



Doing business in Malaysia 2024



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Foreword

Malaysia, a springboard for digital and ESG investments

Amidst rising geopolitical tensions, protectionism, challenges posed by climate change and rapid technological progress, sentiments around growth in Malaysia are relatively optimistic, underpinned by resilient domestic expenditure and improvement in external demand.

As of 17 May 2024, Bank Negara Malaysia announced that the [Malaysian economy](#) registered a higher growth of 4.2% in the first quarter of 2024, driven by stronger private expenditure and a positive turnaround in exports. For the year, headline and core inflation are expected to remain moderate, averaging between 2% – 3.5% and 2% – 3% respectively. This moderate inflation reflects stabilising demand and contained cost pressures, with potential upside from the implementation of fuel subsidy rationalisation.

On the [external trade front](#), Malaysia's trade is expected to grow by 5%, driven by enhanced utilisation of free trade agreements (FTAs) as outlined in the New Industrial Master Plan 2030 (NIMP 2030).

Malaysia's ratification of the Regional Comprehensive Economic Partnership (RCEP) and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) places the country in a strategic position to strengthen trade relations with key economies globally.

The environmental, social and governance (ESG) agenda remains a core focus, with Budget 2024 placing a strong emphasis on green growth and green investments. It also includes allocations to support energy transition and biodiversity initiatives, as well as promoting the voluntary carbon market.

Malaysia is increasingly recognised as an investment hub, particularly in big tech and manufacturing. Significant investments in AI infrastructure and advanced technologies highlight the importance of growing the digital economy. Guided by the NIMP 2030, the government is committed to nurturing high-value and innovation-driven sectors such as aerospace, chemical, electrical and electronic (E&E), pharmaceutical and medical devices.

In addition, the nation's diverse and multilingual workforce contributes to global competitiveness and ease of doing business. Efforts to enhance transparency and integrity of the tax system, such as the implementation of e-invoicing, further bolster Malaysia's business and investor-friendly environment.

This guide has been prepared to assist those interested in entering or expanding in the Malaysian market. The coverage of the subjects is not exhaustive but is intended to deal with some of the more important and/or broad questions that may arise.

The material contained in the guide is based on legislation as of June 2024, unless otherwise indicated.



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About Malaysia

Located in Southeast Asia, Malaysia is a federal constitutional monarchy that shares its borders with Singapore, Thailand, Indonesia and Brunei. It has a total land size of around 330,000 km², similar to that of Japan, Germany, Finland, Norway.

Ethnically, it has a diverse and multicultural population (a total population of 33.4 million), consisting mostly of Bumiputera (Malays and other indigenous people), followed by Chinese and Indians.

As a former British colony, English is widely spoken, especially in business settings. The national language of Malaysia is Malay, or Bahasa Malaysia. It also follows that its political structure and legal framework are largely based on British systems.

Malaysia is considered one of the most developed developing countries in the world, and is classified as an upper-middle income country, with a GNI per capita of USD11,481. Other countries in this category include Mexico, Turkey and Brazil.

In the past 5 years, it has had an average GDP growth of 2.9% per year. It has also maintained a steadily low inflation rate, an average of 1.57% over the last 5 years.

Malaysia Country Snapshot



330,411 km²
total **land size**



Average **GDP growth**
2.9% per year
over the last 5 years



Population
32.67 million



GNI per capita
USD11,481



Majority race is **Bumiputera**,
accounting for
63.8%
of the population



Average **inflation**
1.57% per year
over the last 5 years

Sources: Department of Statistics Malaysia; EIU Viewswire; Bank Negara Malaysia (Malaysia's Central Bank); and Minister of Finance

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Location advantage



Centre of Southeast Asia - a market of 671.7 million people with a combined GDP of USD3.6 trillion



Next to one of the world's busiest shipping lanes - Straits of Malacca, providing access to the global supply chain via two key Malaysian ports: Port Klang and Port of Tanjung Pelepas



Well-connected to major cities in Asia - within an 8-hour flight from Mumbai, India to Beijing, China.



8-hour flight



4-hour flight



2-hour flight

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Conductive business environment



34th most competitive country globally - based on the IMD World Competitiveness Ranking 2024



Significantly outperformed the emerging markets and developing economies (EMDE) benchmark - ranked first among Asia's emerging and developing nations for overall investment.²



Multiracial (multicultural) population, and a young workforce to support your regional operations. Its three main races comprise of Bumiputera (Malays*), Chinese, and Indians.



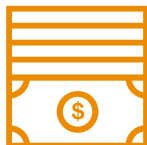
Upper-middle income country as classified by The World Bank - GNI per capita of MYR54,015 (USD11,481).¹



Open to foreign investments - there is a large presence of foreign companies (5,000+) from more than 50 countries in Malaysia, with a cumulative investment (FDI stock) of MYR926.3 billion, as at December 2023.³



English is commonly used to conduct business.



Third lowest Cost of Living in Southeast Asia, 71st globally - Mercer's 2023 Cost of Living Ranking



An **established legal system** - the Malaysian Constitution sets out the legal framework of the country. Malaysian law largely adopts the United Kingdom's legal system.

¹ Source: Bank Negara Malaysia and the World Bank

² According to The Milken Institute in the Global Opportunity Index 2024 report

³ According to the Malaysian Investment Development Authority and the Department of Statistics Malaysia

* Malays share close similarities to Indonesians, e.g. in terms of language, culture, history, and lineage

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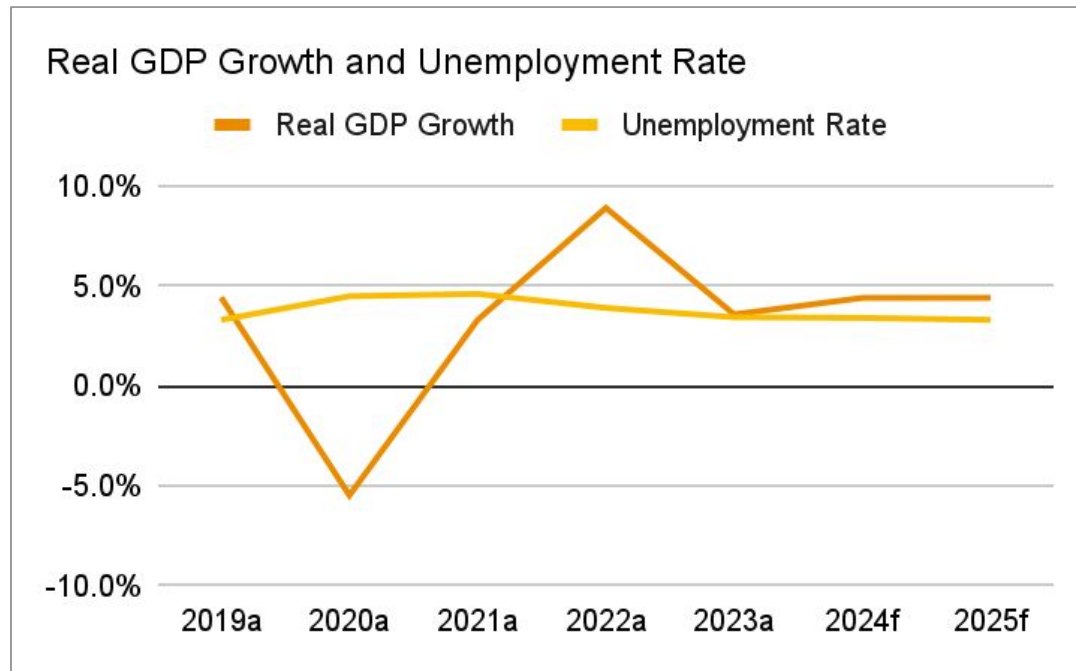
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Sustainable economic environment

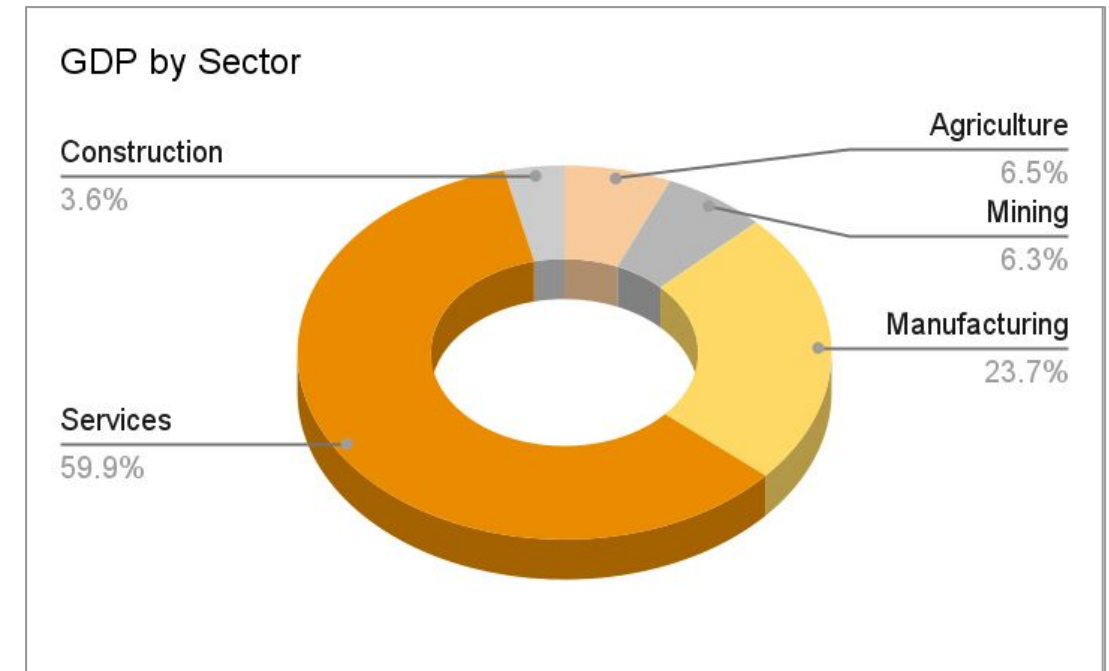
Growth is expected to remain robust despite global uncertainties, and unemployment rates have a stable outlook with a slight downtrend.



