh Wan Kh'ng                 | Gabungan Dewan-Dewan Perniagaan Dan Perindustrian Cina Malaysia (ACCCIM) |
| 36.         | Encik William Yeoh                  | Persekutuan Penghantaran Fret Malaysia (FMFF)                            |
| 37.         | Encik Krishnan Chelliah             | Persekutuan Penghantaran Fret Malaysia (FMFF)                            |
| 38.         | Puan Pauline Tee                    | Persekutuan Penghantaran Fret Malaysia (FMFF)                            |

| <b>BIL.</b> | <b>NAMA</b>                     | <b>JAWATAN / PERTUBUHAN</b>                                |
|-------------|---------------------------------|------------------------------------------------------------|
| 39.         | Encik Tan Ah Beng               | Persekutuan Penghantaran Fret Malaysia (FMFF)              |
| 40.         | Encik Lee Hien Soon (Kuching)   | Persekutuan Penghantaran Fret Malaysia (FMFF)              |
| 41.         | YM Raja Abd. Aziz bin Raja Musa | Persekutuan Pekilang-Pekilang Malaysia (FMM)               |
| 42.         | Encik Boon Oon Seang            | Persekutuan Pekilang-Pekilang Malaysia (FMM)               |
| 43.         | Puan Shamini Sakthinathan       | Persekutuan Pekilang-Pekilang Malaysia (FMM)               |
| 44.         | Dr. Veerinderjeet Sigh          | Institut Akauntan Malaysia (MIA)                           |
| 45.         | Encik Than Chow Peng            | Institut Akauntan Malaysia (MIA)                           |
| 46.         | Encik Mohd. Salimi bin Ahmad    | Malaysia Association Of Company Secretaries (MACS)         |
| 47.         | Encik V. Muthiah                | Persekutuan Wakil-Wakil Perkapalan Malaysia (FOMSA)        |
| 48.         | Encik Yeoh Kean Jin             | Persekutuan Wakil-Wakil Perkapalan Pelabuhan Klang (PKSAA) |
| 49.         | Encik Lee Boon Kok              | Persatuan Industri Komputer Dan Multimedia (PIKOM)         |
| 50.         | Puan Nurika Sari Abdullah       | Persatuan Industri Komputer Dan Multimedia (PIKOM)         |
| 51.         | Encik Ralph Tay                 | Persatuan Industri Komputer Dan Multimedia (PIKOM)         |

| <b>BIL.</b> | <b>NAMA</b>                   | <b>JAWATAN / PERTUBUHAN</b>                                      |
|-------------|-------------------------------|------------------------------------------------------------------|
| 52.         | Encik Fazli bin Bahari        | Dewan Perniagaan Dan Perusahaan Melayu Malaysia (DPMM)           |
| 53.         | Encik Khu Heong Chye          | Persatuan Pemilik-pemilik Kapal Antarabangsa Malaysia (ISOA)     |
| 54.         | Encik Fong Keng Lun           | Persatuan Pemilik-pemilik Kapal Antarabangsa Malaysia (ISOA)     |
| 55.         | Encik Abdul Rahman bin Yaacob | Majlis Perhubungan Industri Negeri Sembilan Darul Khusus (NSILC) |

## AGENDA 1

### UCAPAN PENERUS

MESYUARAT Panel Perundingan Kastam-Swasta Kali Ke-1/2005 dipengerusikan oleh Yang Berbahagia Tan Sri Abdul Halil bin Abd. Mutalib, Ketua Pengarah Kastam Malaysia.

Pengerusi mengucapkan tahniah kepada Encik RS Raja Kumaran dari MICCI kerana dilantik menjadi Pengerusi Bersama bagi mewakili pihak Swasta dan seterusnya mengalu-alukan kehadiran semua Ahli Mesyuarat.

Pengerusi memaklumkan Mesyuarat Panel Perundingan tahun lalu (2004) diadakan sekali sahaja disebabkan perkara-perakara yang tidak dapat dielakkan. Walau bagaimanapun, semua operasi yang melibatkan kedua-dua pihak telah berjalan lancar, dan beberapa masalah yang timbul telah diselesaikan melalui saluran biasa di Pejabat Kastam yang berkaitan.

Pengerusi turut merakamkan ucapan terima kasih kepada semua peniaga, khasnya Ahli-Ahli Jawatankuasa Panel Perundingan yang telah memainkan peranan dengan cemerlang sehingga membantu KDRM mencatat angka pungutan cukai bagi tahun 2004 sebanyak RM21.71 bilion. Peningkatan sebanyak 38% semenjak tahun 2001 itu adalah hasil dari kerjasama dan pematuhan pihak swasta terhadap undang-undang Kastam. Selaras dengan tema sambutan Hari Kastam Sedunia Tahun 2005; '*Ke Arah Membanteras Frod Perdagangan*'; beliau yakin sejumlah cukai bernilai RM30 bilion akan dapat dipungut melalui kerjasama yang erat ini.

Pengerusi memaklumkan bahawa KDRM sentiasa mengambil inisiatif memudahkan urusan pihak Swasta kerana sedar betapa pentingnya sumbangan Swasta kepada pembangunan negara. Tetapi dalam masa yang sama, KDRM juga berhadapan dengan beberapa halangan. Oleh itu, mesyuarat yang dijalankan secara perundingan ini hendaklah dijadikan pentas untuk menyelesaikan masalah kedua-dua pihak dengan berteraskan semangat kepercayaan dan kerjasama.

Selain itu, Pengerusi turut memaklumkan bahawa cabaran terbesar yang bakal dihadapi pada masa hadapan ialah berkenaan sistem percukaian GST yang dijangka dilaksanakan pada tahun 2007. Beliau memaklumkan pada masa sekarang kakitangan KDRM sedang merangka undang-undang percukaian baru itu. Jawatankuasa Khas Panel GST itu kemudiannya akan mengadakan mesyuarat, perundingan dan dialog dengan pihak Kerajaan dan juga Swasta.

Akhir sekali, Pengerusi melahirkan rasa bangga kerana banyak masalah yang dibangkitkan oleh kedua-dua pihak melalui mesyuarat ini telah dapat diselesaikan atas semangat setiakawan. Beliau memohon maaf kerana masih ada beberapa isu yang belum dapat diputuskan secara muktamad kerana ianya terikat dengan keputusan atau dasar Agensi-Agensi Kerajaan yang lain yang berkaitan.

## **AGENDA 2**

### **UCAPAN PENGERUSI BERSAMA**

Encik RS Raja Kumaran mengucapkan tahniah kepada Kastam Diraja Malaysia kerana dapat menganjurkan Mesyuarat Panel Perundingan Kastam-Swasta pada tahun ini.