(a) actual (f) forecast

Source: EIU Viewswire

The economy is led by the services and manufacturing sectors, similar to advanced economies.



Source: Bank Negara Malaysia Economic and Monetary Review 2023

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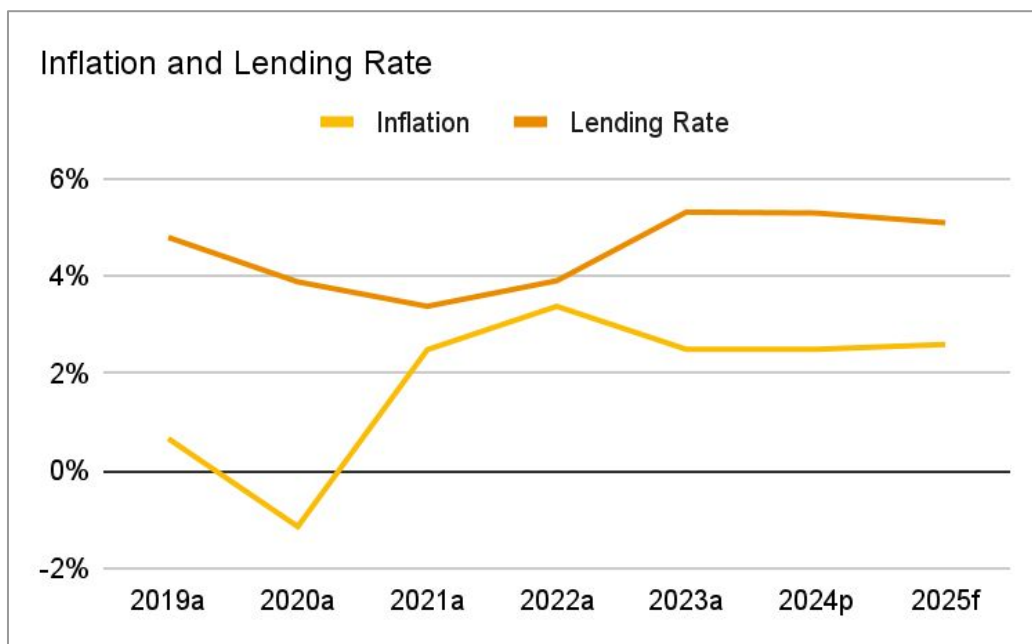
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Sustainable economic environment

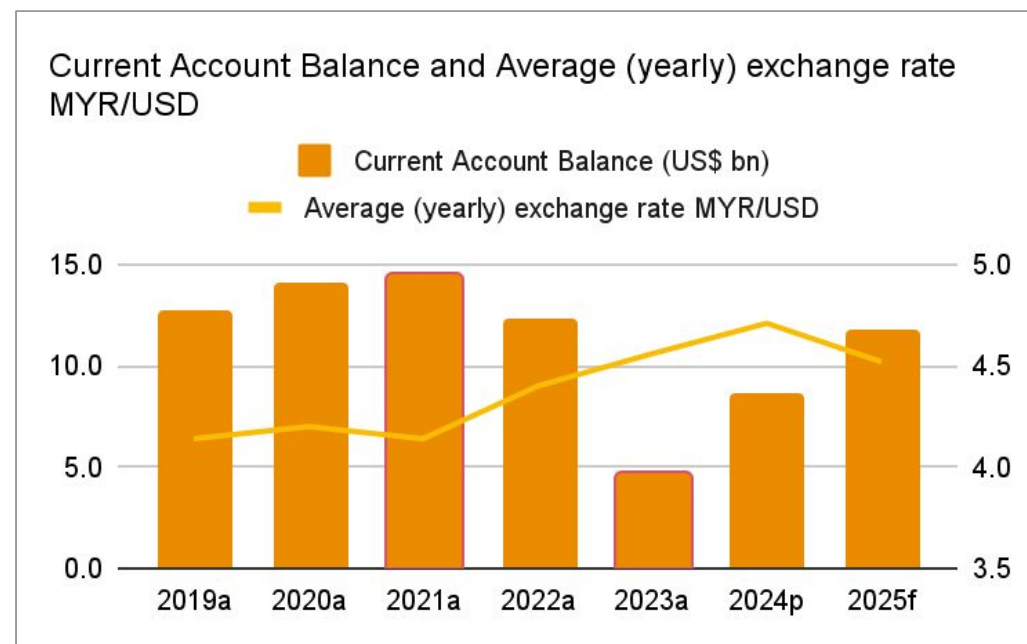
Inflation is expected to remain stable - underpinned by prudent fiscal and monetary policies, alongside resilient domestic demand, despite a series of incremental subsidy reforms.



(a) actual (p) preliminary (f) forecast

Source: EIU Viewswire

High current account balance and trade surplus enhance the economy's capabilities to withstand external forex shocks.



(a) actual (p) preliminary (f) forecast

Source: EIU Viewswire

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Digital economy to drive Malaysia's development

Digital technology is expected to be the new driver for the country's economy in the coming decade, and its contribution is projected to reach 25.5% of GDP by 2025¹.

Through the Malaysia Digital Economy Corporation (MDEC), the government is focusing on initiatives to develop capabilities around emerging technologies such as Big Data Analytics, Artificial Intelligence (AI), Internet of Things (IoT), financial technology (FinTech), data centres, cloud services and robotics.

To position Malaysia as a leading digital hub in ASEAN, the government has embarked on several key digital initiatives, such as:

- PEMANGKIN programme: designed to accelerate digital transformation in nine promoted sectors: digital agriculture, digital services, digital cities, digital health, digital finance, digital trade, digital content, digital tourism, and the Islamic digital economy.
- AI, blockchain, Web3, 5G advanced network, and cybersecurity, including initiatives like IP360 Metaverse to develop digital content ecosystems.

¹ Malaysia Digital Economy Corporation (MDEC)

² Source: Department of Statistics Malaysia

³ Source: e-Conomy SEA Report 2020

- Development of data centers, including partnerships with global tech companies like Google, Amazon Web Services and Microsoft.
- Programs to train students and professionals, ensuring a digitally skilled workforce.

Budget 2024 also introduced several digital initiatives:

- BNM to allocate MYR2.84 billion to **enhance digital connectivity initiatives, digital economy, cyber security, national information marketing** as well as to support the development of local talent and creative projects.
- MYR165 million allocation to bolster MSMEs with **support on online businesses** and **expansion of Digital Economy Centres (PEDi)**.
- MYR60 million for **5G cyber security initiatives** and additional MYR20 million to **combat online fraud**.

Malaysia's digital position



Digital Readiness²

- 96% household have internet access as of 2022
- 99.3% households have access to mobile phones as of 2022



Ranked 33rd globally and second in Southeast Asia on IMD World Digital Competitiveness Ranking 2023



Strong e-commerce market, with gross merchandise value expected to rise to USD30 billion in value by 2025, at a CAGR* of 23%³

*CAGR: Compounded annual growth rate

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Environmental, social and governance (ESG) investing gaining momentum

As ESG concerns amongst investors have heightened, the Malaysian Government has come up with policies and initiatives in support of the country's climate change pledges and ESG commitments. Here are some of the key highlights:

- Under the **12th Malaysia Plan**, Malaysia has committed to be a **net zero by 2050** at the earliest. The commitment is supported by a host of initiatives including the National Energy Transition Roadmap.
- The government recently updated its targets to increase the share of **renewable energy in power installed capacity to 70% by 2050**.
- **Budget 2024** includes sustainable finance initiatives for a low carbon economy, including various supports for small and medium enterprises (SMEs).
- **New Industrial Manufacturing Plan (NIMP) 2030** also include initiatives that drive green manufacturing practices e.g. EV ecosystem, carbon capture, utilisation and storage (CCUS), and a circular economy framework.

Regulators play an important role in advancing the ESG agenda in Corporate Malaysia. Efforts include the following:

- **Securities Commission Malaysia** has set up a national-level advisory committee, with endorsement from the Ministry of Finance, to support the implementation of the International Financial Reporting Standards Sustainability Disclosure Standards in Malaysia
- **BNM** formed the Joint Committee on Climate Change (JC3) to facilitate collaboration within the Malaysian financial sector to spur response towards a low-carbon economy. JC3's milestones includes mandating the adoption of Task Force on Climate-related Financial Disclosure (TCFD) reporting framework by financial institutions by 2024
- **Bursa Malaysia** launched Malaysia's first voluntary carbon market exchange, "The Bursa Carbon Exchange" and its Sustainability Reporting Guide and Toolkit (3rd edition)

Malaysia's energy transition levers



Energy efficiency



Bioenergy



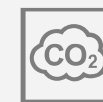
Renewable energy



Green mobility



Hydrogen



Carbon capture, utilisation and storage

FTSE4Good Bursa Malaysia (F4GBM) outperformed FTSE Bursa Malaysia - Kuala Lumpur Composite Index (FBM KLCI)²

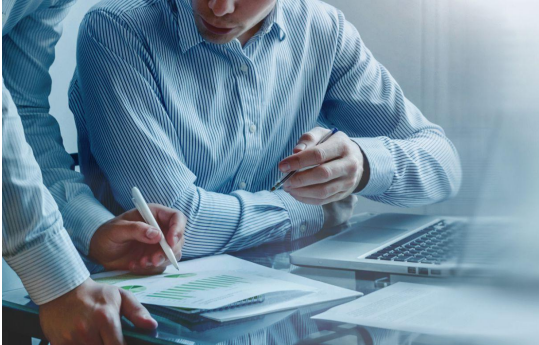
~ **592 basis points**

within 2-year period from January 2020 to January 2024

¹Source: PwC research, October 2022

²Source: Bloomberg

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Diversified international trade

A **broad range of trading partners** - largest trading partners by volume include China, Singapore and United States.

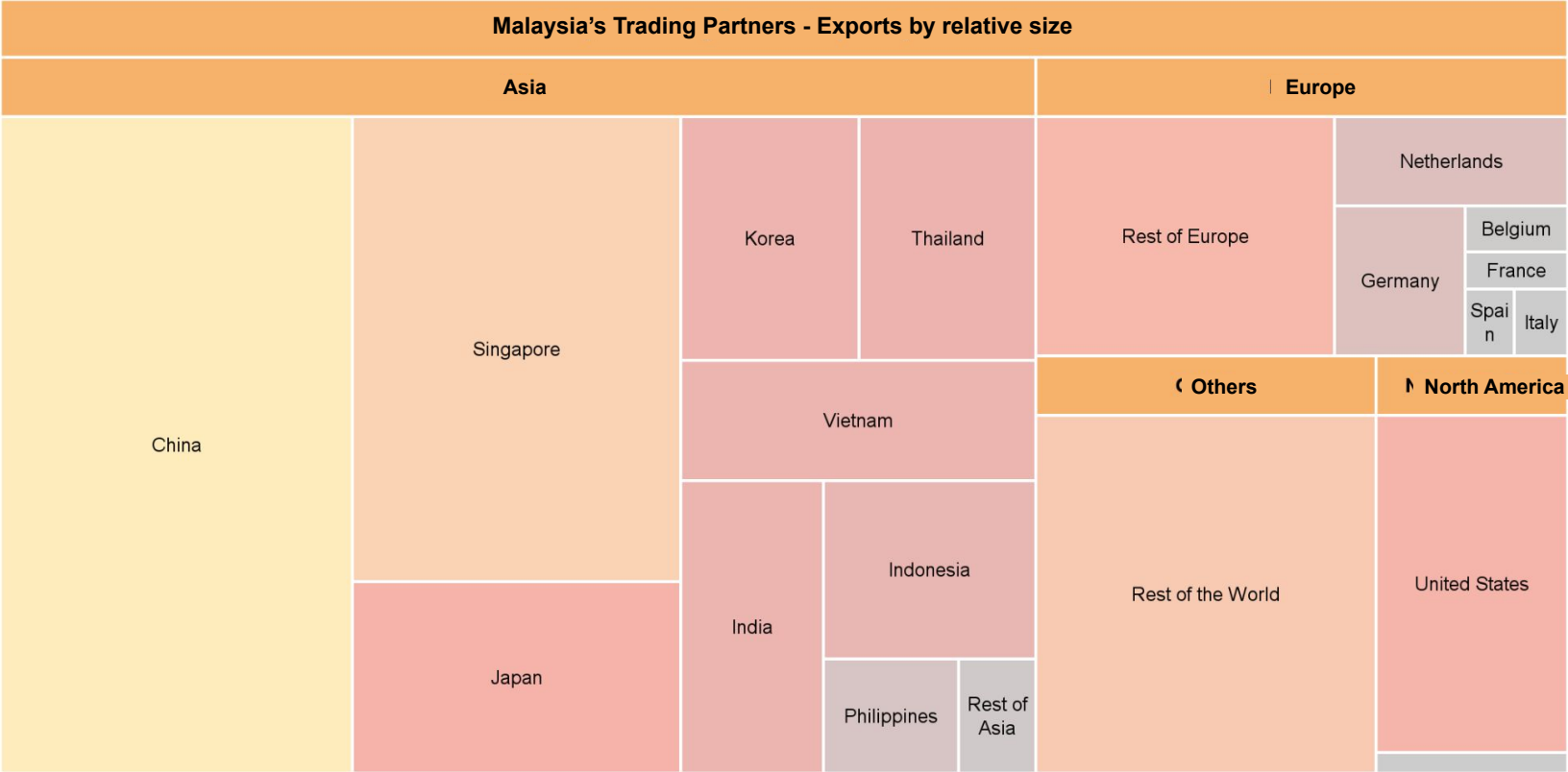
Malaysia recorded its highest-ever first quarter trade, export, and import values in January to March 2024, marking a 7.1% year-on-year growth in trade. Exports saw a 2.2% increase over the previous year, while imports experienced a robust growth of 13.1%.

Malaysia is one of the most open economies in the world with a trade to GDP ratio averaging over 130% since 2010.

ASEAN	Australia	Chile
China	India	Japan
Korea	New Zealand	Pakistan
Turkey	RCEP	CPTPP
Iran*	EFTA*	EU*

* Under negotiation / pending ratification

Malaysia’s Trading Partners - Exports by relative size in 2024



Source: Bank Negara Malaysia Monthly Statistical Bulletin, March 2024

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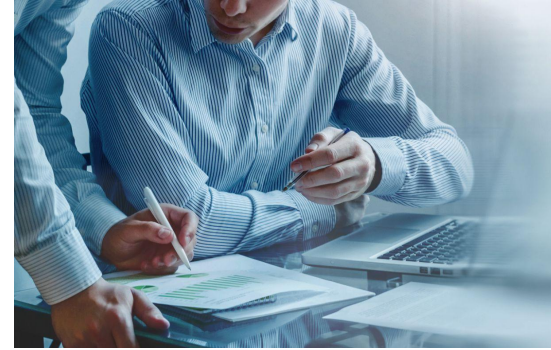
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Principal government agencies

The following is a non-exhaustive list of government agencies that are most relevant to foreign investors:



Malaysian Investment Development Authority (MIDA)

MIDA provides assistance to companies intending to invest in the manufacturing and services sectors as well as facilitates the implementation and operation of the projects.

Website: mida.gov.my



Ministry of International Trade and Industry (MITI)

This ministry has overall responsibility in all aspects of international trade and industrial development.

Website: miti.gov.my



InvestKL

InvestKL, an investment promotion agency operating under MITI, partners with various government agencies to attract companies to establish their regional hubs and carry out regional activities in Greater Kuala Lumpur.

Website: investkl.gov.my



Companies Commission Malaysia (CCM)

CCM acts as an agency to incorporate companies and register businesses as well as provide the public with company and business information. All companies intending to do business in Malaysia are required to register with the CCM.

Website: ssm.com.my



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Business formation and the regulatory environment

Business formation and the regulatory environment

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Business formation: types of business entities

Types of entity

The following are the forms of business organisations available in Malaysia.

Company

Companies are governed by the Companies Act 2016 (CA 2016), which provides for three types of companies to be incorporated:

1. Company limited by shares;
2. Company limited by guarantee; or
3. Unlimited company.

In practical terms, almost all companies will be companies limited by shares, i.e. companies with limited liability, the maximum liability of a member being limited to the value of share capital. Companies may be formed as either private companies or public companies. Unlimited companies have no limit to the liability on its members.

A private company is one which is prohibited by its Constitution (formerly referred to as memorandum and articles of association) to issue any invitation to the public to subscribe for shares or debentures of the company or to deposit money with the company.