Beliau berkata pihak Swasta menganggap pertemuan melalui Panel Perundingan Kastam-Swasta ini merupakan satu peluang terbaik untuk mereka mengemukakan masalah, berkongsi pandangan, mendapatkan penjelasan dan mengemukakan cadangan bagi menyelesaikan isu-isu dari kedua-dua pihak.

Beliau mengucapkan tahniah kepada KDRM kerana berjaya menjalankan Kempen Integriti yang dilancarkan pada 13 September 2004 untuk mewujudkan ketelusan diantara kedua-dua pihak serta menganjurkan kursus-kursus mengenai fasilitasi perdagangan yang bertujuan memberi maklumat kepada orang awam. Beliau berpendapat peningkatan pungutan hasil kebelakangan ini adalah atas usaha-usaha KDRM meningkatkan penguatkuasaan undang-undang. Ini merupakan tindakan yang bijak supaya penyeludupan tidak berlaku yang boleh menjejaskan pedagang-pedagang yang tulen.

Beliau juga berharap kumpulan petugas GST KDRM dapat mengeluarkan rangka/draf mengenai GST sekurang-kurangnya pada 2006 supaya pihak swasta dapat melatih kakitangannya dan melaksanakannya dengan sempurna. Selain itu, beliau menyeru supaya Mesyuarat ini diadakan dua kali setahun untuk membolehkan kedua-dua pihak bertukar pandangan serta mendapatkan pelan tindakan/program yang akan dilancarkan oleh KDRM.



### **AGENDA 3**

#### **MENGESAHKAN MINIT MESYUARAT BIL.1/2004**

##### **Pembetulan Minit Mesyuarat Bil.1/2004**

##### **A. PEMBETULAN SENARAI KEHADIRAN**

Nama Ahli seperti dibawah tertinggal dan di masukkan ke Bil. 72, muka surat 7 :

Puan Siti Aminah bte Abdullah , Timbalan Pengarah Kastam,  
Bahagian Kastam, Selangor.

##### **B. PEMBETULAN KEPADA KEPUTUSAN DALAM AGENDA 5**

###### **1. Bil 6, Muka Surat 16 – WTO Valuation of Imported Goods**

Keputusan No. 3 dibetulkan seperti berikut :

Penyelarasan keatas Nilai Transaksi sepatutnya diikrar dalam Borang K1A pada konsaimen pertama atau bermula Sistem Penilaian WTO semenjak 01 Januari 2000, bagi mengelak tuntutan bayar balik duti.

###### **2. Bil 28, Muka Surat 25 – New Customs Agent Policy Courses**

Keputusan Usul in ditambahkan dengan :

Perkara ini akan dibincang dengan pihak AFAM

###### **3. Bil 30, Muka Surat 26 – 51% Bumiputra Equity In Forwarding Companies**

Keputusan Usul ini ditambahkan dengan :

Bahagian Kastam akan mengkaji perkara ini dalam masa 3 bulan dan memaklumkan kepada AFAM tentang perkembangan ini.

##### **C. PEMBETULAN KEPADA AGENDA 6 ( HAL-HAL LAIN )**

###### **1. Bil 5, Muka Surat 28**

Perkara ini ditambahkan dengan :

Wakil AFAM memaklumkan bahawa ahli-ahli daripada Pertubuhan Eropah (European Commission) memuji KDRM kerana memberikan perkhidmatan yang effisien serta mempunyai pentadbiran yang tersusun semasa lawatannya ke KLIA tempoh hari.

##### **Pengesahan Minit Mesyuarat Bil.1/2004**

Minit Mesyuarat Panel Perundingan Kastam-Swasta 1/2004 diterima sebulat suara oleh semua Ahli Jawatankuasa Panel Perundingan Kastam-Swasta Bil. 1/2005.