Shareholders / members of a private company shall not be more than 50 and are also restricted in their right to transfer their shares in the company as provided in CA 2016. A public company is employed where it is intended to invite the public to subscribe for shares or debentures in the company or to deposit money with the company.

Limited Liability Partnership (LLP)

LLP is an alternative business vehicle regulated under the Limited Liability Partnerships Act 2012, which combines the characteristics of a company and a conventional partnership.

An LLP is a separate legal entity from its partners. The liabilities of the partners of an LLP are limited while the LLP has unlimited capability in conducting business and holding property.

Two or more individuals or bodies corporate may form an LLP for any lawful business in accordance with the terms of the LLP Agreement. An LLP may also be formed for the purposes of carrying on professional services of which the partners must be natural persons of same professional practice and have in force, professional indemnity insurance approved by the Registrar.

An LLP has perpetual succession and any change in the partners will not affect the existence, rights or liabilities of a LLP.

Partnership or sole proprietorship

All sole proprietorships and partnerships (excluding LLPs) are unincorporated and must be registered with the Registrar of Businesses also under the auspices of the Companies Commission Malaysia.

As unincorporated entities, sole proprietorships and partnerships have unlimited liability. In the case of partnerships, partners are both jointly and severally liable for the debts and obligations of the partnerships.

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The Federal Government of Malaysia

Malaysia adopts the constitutional monarchy form of government based on the Westminster system, which consists of three branches:

Legislative



- Creates laws by passing bills through the Parliament.
- The Parliament consists of two houses, the House of Representatives (*Dewan Rakyat*) and the Senate (*Dewan Negara*).
- In most cases, bills are passed by both houses and assented by the Supreme Head or King (*Yang di-Pertuan Agong*) to become law.

Executive



- Although the Monarch is the Head of State, the executive power is vested in the cabinet of ministers and is led by the Prime Minister.
- The cabinet formulates economic policies, sets the national budget, and proposes and amends laws.
- There are 27 ministries in total. Among the key ministries that are relevant to foreign investors are the Ministry of Finance, and Ministry of International Trade and Industry.

Judiciary



- The Judiciary is empowered to interpret laws that are created by the Parliament by hearing criminal and civil cases in court.
- Headed by the Chief Justice of Malaysia.
- Court system is based on British common law principles.
- More information on the court system is on the next page.

The state governments

Malaysia is a federation made up of 13 states of which the federal states are Kuala Lumpur, Putrajaya, and Labuan. Nine of these states are headed by hereditary rulers, the Sultans, who serve as constitutional heads of state. The remaining four states are headed by the Yang Di-Pertua Negeri (governors) who are appointed for fixed terms of office to serve as constitutional heads of state.

Each state has its own written constitution and an elected legislative assembly. Each state government is led by a Menteri Besar (Chief Minister) or Premier (only for Sarawak) who is appointed from among the members of the legislative assembly.

The division of powers between the various state governments and the federal government is defined by the Federal Constitution, which provides for a measure of autonomy for the 13 constituent states.

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Court system

Substantially based on the British legal system and principles of common law.

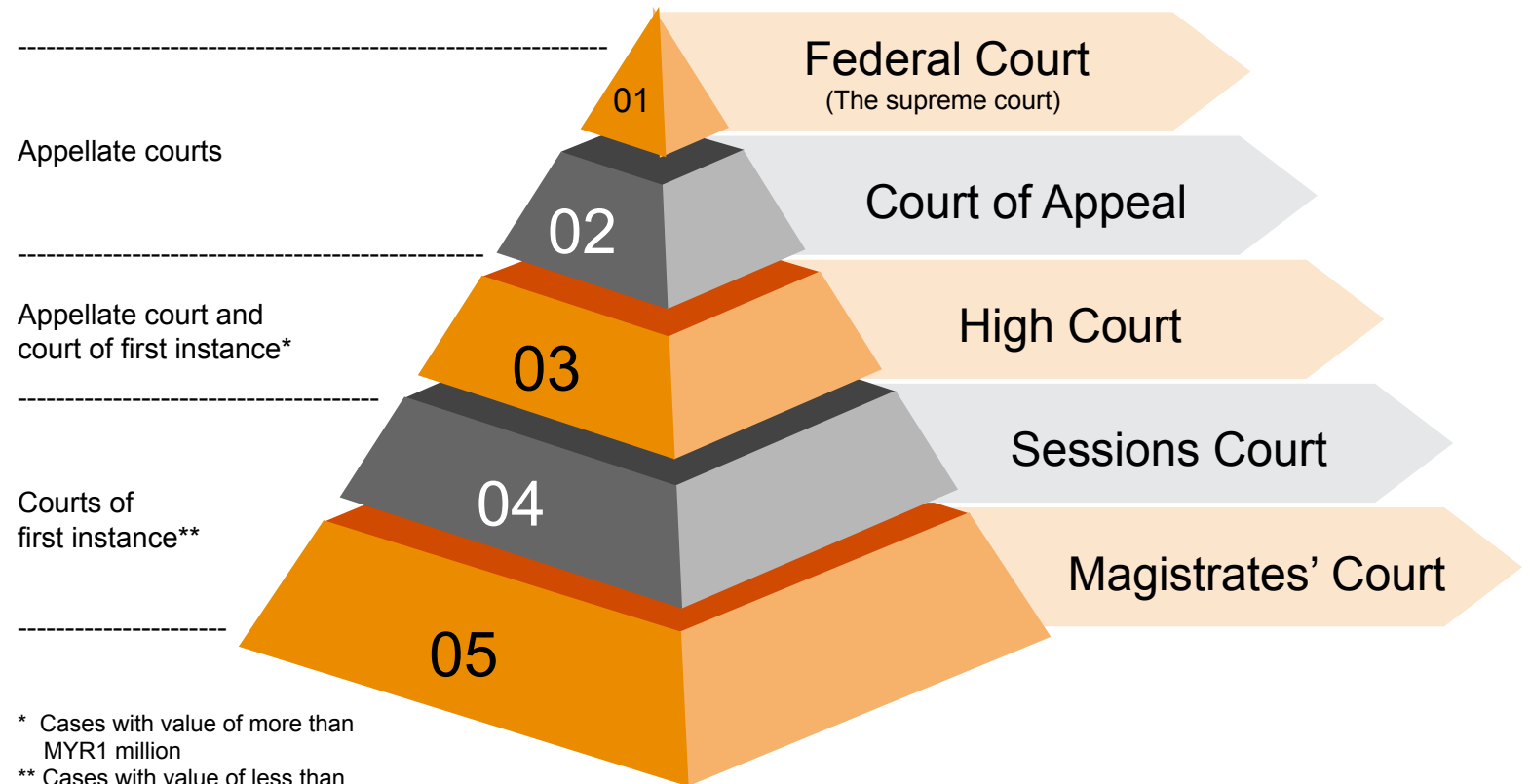
Specialised statutory tribunals

Besides the ordinary courts of law there are also specialised statutory tribunals - e.g. Industrial Court, Labour Court, Tribunal for Consumer Claims. These quasi-judicial bodies serve to provide an alternative, inexpensive and expedited means to settle disputes between parties within their specialised jurisdictions.

Syariah Courts

There is a parallel system of state Syariah Courts which has limited jurisdiction over matters of state Islamic law. The Syariah Courts have jurisdiction only over matters involving Muslims only.

Court system



* Cases with value of more than MYR1 million

** Cases with value of less than MYR1 million

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Regulatory environment for companies

Malaysia's doing business environment is governed by a number of regulations to maintain an efficient and competitive private sector, as well as to protect public interests and various stakeholders. Here are some of the notable doing business regulatory frameworks:



Free and fair competition:

The Malaysian Competition Commission investigates complaints on anti-competition behaviours, carries out market reviews and imposes penalties on offenders.



Price control and anti-profiteering:

The government can penalise businesses that make "unreasonably high profits" on any goods sold or services supplied.



Conduct in take-overs and mergers:

The Malaysian Code on Take-Over and Mergers 2016¹ (issued by the Securities Commission of Malaysia and recently revised in 2021) aims to ensure that all shareholders are treated equally in a take-over and the acquisition of voting shares (or control of companies) takes place in an efficient, competitive and informed market.



Limits on foreign equity ownership:

Regulations on specific ownership requirements apply depending on sector. While generally, the government has been relaxing these requirements, there are a number of key areas where foreign ownership limits remain, such as in telecommunications, oil and gas and financial services.

¹ The Code can be viewed in its entirety on the Securities Commission of Malaysia's website: www.sc.com.my/regulation/guidelines/take-overs-code

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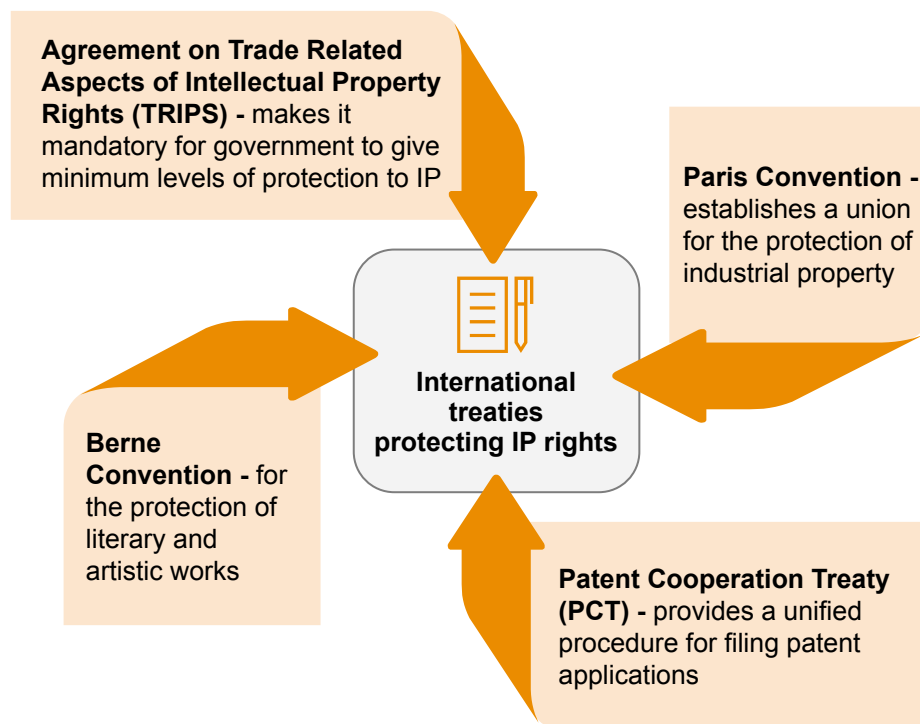
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Intellectual property (IP) rights

Malaysia conforms with international standards and provides protection to local and foreign investors - by being signatory to several international treaties, and through local legislation.



Malaysian Legislation

Protection for

Patents Act 1983
Patents (Amendment) Act 2022
Patents Regulations 1986

Patents

Trade Marks Act 2019
Trade Marks Regulations 1997
Trade Descriptions Act 2011

Trade Marks

Industrial Designs Act 1996
Industrial Designs Regulations 1999
Industrial Designs (Amendment) Act 2013

Industrial designs

Copyright Act 1987
Copyright (Amendment) Act 2022
Various regulations

Copyrights

Geographical Indications Act 2022
Geographical Indications Regulations 2001

(Upon registration) protection of goods following the name of the place where the goods are produced, where a given quality, reputation or other characteristic of the goods is essentially attributable to their geographical origin.

Layout-Designs of Integrated Circuits Act 2000

Layout designs of integrated circuits

Registration of IP rights can be done through **Intellectual Property Corporation of Malaysia (MyIPO)**

Website: myipo.gov.my

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Controls on foreign exchange

Malaysia has a system of exchange control measures aimed at monitoring the settlement of foreign currency payments and receipts as well as encouraging the use of the country's financial resources for productive purposes in Malaysia. The Financial Services Act 2013 is the main legislation governing dealings and transactions in foreign currency whilst the Exchange Control Notices issued by the Central Bank of Malaysia, i.e. Bank Negara Malaysia (BNM) embody the general permissions and directions of the Controller of Foreign Exchange.

Some of the controls put into place include:

Remittances abroad by residents

Residents are permitted:

- To pay in Ringgit to non-residents for settlement of goods and services. Payment must be made into the non-resident's external account or the non-resident financial institution acting on the non-resident's behalf.

- To pay in foreign currency to non-residents for any purpose (other than derivatives), including settlement of goods and services.

Investments abroad by residents

Investment in foreign currency assets are subject to the following:

- Resident entities without domestic Ringgit borrowing are free to invest onshore and abroad.
- Resident entities with domestic Ringgit borrowing are permitted to invest using foreign currency funds sourced from conversion of Ringgit or using funds in Trade Foreign Currency Account, up to MYR50 million per annum (based on aggregate investments of entities within a group of entities with parent-subsidary relationship).

Borrowings in foreign currency by residents

Resident entities are generally allowed to borrow in foreign currency as follows:

- Any amount from licensed onshore banks, entities within a group other than a bank (excluding a non-resident company set up solely to obtain foreign currency borrowings from non-resident financial institutions), direct shareholders and issuance of foreign currency debt securities to other residents, or

- Up to a maximum of MYR100 million equivalent in aggregate from other non-residents. The aggregate of MYR100 million is shared with other resident entities within the resident's group of entities with parent-subsidary relationship.

Borrowings in Ringgit by non-residents

Non-residents are generally permitted to borrow any amount in Ringgit for the following purposes:

- Financing activities related to the production and consumption of goods or services (other than financial services).
- Financing activities related to the construction or purchase of residential or commercial properties (other than purchase of land only).
- Settlement of goods and services procured from residents.

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Types of accounts

1. Foreign currency accounts (FCA)
Residents are generally allowed to open FCAs with licensed onshore banks, or non-resident financial institutions. Resident exporter can retain any amount of export proceeds in foreign currency in its Trade FCA maintained with a licensed onshore bank or convert to Ringgit according to its foreign currency and Ringgit cash flow needs.
2. External accounts
Non-residents are allowed to maintain an external account (i.e. account in Ringgit) with any financial institution in Malaysia. There is no restriction on the amount of Ringgit funds to be retained in the external accounts.



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Labour relations and social security

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Employment regulations

Employment Act 1955

The provisions of the Employment Act 1955 (“Employment Act”) cover any person who works under a contract of service with an employer and who does not earn more than MYR4,000 a month on wages. Section 60 of the Employment Act that addresses termination and overtime benefits will not be applicable to employees whose wages exceed MYR4,000 a month. This is applicable to West Malaysia only. The Sabah and Sarawak Labour Ordinances (“the Ordinances”) cover certain types of employees who have entered into or work under a contract of service with their employers. The Ordinances include foreign workers of these specified occupations. Where the persons are not covered by the Employment Act and the Ordinances, common law relating to employment will apply to them.

The Industrial Relations Act 1967

The Industrial Relations Act 1967 (“the Act”) and the Industrial Relations Regulations 1980, form the legal framework within which the industrial relations system in Malaysia operates. The Act aims to provide safeguards for legitimate rights, prerogatives and interest of employees and employers and their trade unions, and to ensure that trade disputes are settled speedily and in a just manner, so as not to prejudice public and national interests.

The Department of Industrial Relations Malaysia continues to play an important role in maintaining a harmonious environment in the labour market by helping to avert industrial action through active intervention, consultations as well as negotiations between parties. In the event of a dispute, the Act provides for free negotiation between trade unions and employers on a voluntary basis. Disputes may be reported to the Ministry of Human Resources for conciliation and referred to the Industrial Court for settlement. Awards made by the

Industrial Court are final and legally binding. The Act prohibits strikes or lockouts after a dispute has been referred to the Industrial Court.

The Employment (Part-Time Employees) Regulations 2010 (EPTER)

The EPTER provides protection for part-time employees who are, hitherto, not protected under any labour law. Some of the protection and benefits provided under the EPTER include payments for hours worked beyond normal hours, paid holidays, paid annual leave, sick leave and weekly rest days for part-time employees who fall within the regulations. This regulation will require employers to make contributions to the national Employees Provident Fund and Social Security Organisation for most part-time employees who are eligible for such contributions.

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Others

The following legislative enactments / code are relevant in providing for the health, safety and general well-being of employees:

- *Factories and Machinery Act 1967* - law relating to the safety of employees in the use of machinery.
- *Occupational Safety and Health Act 1994* - imposes general duties upon employers, self-employed persons and employees to secure workplace health and safety.
- *Code of Practice on the Prevention and Eradication of Sexual Harassment in the Workplace* - provides guidelines for employers on the establishment of in-house mechanism at the enterprise level to prevent and eradicate sexual harassment in the workplace.

Minimum Wage Order

The Minimum Wages Order 2022 (“2022 Order”) was gazetted on 27 April 2022 to set out that effective 1 May 2022, the minimum monthly wages will be at MYR1,500 per month.



Unions

Omnibus or general workers' unions are not permitted, but unions belonging to the same industry may apply to form a federation of trade unions or become affiliated with the Malaysian Trade Unions Congress or the Malaysian Labour Organisation.

All trade unions are required by law to be registered with the Registrar of Trade Unions and must comply with the requirements of the Trade Unions Act 1959. This Act sets out rules for the conduct of union business, such as the election of officers, strike ballots and the use of union funds.