## AGENDA 4

### MEMBINCANGKAN PERKARA BERBANGKIT

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                          | TINDAKAN              |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1.  | <p><b>LMW</b></p> <p>There is no clear policy on third party warehouse by LMW companies to store their raw materials/finished products. Recently, due to additional manufacturing space requirement, a company applied for another space extension of LMW licence with Exel Logistic non-bonded warehouse but was put on hold by Cawangan Pengilangan Berlesen Bayan Lepas although similar application was approved by Cawangan Penggudangan Pulau Pinang previously.</p> <p>1) It is suggested that Customs should give approval for any logistics activities which would generate revenue for the country.</p> <p>2) It is proposed that Customs should standardize the procedure and regulation and ensure consistency. As similar approval had been granted previously for the existing operations, the following application should be approved.</p> | <p>Bahagian Kastam Ibu Pejabat telah meluluskan permohonan Motorola Technology Sdn. Bhd. dari Pulau Pinang pada 16.02.2004.</p>                                                                                                                                                                                                                    | <p>Untuk Makluman</p> |
| 2.  | <p><b>Discrepancy in the sales tax treatment between a licensed manufacturer with repacking activities and a person who solely carries on repacking activities</b></p> <p>Item 8, Schedule B of the Sales Tax (Exemption from Licensing) Order exempts a person other than a licensed manufacturer who is carrying on the repacking of bulk goods into smaller packages from the requirement of applying to be licensed as a licensed manufacturer.</p> <p>The RMC should confirm the way in which the exemption will be interpreted and applied. If the interpretation would be that sales tax would be chargeable in the</p>                                                                                                                                                                                                                             | <p>Perbincangan dengan pihak MIT yang telah diadakan pada 19.11.2004 dan keputusan bersama telah dicapai seperti berikut:-</p> <p>a) Pengilang berlesen dibenarkan menjalankan aktiviti 'repacking' dan dikecualikan di bawah Butiran 8, Jadual B, Perintah Cukai Jualan (Pengecualian Daripada Pelesenan) 1997 dengan dikenakan syarat-syarat</p> | <p>Untuk makluman</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                 | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | TINDAKAN              |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|     | <p>circumstances, MIT would like to propose that the law on exemption from licensing on the repacking activities be amended to enable non-discrimination of licensed manufacturers carrying out repacking activities.</p>                                                                                                                               | <p>seperti berikut:-</p> <ul style="list-style-type: none"> <li>i) Menyimpan rekod/ akaun berasingan untuk pemeriksaan Pegawai Kastam yang hak pada bila-bila masa.</li> <li>ii) Menyimpan barang-barang bagi aktiviti 'repacking' secara berasingan dengan barang-barang belum bayar cukai (CJ 5) bagi aktiviti pangilangan produknya.</li> <li>iii) Semua input (bulk goods &amp; packing materials) yang diimport atau dibeli tempatan hendaklah dibayar cukai dan tidak layak CJ5.</li> <li>iv) Setiap pangilang berlesen yang ingin menjalankan aktiviti 'repacking' tempatan hendaklah memohon kelulusan Kastam terlebih dahulu.</li> </ul> <p>Pengilang berlesen berkenaan juga boleh memilih untuk kekal dilesenkan bagi aktiviti 'repacking' bersesekali dengan aktiviti pengilangannya selaras dengan peruntukan Seksyen 14, Akta Cukai Jualan 1972 dan dengan ini ianya tertakluk kepada semua peruntukan di bawah Akta tersebut.</p> |                       |
| 3.  | <p><b>Renewal Of Forwarding Agents' License</b></p> <p>On the issue of renewal of Forwarding Agents' license the Royal Malaysian Customs enforced a mandatory requirement on forwarders to re-submit all the earlier documents (total 15 documents) which was already submitted to them during their earlier renewal application of their licenses.</p> | <p>Syarikat Agen Penghantaran perlu mengemukakan tujuh (7) dokumen sahaja bagi tujuan pembaharuan lesen seperti berikut:-</p> <ul style="list-style-type: none"> <li>(i) Lampiran C - Format Permohonan</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Untuk Makluman</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                  | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | TINDAKAN       |
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|     | The administration process should be simplified further with the minimum number of documents required as presently the customs department are fully automated and have the documents from the earlier submissions.                                                                                                                                                                                                       | (ii) Form Of Annual Return<br>(iii) Salinan Penyata KWSP<br>(iv) Senarai Kakitangan Syarikat<br>(v) Salinan Sijil Kursus Asas Agen Kastam<br>(vi) Salinan Lesen CP<br>(vii) Salinan Bon Am                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                |
| 4.  | <b>One Stop Centre For Air Industry</b><br><br>The administration duties of the Royal Malaysian Customs is currently being carried out by respective State Authorities which are based outside the vicinity of the Airports especially for KLIA and Penang International Airport.<br>This has caused a lot of inconvenience to the industry players due to its distance and incurring additional costs and time wastage. | i) <u>Jawapan dari Kastam, Wilayah Persekutuan</u><br><br>Semua urusan Cukai Dalam, Penjenisan dan Perkastaman boleh dijalankan di KLIA. Pihak agen penghantaran boleh menyerahkan borang dan dokumen berkaitan bagi pembaharuan dan permohonan lesen agen penghantaran di KLIA. Semua urusan pemprosesan akan dijalankan di Kelana Jaya.<br><br>ii) <u>Jawapan dari Kastam Pulau Pinang</u><br><br>'One Stop Centre For Penang International Airport' untuk urusan penilaian dan penjenisan tidak dapat dilaksanakan kerana jumlah permohonan tidak begitu banyak.<br><br>Kastam Pulau Pinang memang bercadang untuk menubuhkan 'One Stop Centre' bagi urusan Cukai Dalam dan Perkastaman dimasa akan datang. | Untuk makluman |
| 5.  | <b>Conflicting Administration</b><br><br>The conflicting administration process of the Royal Malaysian Customs KLIA and Royal Malaysian Customs Subang Airport (LTAB Subang) since it comes under the                                                                                                                                                                                                                    | Bahagian Perkhidmatan Teknik akan mengarahkan Pegawai Kanan untuk ditempatkan di KLIA pada hari bercuti am di Wilayah Persekutuan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Untuk makluman |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | KEPUTUSAN                                                                                                                                                                                                                                                              | TINDAKAN       |
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|     | jurisdiction of the Royal Malaysian Customs Federal Territory although they are located in Selangor. This is not practicable as there is no uniformity of the operation hours of both the departments especially when it comes to Public Holidays as either one of them will be closed for business. For smooth implementation of this administrative process The Royal Malaysian Customs at KLIA and LTAB Subang should operate in conformity with the Royal Malaysian Customs, Federal Territory.                                                                                    |                                                                                                                                                                                                                                                                        |                |
| 6.  | <p><b>Golden Client</b></p> <p>Forwarding Agents who possess clean customs records such as those who have good governance, clean records, trust worthiness, high integrity etc. are not accorded special privileges in expediting customs clearance.</p> <p>The Royal Malaysian Customs should come up with package to award such organizations with the view of expediting their job functions besides contributing to the growth of business for our country.</p>                                                                                                                    | Customs Golden Client dilaksanakan ke atas pengimport-pengimport saja. Bagi Agen Penghantaran, Kastam Diraja Malaysia akan melaksanakan program Penganugerahan Sijil Perkhidmatan Emas mulai tahun ini (2005).                                                         | Untuk makluman |
| 7.  | <p><b>Poor Management In KLIA Cargo Village</b></p> <p>There is poor management and lack of control over the current huge work force of customs personnel at KLIA Cargo Village due to its present offices geographical locations, which are far from the Royal Malaysian Customs Federal Territory and Headquarters, Putrajaya or state level administration.</p> <p>The fixtures of CCTVs at strategic points at the customs clearance/examinations at Airports and Sea Ports areas, will enable better monitoring of their customs personnel and ensure efficient process flow.</p> | Pemasangan CCTVs akan dilaksanakan dalam Rancangan Malaysia Ke-9. KDRM bercadang untuk memasang CCTV di semua pelabuhan, lapang terbang dan tempat pintu masuk seperti Tambak Johor, Rantau Panjang dan lain-lain serta disambungkan ke Pejabat Ketua Pengarah Kastam. | Untuk makluman |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                       | TINDAKAN       |
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| 8.  | <p><b>51% Bumiputra Equity In Forwarding Companies</b></p> <p>Currently as specified in the NEP Policy, all the Forwarding Agents approved under Customs Act 1967 are subjected to the following condition:</p> <p>a) New Agencies must have Bumiputra participation of at least 51 per cent with regard to share capital, management and personnel.</p> <p>This requirement however does not apply to the following :</p> <p>i. Companies and Agencies which is fully owned by Malaysian citizens.</p> <p>ii. Agencies whose status falls under that of a Sole Proprietorship, partnership or family ownership.</p> <p>iii. Company/Agency which has been approved by the Customs to act as forwarding/shipping agent under Section 90 of the Customs Act prior to 1976.</p> <p>These guidelines were issued as a directive from Customs Headquarters to stations and is officially effective as from 9<sup>th</sup>. August 1990. Therefore our contention is that the requirements as stated in the NEP Policy be strictly adhered to. This matter should be seriously looked into and executed immediately.</p> | <p>Ketetapan kuota ini merupakan dasar kerajaan. Dasar 51% Ekuti Bumiputra adalah dikekalkan. Kastam Diraja Malaysia tidak akan membuat kajian semula.</p> <p>Untuk makluman, Bahagian Kastam sedang membuat kajian tentang garispanduan Perintah Tetap Kastam Bil 45 (Dasar Baru Agen) dan akan memaklumkan kepada Pengarah Kastam Negeri tentang perubahan tersebut. Agen penghantaran akan diberi lanjutan masa 3 bulan sebelum keputusan akhir diambil.</p> | Untuk makluman |