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Working conditions, wages / salaries and statutory contributions

The Malaysian Investment Development Authority (MIDA) publishes on its website at www.mida.gov.my a guide on the Cost of Doing Business in Malaysia which provides information on regulatory requirements relating to the following:

- Paid leave (annual leave, maternity leave, sick leave).
- Paid holiday.
- Normal working hours (not more than eight hours per day or 45 hours per week).
- Payment for overtime work (normal working days, rest days, public holidays).
- Salaries (maximum and minimum) for executives and non-executives in the manufacturing sector.
- Statutory contributions in respect of employees to the following funds:

Employees' Provident Fund (EPF)

The Employees Provident Fund Act 1991 requires employers and employees to make monthly contributions to the EPF to secure lump sum payments to employees at the age of 60 or earlier in the case of incapacity or upon permanent departure from Malaysia. Contributions are mandatory for employees who are Malaysian citizens or permanent residents. Expatriates and foreign workers, who are not Malaysian citizens or permanent residents are not required to contribute to EPF although they may elect to do so. The standard rates of contribution by an employer for a working personnel are 12% or 13% depending on income threshold, and 11% by the employee.

Social Security Organisation (SOCSO)

SOCSCO is an insurance scheme that covers the Employment Injury and Invalidity Pension Scheme. All Malaysian citizens and permanent residents of Malaysia are covered by the Employment Injury Insurance Scheme (EIIS) and Invalidity Pension Schemes (IPS), which are administered by SOCSO.

All employers who hire foreign workers, including expatriates and foreign domestic workers, are required to register and contribute to EIIS and IPS (effective 1 July 2024) under SOCSO. A monthly contribution must be made for each eligible employee.

Employment Insurance System (EIS)

EIS is a social security network aimed at helping workers who lost their jobs with financial assistance and to seek new jobs. EIS is administered by SOCSO. It is mandatory for all private sector employers to make monthly contribution for each of their eligible employees.



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Human Resources Development Corporation (HRDC)

HRDC provides financial assistance for training by contributing employers under certain designated training schemes. The employer that fall under the industries listed by HRDC are required to register with the HRDC and contribute in respect of employees who are Malaysian citizens. The coverage includes Malaysian employers across all industries (excluding the Federal and State Government, statutory bodies and Non-Governmental Organisations with social and welfare activities) with a minimum of ten local employees. The HRDC contribution rate is 1% of the employee's monthly wages.

Additionally, employers across all sectors (excluding those mentioned above) with five to nine local employees will be given the option to contribute to HRDC at 0.5% of the local employee's monthly wages.

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Foreign personnel

Approval for expatriate posts and/or support letter

The application for expatriate employment pass is through the **Xpats Gateway system**, a centralised Single Window Platform (SWP) for companies under the purview of respective approving agencies / regulatory bodies. This system is accessible via the Expatriate Services Division online system at <https://esd.imi.gov.my/>. The estimated processing time is within ten working days upon submission of complete documents.

To-date, a total of 28 approving agencies / regulatory bodies have been onboarded onto SWP, and among them are:

- Malaysian Investment Development Authority (MIDA) - for manufacturing sector, selected services sector, Representative / Regional Office in Peninsular Malaysia.
- Bank Negara Malaysia – posts in banking, finance, and insurance sectors.
- Securities Commission – employment in securities and share market.
- Construction Industry Development Board (CIDB) - for expatriates in construction industry.
- Ministry of Education - for education sector.
- Ministry of Tourism, Arts & Culture - for tourism sector.

Employers not under the purview of the agencies / bodies can proceed to apply directly to the expatriate committee or Immigration Department Malaysia.

Do note that different rules apply for employment of foreign personnel in East Malaysia.

The following minimum paid-up share capital requirements must be fulfilled before an application for an expatriate position can be processed by the expatriate committee:

MYR250,000

100% Malaysian owned company

MYR350,000

Malaysian and foreign owned company

MYR500,000

100% foreign owned company

MYR1,000,000

Company undertaking distributive trade and involved in the sub-sectors of unregulated services

Labour market testing for employment of foreign nationals

To ensure that the employment for Malaysians are protected, there is a job advertisement requirement for the hiring of expatriates under an employment pass.

However, the following categories are automatically exempted from the job advertisement requirement:

- i) Important positions (C-Suite & Key Post).
- ii) Positions with basic salary of MYR15,000 and above
- iii) Representative Office/ Regional Office.
- iv) Investors / Shareholders / Owners of the business.
- v) Corporate transfers / Placements / Trade Agreements.
- vi) International Organisation subjected to International Organisation Act (Privileges and Immunities) [Act 485].
- vii) Sports sector i.e. recruitment of athletes / professional to join any sport organisation or club in Malaysia.
- viii) Renewal of employment pass (provided job scope remains unchanged).

Companies are required to advertise the position on the MyFutureJobs portal for at least 14 days, conduct the screening and interviews, and thereafter to submit the Hiring Outcome Report to obtain the letter from SOCSO.

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Foreign personnel

Prior approval from Department of Labour of Peninsular Malaysia (JTKSM)

Effective 1 January 2023, the employer seeking to employ foreign personnel (non-citizens and non-permanent residents of Malaysia) are required under the Employment Act to obtain prior approval from JTKSM before employing the foreign personnel.

Companies applying for Employment Pass for their foreign expatriates would have to submit an application via the ePPAx system (Foreign Workers Integrated Management System) at www.eppax.gov.my to obtain the approval from JTKSM. The validity period of the JTKSM approval is six (6) months from the issuance date of the approval through the ePPAx system. This email notification serves as one of the documents required by the approving agencies/regulatory bodies.

Please note that application process to obtain approval from JTKSM for foreign expatriates, other than those under the Employment Pass, would differ. Please refer to the JTKSM website for details <https://jtksm.mohr.gov.my/>



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Audit and financial reporting requirements

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Statutory requirements for Malaysian-incorporated companies

Accounting and other records

Every company incorporated under the Companies Act 2016 (CA 2016) is required to keep accounting and other records so as to sufficiently explain the transactions and financial position of the company and to enable preparation of financial statements which shows a true and fair view of the company to be conveniently and properly audited. All transactions must be recorded within 60 days of completion. These accounting and other records are the responsibility of the company's directors and must be kept at the company's registered office (which must be in Malaysia) or such other place as the directors think fit. The accounting and other records are to be retained for seven years after the completion of the transactions or operations to which they relate, and must be made available for inspection by the directors at all times.

Statutory registers

CA 2016 requires Malaysian incorporated companies to maintain various statutory registers (e.g. registers of members, registers of directors, managers and secretaries, register of debenture holders, register of directors' shareholding and register of charges). Effective from 1 April 2024, the CA 2016 was amended requiring all companies to also maintain a register of beneficial owners. All statutory registers should be kept at the registered office of the company or any other place in Malaysia as notified to the Registrar.

System of internal control

The directors of a public company or a subsidiary of a public company shall have in place a system of internal control that will provide reasonable assurance that the assets of the company are safeguarded against loss from unauthorised use or disposition, to give a proper account of assets and that all transactions are properly authorised and are recorded as necessary to enable the preparation of true and fair view of the financial statements of the company.

Financial statements

The directors must present a set of financial statements in accordance with the approved accounting standards issued or adopted by the Malaysian Accounting Standards Board (MASB) and the requirements of the CA 2016.



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The financial statements or, where applicable, consolidated financial statements shall give a true and fair view of the financial position as at the end of the financial year, and of the financial performance and cash flows for the financial year of the company or the group.

Statement by directors and statutory declaration

The financial statements or, where applicable, the consolidated financial statements shall be accompanied by:

- i. A statement signed by at least two directors and in the case of a sole director, by that director in accordance with the resolution of the board of director(s) stating whether in their or his opinion the financial statements or, where applicable, the consolidated financial statements is or are drawn up in accordance with the applicable accounting standards, to give a true and fair view of the financial position and financial performance of the company and of the group.

- ii. A statutory declaration by a director or, where the director is not primarily responsible for the financial management of the company, by the person responsible in setting forth his opinion, as to the correctness of the financial statements and attested by the Commissioner for Oaths.

Directors' report

A directors' report must be attached to every set of financial statements. The matters required to be covered in the directors' report are set out in section 253 and Fifth Schedule of the CA 2016.

Duty of circulation and lodgement of financial statements and directors' reports

The directors of every company must prepare financial statements within 18 months from the date of incorporation and subsequently within six months of the company's financial year end.

A private company must circulate its financial statements and directors' report to its shareholders, auditors, debenture holders, and every person who is entitled to receive notice of general meetings within six months of

the company's financial year end and lodge with the Registrar of the Companies Commission of Malaysia ("Registrar") within 30 days from the date of the circulation. Whereas a public company must circulate its financial statements and directors' report to its members at least 21 days before its annual general meeting and lodge with the Registrar within 30 days from its annual general meeting. The lodgement can be filed electronically via Malaysian Business Reporting System (MBRS), an online submission platform.

All amounts shown in the financial statements and directors' reports shall be presented in Malaysian currency and if such financial statements and reports are in a language other than the national language or English language, there must be a translation in the national language or English language (certified to be a correct translation by the Registrar) annexed to such financial statements and reports.