## AGENDA 5

### MEMBINCANG USUL-USUL BARU

| BIL  | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                          | TINDAKAN              |
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| 1.   | <p><b>Incentive for Outsourcing Manufacturing Activities</b></p> <p>To reduce the cost of doing business and enhance competitiveness, it was proposed in the 2005 Budget that owners of Malaysian brands who outsource manufacturing activities be given import duty and sales tax exemptions on raw materials which are not manufactured locally and semi-finished goods imported from contract manufacturers abroad.</p> <p>The Institute would like to seek clarification from RCM as to whether the definition of "Malaysian brand names" would be the same as that defined under other existing incentives such as Income Tax (Deduction for Advertising Expenditure on Malaysian Brand Name Goods) Rules 2002. Under the said rules, "Malaysian brand names" is defined as a brand name that is registered as a trademark, in Malaysia or in any country outside Malaysia under the law relating to trademarks to a registered proprietor that is a company incorporated in Malaysia where at least 70% of the issued share capital of the company is Malaysian owned.</p> | <p><u><b>Usul oleh MIA</b></u></p> <p>Kastam Diraja Malaysia mencadangkan bahawa isu ini dikemukakan oleh MIA dalam bajet dialog kerana ia perlu tindakan 'follow-through' daripada Kerajaan.</p>                                                                                                                                                  | <p>Untuk makluman</p> |
| 2(a) | <p><b>Sales Tax Rebate for Obsolete Stock Returned over Three (3) Months</b></p> <p>Currently, RCM only allows obsolete stock returned within three (3) months to be deducted as a rebate in the calculation of sales tax payable. However, the food manufacturing industry has not enjoyed any benefits of such a rebate as generally the shelf life for the food products is one (1) year. As a result, the food manufacturing industry has suffered losses on the bad stock</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p><u><b>Usul oleh MIA dan MICCI</b></u></p> <p>Peruntukan 19C Sales Tax Regulation 1972 yang membenarkan Sale Tax deduction atau rebate adalah khusus untuk:</p> <ul style="list-style-type: none"> <li>a) Wrong quantity</li> <li>b) Poor or defective quality</li> <li>c) Uncontracted good</li> </ul> <p>Tiada peruntukan rebate atau Sale</p> | <p>Untuk makluman</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | TINDAKAN                    |
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| (b) | <p>returned more than three (3) months as the sales tax rebate is disallowed. Consequently, it increases the cost of doing business locally and reduces the competitive edge in the international markets of Malaysian exporters.</p> <p>In this regard, the Institute would like to request RCM to review the policy on obsolete stock returned in order to be in line with the shelf life of the food products instead of applying a fixed duration for all the products.</p> <p><b>Sales Tax Claim</b></p> <p>Currently sales tax claims must be claimed within 3 months and the goods shall not be subsequently sold. Beer shelf life is one year and stock holding lead-time from manufacturer to distributors is 8 months. By the time the product reach retail level, it may not be fit for consumption.</p> <p><b>Recommendations</b></p> <p>Due to the time taken, it is proposed that the sales tax claim be extended to one year for beer and the condition of not subsequently sold is to be removed.</p> | <p>Tax deduction untuk barang-barang luput tempoh (obsolete stock returned).</p> <p>Rayuan telah dibincangkan di peringkat Perbendaharaan dan telah ditolak. Tempoh tiga (3) bulan memadai <u>mengesan</u> jika kuantiti tersilap hantar, barang tidak menepati kualiti atau rosak dan uncontracted good.</p> <p>Dicadangkan perkara ini dikemukakan dalam sesi/saluran lain seperti bajet dialog.</p>                                                                              |                             |
| 3.  | <p><b>Section 22 of the Sales Tax Act 1972</b></p> <p>Pursuant to Section 22 of the Sales Tax Act, 1972, the sales tax chargeable under Section 6(a) shall be due at the time the taxable goods are sold, disposed of otherwise than by sale or first used otherwise than as material in the manufacture of taxable goods, by the taxable person.</p> <p>As a result, some sales tax offices interpret Section 22 to levy sales tax on intermediate taxable components and parts even though the final product</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <p><b><u>Usul oleh MIA</u></b></p> <p>Ketetapan atau amalan semasa, <u>pengilang barang bercukai</u> yang digunakan seterusnya sebagai input <u>mengilang barang tidak bercukai</u> dikenakan cukai jualan. Ketetapan tersebut berdasarkan prinsip cukai jualan adalah cukai seperingkat. Cukai dikenakan di peringkat input bagi barang tidak bercukai dan cukai dikenakan di peringkat output bagi barang yang tertakluk cukai jualan. Ketetapan juga selaras dengan takrifan</p> | <p>Bahagian Cukai Dalam</p> |



| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | TINDAKAN              |
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|     | <p>is not taxable. Although the intermediate taxable components and parts are not sold or disposed of but used to manufacture the non-taxable final product, tax is imposed on the contention that they are "first used otherwise than as material in the manufacture of taxable goods." For example, the final products which are not subject to sales tax but whose components and parts are subject to sales tax are motor cycles, Digital Loop Carrier and Synchronous Digital Hierarchy.</p> <p>In view of the above, the Institute would like to seek clarification from the RCM as to whether the intermediate taxable components and parts which are used to manufacture non-taxable final products, are subject to sales tax.</p> | <p>peruntukan Seksyen 22 Akta Cukai Jualan 1972.</p> <p>Isu cadangan Cukai Jualan tidak dikenakan atas 'intermediate taxable components and parts' yang digunakan dalam pengilangan barang tidak bercukai jualan, telah dikemukakan ke Perbendaharaan dan masih menunggu keputusan</p>                                                                                                                                                                                      |                       |
| 4.  | <p><b>Implementation of Decisions</b></p> <p>Members have advised that decisions of the Consultative Panel Meeting No. 1/2004 have not been fully implemented at Customs stations nationwide. Could Customs clarify the extent of implementation of the decisions?</p> <p><b>Recommendations</b></p> <p>It is proposed that Customs ensure that decisions made are implemented at ground level in order that the objective of the Consultative Panel meetings to share information and resolve problems will be achieved</p>                                                                                                                                                                                                               | <p><u><b>Usul oleh MICCI</b></u></p> <p>Kebanyakan keputusan yang dibuat oleh Kastam Diraja Malaysia ekoran dari Mesyuarat Panel Perundingan Kastam-Swasta 1/2004 telah diimplementasikan diperingkat stesen. Cuma isu-isu yang memerlukan masa untuk membuat kajian dan yang perlu dirujuk kepada agensi lain seperti Perbendaharaan masih belum diselesaikan. KDRM mencadangkan pihak swasta mengemukakan isu tertentu dan tindakan akan diambil dengan kadar segera.</p> | <p>Untuk makluman</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | KEPUTUSAN                                                                                                                                             | TINDAKAN                                                 |
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| 5.  | <p><b>Control Of Agents</b></p> <p>Currently it takes as long as 2 to 3 months to process an issuance and renewal of the existing licence.</p> <p><b>Recommendations</b></p> <p>It is proposed that permission to act as agent be granted within 21 days for new application and within 14 days for application for renewal. This will shorten the processing time. the current 9 digit coding for a period of 3 months from 1 January 2004.</p>                                                                                               | <p><u><b>Usul oleh MICCI</b></u></p> <p>Cadangan ini boleh diterima dengan syarat permohonan teratur, lengkap dan betul.</p>                          | <p>Untuk makluman</p>                                    |
| 6.  | <p><b>Manufacture and Other Operations in Relations to Goods in Licensed Warehouse</b></p> <p>Under section 65A of the Customs Act, the current practice requires for submission of a requisition for permission to remove dutiable goods from a licensed manufacturing warehouse.</p> <p><b>Recommendations</b></p> <p>It is proposed that instead of manual application to Customs for approval, the warehouse could be allowed to submit the application electronically i.e. via e-mail to the officer. This will expedite the process.</p> | <p><u><b>Usul oleh MICCI</b></u></p> <p>Perkara ini memerlukan penjelasan lebih lanjut dari pihak MICCI untuk tujuan kajian oleh Bahagian Kastam.</p> | <p>Bahagian Kastam</p>                                   |
| 7.  | <p><b>Exemption of Duty</b></p> <p>Under section 65 and 65A of the Customs Act, there are various forms (Lampiran X, Lampiran Y, LMW licence and general bond) for application of exemption for all raw materials/components and machinery where the approval will be on a yearly basis.</p>                                                                                                                                                                                                                                                   | <p><u><b>Usul oleh MICCI</b></u></p> <p>Perkara ini akan dikaji oleh Bahagian Perancangan Korporat dan Bahagian Kastam.</p>                           | <p>Bahagian Perancangan Korporat dan Bahagian Kastam</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | KEPUTUSAN                                                                                                                                                        | TINDAKAN               |
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|     | <p><b>Recommendations</b></p> <p>It is suggested that Customs issue a standard format to LMW companies for the exemption where there is one common computerised system for all ports and that the approval be given on a two-year basis for all exemptions.</p>                                                                                                                                                                                                         |                                                                                                                                                                  |                        |
| 8.  | <p><b>Monthly Customs Report</b></p> <p>Records are required to be kept by the licensee of any warehouse of all goods received into and delivered from his warehouse.</p> <p><b>Recommendations</b></p> <p>It is proposed that Customs allow the company to forward to Customs the month end summary/ figures only. The full information will be kept by the company or alternatively, the details could be provided in electronic format to Customs, upon request.</p> | <p><b><u>Usul oleh MICCI</u></b></p> <p>Cadangan ini sedang dikaji oleh Bahagian Kastam</p>                                                                      | <p>Bahagian Kastam</p> |
| 9.  | <p><b>Inspection Of Final Goods Scrap</b></p> <p>Inspection of final goods scraps are now done on application basis for licensed warehouse.</p> <p><b>Recommendations</b></p> <p>It is suggested that Customs establish a monthly inspection schedule for companies to follow. This will enable companies to have a proper plan for any scrap inspection and improve time management for both parties.</p>                                                              | <p><b><u>Usul oleh MICCI</u></b></p> <p>Sistem sekarang lebih sesuai, iaitu hanya berdasarkan kepada permohonan kerana hanya 'scrap' yang berduti diperiksa.</p> | <p>Untuk makluman</p>  |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | TINDAKAN                    |
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| 10. | <p><b>AHTN</b></p> <p>The AHTN book does not include the sales tax reference.</p> <p><b>Recommendations</b></p> <p>It is proposed that the update of import duty and sales tax rates be included in future publication.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <p><b><u>Usul oleh MICCI</u></b></p> <p>Kadar Cukai Jualan tidak boleh dimasukkan ke dalam Perintah Duti Kastam (Barang-Barang Berasal Dari Negeri-Negeri ASEAN) (Tatanama Tarif Berharmonis ASEAN Dan Tarif Keutamaan Samarata) 2004 kerana ia ditadbirkan di bawah Akta Cukai Jualan 1972 dan Perintah Cukai Jualan (Kadar Cukai) 1997.</p> <p>Cadangan in boleh dipanjangkan kepada syarikat percetakan swasta untuk tindakan lanjut (percetakan).</p>                                                      | <p>Untuk makluman</p>       |
| 11. | <p><b>Master Exemption List</b></p> <p>Upstream Oil and Gas Companies operating in Malaysia under PSC terms with PETRONAS undertakes exploration, development and production activities.</p> <p>In every activity (exploration, development or production), materials and equipments generic to the upstream oil and gas activities will be used and has to be imported into the country. Some of these materials and equipments used are proprietary and process warranty requires the generic item to be used.</p> <p>The operators are able to obtain duties exemption as accorded under Section 107 of the Import Duties Exemption Order 1988 and Section 90 of the Sales Tax Exemption Order 1980 for items that are contained in the Master Exemption List (MEL). MEL provides not only easy import and export process for the Oil and Gas Upstream operations where speed of the process is critical in the operation, but as well it provides an incentive to investors to at least reduce their financial exposure, as the cost of drilling one well is very high.</p> | <p><b><u>Usul oleh MICCI</u></b></p> <p>Senarai Utama Pengecualian atas Customs Master Exemption List (MEL) bagi operasi Petroleum Hulan adalah senarai yang diluluskan oleh Perbendaharaan. Oleh yang demikian sebarang tambahan atau pembaharuan berkaitan tariff dan penjenisan barang bagi tujuan di atas adalah di bawah bidang kuasa Menteri Kewangan. Walau bagaimanapun Cawangan Petroleum akan membuat cadangan kepada Perbendaharaan untuk mengubah atau 'revise' Senarai Master Exemption List.</p> | <p>Bahagian Cukai Dalam</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | KEPUTUSAN                                                                                                                                                                                                                                        | TINDAKAN              |
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|     | <p>However as MEL was developed 25 years ago and with the passage of time, the tariff codes and descriptions used for items (during importation or exportation) differ from that of the MEL although the items are the same. The descriptions now no longer fit with new terminology introduced over the years. Frequently the operators' submission to Customs stations at the gazetted supply bases and other import stations are challenged as due the differences in tariff code and description.</p> <p><b>Recommendations</b></p> <p>To take into account new product development and new terminology, there is a need to review MEL with respect to the list of items covered to include new products required for the industry exploration, development and production activities as well as their tariff codes. Concurrently, descriptions of existing items should also be updated.</p> |                                                                                                                                                                                                                                                  |                       |
| 12. | <p><b>Procedure on Inspection of Empty Containers</b></p> <p>The current practice of inspection of empty containers is for Customs to inspect 5 or 10% of declared empty units. The process is delaying delivery of containers to shippers as time is taken to declare and for physical inspection by Customs especially when shipping lines are faced with a shortage of equipment; empty repo has to be arranged from other ports and when the expected time of arrival of the nominated vessel is 24 to 48 hours away. The shipper has to pack the container and arrange with the haulier to transport the container back to the terminal 12 hours prior to the vessel arrival to ensure connection. This can be difficult when the bookings comprise several containers under one bill of lading.</p>                                                                                         | <p><u><b>Usul oleh MICCI</b></u></p> <p>Sistem pemeriksaan secara random memang diamalkan pada masa sekarang. Masalah pemeriksaan kontena kosong dapat diselesaikan pada akhir bulan April 2005 dengan tindakan baru yang diambil oleh KDRM.</p> | <p>Untuk makluman</p> |

| BIL       | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                  | TINDAKAN       |
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|           | <p><b>Recommendations</b></p> <p>It is suggested that the current practice be replaced with random inspection by Customs especially if information is received from their intelligence unit of any wrongdoing. The inspection could be carried out at the terminal gate at the time of delivery to the named shipper.</p>                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                |
| 13<br>(a) | <p><b>Response from Customs</b></p> <p>Members have reported that response from Customs on enquiries are often delayed.</p> <p><b>Recommendations</b></p> <p>It is recommended that all enquiries should be acknowledged and/or responded to by Customs within 2 weeks at the latest.</p>                                                                                                                                                                                                                                                                                                                                                                                            | <p><b><u>Usul oleh MICCI dan MIT</u></b></p> <p>Kastam Diraja Malaysia telah mengeluarkan surat edaran bertarikh 17 Januari 2005 kepada semua Pengarah Ibu Pejabat dan Pengarah Kastam Negeri untuk mengambil tindakan seperti yang dicadangkan oleh MIT iaitu menjawab pertanyaan/permohonan orang awam dalam masa satu (1) minggu dari tarikh surat di terima dengan menyatakan nama pegawai serta nombor telefon untuk dirujuk bagi tujuan susulan.</p> | Untuk makluman |
| (b)       | <p><b>Submission of letter and response</b></p> <p>MIT would like to suggest that for the convenience of all parties concerned and to hasten the inquiry process that the RCM should revert to us within a week from the submission of our letters, notifying us the name of the officer in-charge/processing officer to facilitate our communication with the relevant officers. This will also help to expedite the lead time required by RCM to distribute files to the respective officers.</p> <p>It was agreed in the last dialogue that the RCM will revert within a week from the date of submission. MIT would like to know whether this decision is already in effect.</p> | <p>Kastam Diraja Malaysia telah mengeluarkan surat edaran bertarikh 17 Januari 2005 kepada semua Pengarah Ibu Pejabat dan Pengarah Kastam Negeri untuk mengambil tindakan seperti yang dicadangkan oleh MIT iaitu menjawab pertanyaan/permohonan orang awam dalam masa satu (1) minggu dari tarikh surat di terima dengan menyatakan nama pegawai serta nombor telefon untuk dirujuk bagi tujuan susulan.</p>                                              |                |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | TINDAKAN              |
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| 14. | <p><b>Classification of Personal Digital Assistants (PDAs) with built-in wireless capabilities</b></p> <p>At present, no duty or tax is applied to computers and computer equipment entering Malaysia.</p> <p>Recently, the Malaysian Customs Department had applied a 10% sales tax on personal digital assistants (PDAs) with wireless connectivity (i.e., PDAs having WiFi, Bluetooth, and other capabilities.)</p> <p>PDAs are akin to a computer with features such as word processing, spreadsheets and internet browsing.</p> <p>It was argued that these PDAs were reclassified and put under the 8525.20 900 tariff code, which would incur a 10% sales tax.</p> <p>Many (if not most) PDAs and notebook computers that are introduced into the market come with wireless connectivity built-in. This trend would continue with the development of ubiquitous technology.</p> <p>Since a PDA is treated like a notebook computer, such a move to impose tax on PDAs with wireless connectivity is not consistent.</p> <p><b>PROPOSAL</b></p> <p>We propose that Customs review and classify PDAs with wireless built-in similar to that of a computer and “traditional” PDAs.</p> | <p><b><u>Usul oleh PIKOM</u></b></p> <p>Tiada sebarang penjenisan semula telah di buat ke atas penjenisan PDA seperti yang telah didakwa.</p> <p>Penjenisan sesuatu dagangan adalah tertakluk kepada Rukun-Rukun Penjenisan dibawah Explanatory Notes to the Harmonised Commodity Description and Coding System yang mana adalah berasaskan ciri-ciri utama dagangan itu dari segi fungsi dan diskripsi. Adalah dijelaskan bahawa penjenisan dagangan adalah tidak berdasarkan kepada kadar duti/cukai dikenakan.</p> <p>PDAs berciri ‘wireless’ tidak dikenakan cukai jualan tetapi PDAs berciri ‘wireless and GSM’ dikenakan 10% cukai jualan. Jika ada syarikat yang tidak setuju dengan penjenisan tersebut, perkara ini boleh dirujuk kepada Perbendaharaan untuk tindakan selanjutnya.</p> | <p>Untuk makluman</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | TINDAKAN                    |
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| 15. | <p><b>Discrepancy in the sales tax treatment between a licensed manufacturer with repacking activities and a person who solely carries on repacking activities</b></p> <p>Item 8, Schedule B of the Sales Tax (Exemption from Licensing) Order exempts a person other than licensed manufacturer who is carrying on the repacking of bulk goods into smaller packages from the requirement of applying to be licensed as a licensed manufacturer. It would appear that a licensed manufacturer who carries out both activities of manufacturing and repacking activity would no be able to enjoy the above exemption thus making the repacked goods more expensive and uncompetitive. This issue was then discussed in the 1/2004 dialogue.</p> <p>A meeting was the held between the representatives from MIT and the RCM to discuss this issue and it was agreed a written clarification would be issued by the RCM in regards to this issue.</p> <p>MIT would like to know when the written clarification will be issued.</p> | <p><u><b>Usul oleh MIT</b></u></p> <p>Perkara ini telah dibincang dengan pihak MIT pada 19.11.2004. Surat edaran (written clarification) telah dikeluarkan oleh Bahagian Cukai Dalam kepada MIT pada 23.3.2005 dan ke stesen-stesen untuk tindakan selanjutnya.</p>                                                                                                                                                                                                                                     | <p>Untuk makluman</p>       |
| 16. | <p><b>Service Tax Exemption On Intra-Group Services</b></p> <p>Under the Service Tax (Amendment)(N0. 2) Regulations 2002, certain taxable services rendered by a company to another within the same group of companies shall not be regarded as taxable services and therefore exempted from service tax. However, where the company provides any the said services to another person outside the group of companies, service tax exemption would not apply to the same services rendered within the group.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p><u><b>Usul oleh MIT</b></u></p> <p>Tujuh (7) jenis perkhidmatan bercukai iaitu perakaunan, perundangan, kejuruteraan, arkitek, juruukur, perundingan dan pengurusan menjadi tidak bercukai sekiranya perkhidmatan tersebut disediakan kepada syarikat dalam suatu kumpulan syarikat yang sama (intragroup) iaitu syarikat subsidiari dan syarikat 'associate'. Syarat-syarat yang perlu dipenuhi ialah Butiran 3 hingga 9 kepada nota Jadual Kedua, Peraturan-peraturan Cukai Perkhidmatan 1975.</p> | <p>Bahagian Cukai Dalam</p> |



| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | TINDAKAN       |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
|     | <p>MIT are of the view that this is a major limitation on the much appreciated service tax exemption on intra-group services, as in practice, it is not uncommon for the centralised services within a group to be extended to third parties, especially associated companies. In most instances, the portion of services provided to these parties is insignificant as compared to that provided to the other companies within the group. It would be inequitable to deny service tax exemption on the whole range of intra-group services due to the insignificant portion of the same rendered to a party outside the group. This issue was brought up during the 1/2003 dialogue and it was agreed that a meeting between MIT and the RCM would be held in order to clarify the issue.</p> <p>MIT would therefore strongly urge the RCM to reconsider the restriction imposed and we would be more than happy to clarify the issue with the RCM.</p> | Perkara ini akan dikaji semula oleh Bahagian Cukai Dalamn.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                |
| 17. | <p><b>Classification of HS Code</b></p> <p>The Customs Department at one time provided confirmation of tariff classification through "Direct Interview". This service was useful to members for immediate written confirmation of tariff classification.</p> <p><b>Recommendations</b></p> <p>It is recommended that Customs Department reintroduce this service to facilitate more efficient trade through immediate confirmation of classification of goods.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <p><b><u>Usul oleh FMM</u></b></p> <p>Dimaklumkan bahawa tidak ada surat penjenisan yang dikeluarkan pada masa pertanyaan penjenisan secara bersemuka ("direct interview").</p> <p>Sebelum sesuatu kod penjenisan barangan dapat ditentukan dengan tepat, analisis samada dalam bentuk mudah ataupun mendalam adalah amat diperlukan. Demi mengelakkan salah guna kemudahan tersebut dan untuk mendapatkan kod penjenisan yang tepat, permohonan secara bertulis hendaklah dikemukakan bersama-sama dengan katalog spesifikasi, risalah-risalah dan contoh jika perlu kepada Bahagian Perkhidmatan</p> | Untuk makluman |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | TINDAKAN              |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
|     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Teknik Negeri untuk diproses dan dikeluarkan keputusan penjenisan dengan segera.</p> <p>Manakala bagi barangan yang memerlukan kajian lanjut, kes-kes pencegahan, 'pay under protest' atau 'conflicting tariff codes' akan dimajukan ke Ibu Pejabat untuk dianalisis dan ditentukan kodnya dan seterusnya dikeluarkan surat penjenisan.</p>                                                                                                                                                                                                                                                                                        |                       |
| 18. | <p><b>Delays in Obtaining Classification Rulings</b></p> <p>It currently takes 2-3 months for importers and exporters to obtain classification rulings. This hinders trade and reduces Malaysian manufacturer's competitiveness in the global market.</p> <p><b>Recommendations</b></p> <p>It is recommended that Customs Department further improve their current system in order to assist industries to obtain classification rulings within two weeks. All official classification rulings made by the Classification Division in Putrajaya or Customs Branches should be binding and accepted by all Customs stations at the point of import/export.</p> | <p><b><u>Usul oleh FMM</u></b></p> <p>Penjenisan fatwa diputuskan setelah melalui proses penjenisan dengan mengambil sedikit masa yang panjang setelah mengambil kira tindakan-tindakan seperti berikut:-</p> <p>a) Analisis jabatan pakar (Kimia, JKR, SIRIM, FRIM, RRI dan lain-lain)</p> <p>b) Pandangan WCO jika perlu</p> <p>Dengan demikian tempoh masa yang diperlukan tidak dapat ditentukan kerana ia bergantung kepada sesuatu kes yang dipertikaikan.</p> <p>Dimaklumkan bahawa surat-surat penjenisan yang dikeluarkan oleh Cawangan Penjenisan (Ibu Pejabat/Negeri) adalah Terikat (Binding) sehinggalah dibatalkan.</p> | <p>Untuk makluman</p> |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | KEPUTUSAN                                                                                                                                                                                                                                                                                                                                                                                 | TINDAKAN       |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| 19. | <p><b>Thailand-Malaysia Joint Action Committee</b></p> <p>Customs Malaysia and Thailand would establish a Committee to address the various Customs related problems faced by the two countries e.g. rejection of the CEPT Form D by Thai Customs.</p> <p><b>Recommendations</b></p> <p>FMM recommends that the establishment of this Joint Action Committee be expedited to assist Malaysian industries facing problems in exporting to Thailand.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p><u><b>Usul oleh FMM</b></u></p> <p>Perhubungan duakala (bilateral) antara Thailand dan Malaysia pernah diadakan pada tahun 2004. KDRM bercadang untuk membincangkan masalah-masalah perkastaman pada perjumpaan akan datang dan FMM akan dijemput sebagai 'observer'</p>                                                                                                               | Untuk makluman |
| 20. | <p><b>Limitation of 2 registered Forwarding Agents per company</b></p> <p>In Port Klang, Customs Department has restricted the number of forwarding agents to 2 agents per company. The requirement for a 3<sup>rd</sup> agent would be approved based on ad-hoc or project basis. However they cannot be listed as a permanent forwarding agent. The Selangor Freight Forwarders Association has requested that Customs Selangor restrict the number of registered agents to 2 per company so that shippers will pay their monthly dues to their existing agents.</p> <p><b>Recommendations</b></p> <p>FMM wishes to highlight that other Customs stations i.e. in Johor and Penang permit unlimited number of agents per company (provided prior approval is obtained from the Customs Department). It is suggested that the current procedure in Port Klang be replaced with the procedure practiced by other states.</p> | <p><u><b>Usul oleh FMM</b></u></p> <p>Dasar semasa telah memberi budi bicara kepada Pengarah Kastam Negeri bagi menimbang permohonan daripada 'principal' untuk melantik lebih daripada dua (2) agen penghantaran mengikut merit sesuatu kes iaitu, KDRM akan meluluskan permohonan 'principal' untuk melantik lebih daripada 2 agen penghantaran bergantung kepada kes-kes tertentu.</p> | Untuk makluman |