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Auditors' report

The financial statements should be duly audited by an approved auditor except for those private companies qualified and elected for audit exemption.

The auditors' report shall state whether the financial statements have been properly drawn up in accordance with the applicable approved accounting standards and the CA 2016 so as to give a true and fair view of the financial position, financial performance and cash flows of the group and of the company.

Additional disclosure requirements for public companies listed on Bursa Malaysia (PLCs)

PLCs are required to make relevant disclosures (including sustainability reporting) in their annual reports in accordance with the Listing Requirements of Bursa Malaysia Securities Berhad ("Bursa Malaysia"). The timeline for filing annual reports with the stock exchange is within four months from the close of financial year.

PLCs are also required to announce the interim financial report on a quarterly basis to their shareholders within two months after the end of each quarter.

PLCs must ensure material information is disseminated on a timely basis in accordance with the manner as set out in the Listing Requirements of Bursa Malaysia.

Corporate governance disclosure by PLCs

PLCs are required to disclose their compliance with the Malaysian Code on Corporate Governance (MCCG) in their annual reports. The MCCG which is published by the Securities Commission Malaysia (SC) sets out three key principles of good corporate governance, namely, board leadership and effectiveness; effective audit and risk management; and integrity in corporate reporting and meaningful relationship with stakeholders.

The MCCG adopts the "apply or explain an alternative" approach in which a PLC is required to provide an explanation of how the PLC has applied the best practices. When there are departures from best practices, a PLC is required to disclose the alternative practice it has adopted to meet the intended outcome of the best practices.

In addition, for larger PLCs, they are required to disclose the intended action plan and the related timeframe for the adoption of the best practices.

Enhanced sustainability reporting disclosure by PLCs

The Bursa Malaysia provides additional sustainability disclosures, including climate change-related disclosures that are aligned with the Task Force on Climate-Related Financial Disclosures (TCFD) Recommendations in the PLCs' Sustainability Statements.

In addition, PLCs are required to include at least three financial years' data for each reported indicator and a statement on whether the Sustainability Statements have been reviewed internally by internal auditors or independently assured by an external expert.

The implementation of the enhanced sustainability reporting requirements is in a phased manner, e.g. PLCs listed on Main Market are required to include the common sustainability matters and the TCFD-aligned climate risk disclosures in the PLCs' Sustainability Statements for financial years ended on or after 31 December 2023 and for financial years ending on or after 31 December 2025 respectively.

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Statutory requirements for foreign companies carrying on business within Malaysia

Accounting and other records

A foreign company desiring to establish a place of business or to carry on business within Malaysia is required by the CA 2016 to register itself with the Registrar.

The CA 2016 requires the accounting and other records of a foreign company's operations in Malaysia to be kept in Malaysia that will sufficiently explain the transactions and financial position of the foreign company arising out of its operations in Malaysia and shall cause these records to be kept in such a manner as to enable them to be conveniently and properly audited. All transactions must be recorded within 60 days of completion.

Statutory registers

CA 2016 mandates that a foreign company registered under the CA 2016, which has a share capital and includes any member who is resident in Malaysia, is required to maintain a branch register of members at its registered office in Malaysia.

Effective from 1 April 2024, the CA 2016 was amended to require foreign companies to also maintain at their registered office a register of beneficial owners.

Filing requirements

A foreign company is required to lodge with the Registrar, within two months of its annual general meeting, a copy of its financial statements and other documents required to be attached to its financial statements by the law applicable to the company in its place of incorporation or origin, and a duly audited statement showing the foreign company's assets used in and liabilities arising out of its operations in Malaysia as at the date to which the financial statements were made up.

Where the foreign company is not required to hold an annual general meeting and prepare a set of financial statements by the law of the place of its incorporation, the company is required to prepare a set of financial statements containing such particulars as if it were a public company incorporated in Malaysia.

Financial statements

The requirement of financial statements is similar to those companies incorporated in Malaysia. In addition, foreign companies that are listed on Bursa Malaysia can apply the acceptable internationally recognised accounting standards or MASB approved accounting standards, and have to comply with the disclosure requirements stated in the Listing Requirements of Bursa Malaysia.

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Financial reporting framework in Malaysia

There are two financial reporting frameworks in Malaysia for the preparation of financial statements.



MASB Approved Accounting Standards for Entities other than Private Entities

Entities other than Private Entities shall apply the Malaysian Financial Reporting Standards (MFRS) framework which is identical to the IFRS® Accounting Standards.

MASB Approved Accounting Standards for Private Entities

Private Entities shall comply with either:

1. Malaysian Private Entities Reporting Standards (MPERS) in their entirety. The MPERS is based on the IFRS for SMEs® Accounting Standard issued by the International Accounting Standards Board (IASB) except for property development activities, or
2. MFRS in their entirety.

A private entity is a private company as defined in section 2 of the CA 2016 that:

- a) is not itself required to prepare or lodge any financial statements under any law administered by the SC or Bank Negara Malaysia (BNM), and
- b) is not a subsidiary or associate of, or jointly controlled by, an entity which is required to prepare or lodge any financial statements under any law administered by the SC or BNM.

Notwithstanding the above, a private company that is itself, or is a subsidiary or associate of, or jointly controlled by, an entity that is a management company as defined in section 2 of the Interest Schemes Act 2016 is not a private entity.

A company may only be treated as a private entity in relation to such annual periods or interim periods throughout which it is a private entity.



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Auditing requirements

Audit requirements for public companies

The directors of a public company must appoint an auditor at any time before the first annual general meeting of the company or to fill a casual vacancy in the office of auditor. If the directors fail to appoint an auditor, the shareholders must appoint an auditor by ordinary resolution. The appointment and fixing of remuneration of auditors must then be tabled at each annual general meeting for shareholders' approval.

After the first annual general meeting, the shareholders have the right to appoint an auditor by ordinary resolution at the annual general meeting or when the company fails to appoint an auditor at an annual general meeting. If a public company fails to appoint an auditor, the Registrar has the power to appoint one or more auditors upon application in writing from any shareholder of the company.

Audit requirements for private companies

The directors of a private company (other than those companies that meet the audit exemption criteria and have elected for the audit exemption) must appoint an auditor at least 30 days before the end of the period for the submission of the first financial statements to the Registrar (for newly incorporated companies) or to fill a casual vacancy in the office of auditor. If the directors fail to appoint an auditor, the shareholders must appoint an auditor by ordinary resolution. An auditor must be appointed 30 days before the expiry of the period allowed for lodgement of the previous year's financial statements with the Registrar. If a private company fails to appoint an auditor, the Registrar has the power to appoint one or more auditors upon application in writing from any shareholder of the company.

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Audit exemption for private companies

Pursuant to the CA 2016, the Registrar has the power to exempt any private company from the requirement to appoint an auditor according to the conditions as determined by the Registrar.

A private company that meets the MASB's definition of a private entity and meets the criteria of one of the following three categories may elect for audit exemption. The categories are set out below:

- a) Dormant company, i.e. a company that has been dormant from the time of its incorporation or it is dormant throughout the current financial year and in the immediate preceding financial year.
- b) Zero-Revenue company, i.e. a company that does not have any revenue during the current financial year and in the immediate past two financial years; and its total assets in the current and immediate past two financial year's statement of financial position does not exceed MYR300,000.
- c) Threshold-Qualified company, i.e. a company that:
 - i) has revenue not exceeding MYR100,000 during the current financial year and in the immediate past two financial years,
 - ii) its total assets in the current and in the immediate past two financial year's statement of financial position does not exceed MYR300,000, and
 - iii) has not more than five employees at the end of its current financial year and in each of its immediate past two financial year ends.

Any company that elects for audit exemption must circulate and lodge its unaudited financial statements with the Registrar accompanied with the required certificate in accordance with the requirements of CA 2016. The unaudited financial statements prepared shall comply with applicable approved accounting standards, and shall be lodged together with the directors' report, statement by directors and statutory declaration. The lodgement can be filed electronically via MBRS, an online submission platform.

Approved standards on auditing

An audit of financial statements of a company incorporated under the CA 2016 in Malaysia is conducted in accordance with approved standards on auditing in Malaysia, which are word-for-word consistent with the International Standards on Auditing (ISA) issued by the International Auditing and Assurance Standards Board (IAASB).



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Business Taxation

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Principal taxes

The principal taxes are shown below:

Taxes on income

Income tax
Capital gains tax*
Petroleum income tax

Taxes on transactions

Customs and excise duties
Sales tax
Service tax
Entertainment duty
Stamp duty
Windfall profit levy
Contract levy

* Refer to Taxes on Capital chapter

Income tax

Scope of tax

Income tax is generally imposed on income accruing in or derived from Malaysia.