| BIL | PERKARA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | KEPUTUSAN                                                                                                                                                                                                                          | TINDAKAN               |
|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| 21. | <p><b>Requirement for Forwarding Agents to Declare and Clear Cargo</b></p> <p>With SMK Dagang Net system, many companies have become direct users of the e-declare system whereby companies declare import / export consignments directly with Customs and request agents to clear their cargo on their behalf. In Johor, direct users are required to declare and clear their consignments themselves. Clearance of cargo by 3<sup>rd</sup> party is not permitted. The Johor Association of Forwarding Agents has requested Customs Department to prevent direct users from using agents to clear their cargo as the agents do not want to be held liable for wrong declaration of cargo by the direct user.</p> <p><b>Recommendations</b></p> <p>It is noted that Customs Departments in Penang and Port Klang permit forwarding agents to carry out cargo clearance on direct users' behalf.</p> <p>FMM request that the current procedure in Johor be streamlined to that of Penang and Port Klang.</p> | <p><b><u>Usul oleh FMM</u></b></p> <p>KDRM bersetuju untuk membenarkan 'Direct users' mengeluarkan surat lantikan (authorised letter) kepada agen penghantaran untuk menguruskan pelepasan dagangan bagi pihak 'Direct users'.</p> | <p>Bahagian Kastam</p> |

## **AGENDA 6**

### HAL-HAL LAIN

| <b>BIL</b> | <b>PERKARA</b>                                                                                                                                                                                                             | <b>KEPUTUSAN</b>                                                                                                                                            | <b>TINDAKAN</b> |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1.         | Wakil Persekutuan Penghantaran Fret Malaysia memaklumkan bahawa bila ada kajian semula mengenai cukai/duti keatas barangan CEPT, pengimport dikehendaki membayar cukai/duti secara retrospektif, contohnya barangan kertas | Kebiasaan tuntutan cukai/duti adalah pada tarikh tersebut atau tarikh akan datang. Walau bagaimanapun perkara ini akan dibincangkan dengan Bahagian Kastam. | Bahagian Kastam |

## **AGENDA 7**

### **UCAPAN PENUTUP DAN PENANGGUHAN**

#### **Ucapan Pengerusi Bersama**

Encik RS Raja Kumaran berpuas hati kerana banyak usul-usul yang dibangkitkan dapat diselesaikan oleh Kastam Diraja Malaysia dan beliau memohon supaya keputusan yang telah dibuat dimaklumkan kepada pihak stesen/negeri.

Beliau mencadangkan supaya kakitangan dari Perbendaharaan dapat turut hadir dalam Mesyuarat ini supaya keputusan yang memerlukan tindakan Perbendaharaan dapat diselesaikan serta merta.

#### **Ucapan Pengerusi**

Pengerusi berharap kerjasama dan kesefahaman dipertingkatkan di antara pihak swasta dan KDRM kerana tanpa sokongan dari pihak swasta, KDRM tidak akan berjaya memungut hasil dengan lebih banyak lagi pada masa hadapan. Sasaran pungutan hasil pada tahun ini (2005) ialah RM 25 bilion. KDRM telah mengambil langkah-langkah seperti pengenaan 'banderol' dan dakwat keselamatan keatas minuman keras serta rokok, peningkatan penguatkuasaan, tindakan/operasi terhadap semua pembayar cukai perkhidmatan untuk menambahkan hasil Jabatan. Pada tahun lalu, penguatkuasaan KDRM lebih longgar kerana kelembapan ekonomi tetapi kini KDRM terpaksa bekerja keras kerana kita perlu mencari pengelak atau pembayar cukai.

Beliau mengucapkan ribuan terima kasih kepada semua pihak swasta terutama sekali FMM kerana telah memberi pengetahuan yang mendalam tentang industri seramik/tembikar. Tanpa penyelidikan dan kajian yang dibuat, angka kebocoran hasil yang berlaku tidak akan diketahui. Berasaskan kepada maklumat dan kajian yang dijalankan oleh FMM, jumlah nilai perkakas dapur seperti cawan dan piring jenis seramik yang diimport pada tahun 2004 ialah 20 bilion dan jika 35% duti/cukai dikenakan keatas barangan tersebut, kebocoran hasil sebanyak 7 billion akan berlaku kerana ketidakpamatuhan (non-compliance) prosedur kastam. Akan tetapi kutipan hasil dari seramik yang dipungut oleh KDRM adalah amat kurang daripada jumlah anggaran yang sepatutnya dipungut. Itupun hanya satu industri yang diteliti dan masih belum mengambilkira industri lain seperti tekstil. Matlamat KDRM ialah menambahkan pungutan hasil dan mengurangkan 'non-compliance'.

Beliau berpendapat bahawa kehadiran kakitangan Perbendaharaan dalam Mesyuarat ini tidak dapat memberi keputusan serta merta kepada usul-usul yang dibangkitkan. Bahkan setakat hanya mendapat maklumat atau penjelasan terkini. Ia lebih baik dan bermakna jika usul-usul dimajukan oleh KDRM kepada Perbendaharaan untuk tindakan.

Beliau mengucapkan ribuan terima kasih atas kerjasama yang diberikan oleh pihak swasta dan berharap perbincangan pada masa hadapan akan lebih berhasil.

## PENANGGUHAN MESYUARAT

**Penangguhan** : Mesyuarat ditangguhkan pada jam 12.30 tengahari.

**Mesyuarat Akan Datang** : Akan dianjurkan oleh FMFF.  
Tarikh dan Tempat akan ditentukan kemudian  
(dijangka pada Jun/Julai 2005).

.....  
[ **AZIS BIN YACUB** ]  
Setiausaha.  
Mesyuarat Panel Perundingan Kastam-  
Swasta 1/2005.

Tarikh : 22 April 2005

.....  
[ **TAN SRI ABDUL HALIL BIN ABD. MUTALIB** ]  
Pengerusi,  
Mesyuarat Panel Perundingan Kastam-Swasta  
1/2005.

Tarikh : 22 April 2005

*Disediakan oleh;*

*Urusetia  
Mesyuarat Panel Perundingan Kastam-Swasta 1/2005  
b.p Unit Perhubungan Awam  
Kastam Diraja Malaysia*