Income tax is also imposed on income derived from outside Malaysia and received in Malaysia for residents. However, subject to conditions, the following foreign-sourced income received in Malaysia from 1 January 2022 to 31 December 2026 will continue to be exempted from income tax:

- Dividend income received by resident companies, limited liability partnerships, and individuals (in respect of dividend income received through a partnership business in Malaysia).
- All classes of income received by resident individuals (excluding a source of income from a partnership business in Malaysia, which is received in Malaysia from outside Malaysia).

Resident companies carrying on a business of air / sea transport, banking or insurance are generally subject to income tax on income wherever accruing or derived (worldwide scope).

Classes of taxpayers

The principal classes of domestic and foreign taxpayers covered by the income tax legislation are companies, individuals, trade associations, co-operative societies, trusts, and estates. Generally, partnerships are not taxable entities. They are treated as conduits where the partners, and not the partnership, are taxed on the partnership income. However, a limited liability partnership is given the same tax treatment as a company.

Taxable income and gains

The sources of income subject to tax include those listed below:

- Gains or profits from any trade, business, profession, or vocation.
- Gains or profits from the disposal of capital assets.*
- Gains or profits from an employment, including allowances and benefits-in-kind.
- Dividends, interest and discounts.
- Rents, royalties and premiums.
- Pensions, annuities and other periodic payments.
- Any gains or profits not falling within the gains listed above.

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Corporate tax system

Residence of companies

A company is tax resident in Malaysia for the basis year for a year of assessment if at any time during the basis year, the management and control of its affairs are exercised in Malaysia. Generally, a company would be regarded as resident in Malaysia if at any time during the basis period for a year of assessment, at least one meeting of the board of directors is held in Malaysia concerning the management and control of the company.

Year of assessment (YA) and basis period

The YA is the year coinciding with the calendar year. For example, the YA 2024 is the year ending 31 December 2024. The basis period for a business source is normally the financial year (FY) ending in that particular YA. For example the basis period for YA 2024 for a business which closes its accounts on 30 June 2024, is the FY ending 30 June 2024. All non-business sources of income of a company are also assessed on the basis of the FY.

Taxation of shareholders

Under the single-tier system adopted by Malaysia, tax on a company's profits is a final tax. Dividends are exempt in the hands of shareholders, and companies are not required to deduct tax at source from dividends distributed to shareholders.

Foreign corporations – liability to tax

Foreign corporations (similar to Malaysian corporations) are taxed on income accruing in or derived from Malaysia. A broad basis for determining whether or not business profits are derived from Malaysia is to determine whether the foreign corporation is “trading within” Malaysia (taxable) or “trading with” Malaysia (non-taxable).

If a double taxation agreement with the home country of the foreign corporation is in force, the taxation of business profits derived by the foreign corporation is limited to the profits that are attributable to its permanent establishment situated in Malaysia.

With respect to income such as royalties, interest or service fees that is not attributable to a business carried on in Malaysia, the tax liability of the non-resident will be settled by way of withholding tax deducted by the paying entity. For example, a withholding tax at the rate of 10% is imposed on amounts received by a non-resident person for provision of any advice, assistance or services rendered in Malaysia (not limited to services of technical or management in nature), or the provision of services relating to the installation or operation of any apparatus or plant. For more details, please refer to the section on withholding tax.

For non-resident contractors that perform services in Malaysia for an extended duration of time, a withholding tax of 13% may apply.

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Rates of tax

Resident companies are taxed at the rate of 24%. However, a resident company with paid-up capital of MYR2.5 million or less, and with gross business income of not more than MYR50 million, is taxed at the following rates (provided that specified conditions are met):

Chargeable income	MYR	Rate (%) (YA 2024)
On the first	150,000	15
On the next	450,000	17
In excess of	600,000	24

Effective from YA 2024, to be eligible for the above preferential rate, no more than 20% of the paid up capital of the company should be owned, directly or indirectly, by one or more companies incorporated outside Malaysia, or one or more non-Malaysian citizens.

Non-resident companies are taxed at the rate of 24% on their business income.

Certain income received by a non-resident company that is not attributable to a business carried on by that non-resident in Malaysia is subject to tax at the following rates (unless the relevant double taxation agreement (DTA) provides some other rate):

Income	Rate (%)
Royalty	10
Rental of movable property	10
Advice, assistance or services rendered in Malaysia	10
Interest	15
Dividends	Exempt
Income other than the above	10

Withholding tax (WHT)

Payments of the said types of income to non-residents (except for dividends) are subject to WHT which is due and payable to the Inland Revenue Board (IRB) within one month after paying or crediting such payments. The rates of WHT are as shown in the table, except where the DTA between Malaysia and the country in which the recipient is resident provides for a lower rate, in which case the DTA rate would be the WHT rate.

There is no WHT on dividends paid by Malaysian companies.

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Gross income and profits from business

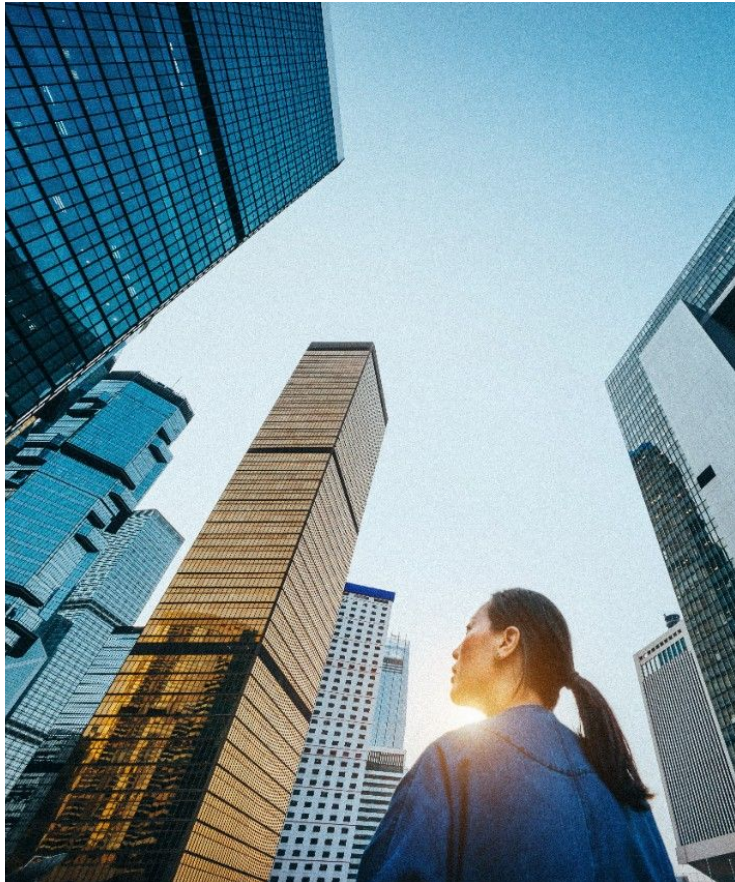
Gross income and profits which are subject to income tax is generally based on the audited financial statements of the company. Adjustments will be made for non-taxable and non-tax deductible items.

Non-taxable income

Capital receipts are non-taxable. Certain types of income may also be specifically exempted by statute. “Single-tier” dividends as well as dividends paid out of tax exempt income received by a corporation are exempt from tax in the hands of shareholders.

Deductible expenses

Deductions are allowed for all outgoings and expenses incurred wholly and exclusively in producing gross income, unless specifically disallowed. Non-allowable expenses include domestic or private expenses, income tax or similar taxes, pre-incorporation, preliminary or start up expenses, capital withdrawn, or capital expenditure on improvements.



Interest expenses

Earning Stripping Rules (ESR) apply on interest expense (of more than MYR500,000 in a basis period) in connection with or on any financial assistance obtained in cross-border controlled transactions (as defined). Under the ESR, the amount of allowable interest deduction is limited to 20% of the Tax-EBITDA (earnings before income tax, depreciation and amortisation) from each of the sources consisting of a business.

Capital allowances (CA) and industrial building allowances (IBA)

The accounting depreciation charged on buildings, plant and machinery, furniture, office equipment and motor vehicles is not deductible for tax purposes. The law, however, provides for CA and IBA to be claimed as a deduction on capital expenditure incurred which qualifies as plant (e.g. equipment, machinery, furniture) and industrial buildings (e.g. factory) respectively. The allowance is given in the form of an initial allowance in the year the expenditure is incurred and annual allowance at prescribed rates, until the qualifying expenditure is fully claimed.

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The broad categories of qualifying expenditure together with the prescribed CA and IBA rates are set out below:

Qualifying asset	Initial allowance (%)	Annual allowance (%)
Industrial building, whether constructed or purchased	10	3
Heavy machinery	20	20
General plant and machinery	20	14
Furniture and fixtures	20	10
Office equipment	20	10
Motor vehicles*	20	20
Small value assets of less than MYR2,000 each (subject to a maximum total cost of MYR20,000)	-	100

Accelerated CA is available for certain types of industrial buildings, such as buildings used as a school or an educational institution, and plant and machinery such as computers, information technology equipment, environmental protection equipment and waste recycling equipment.

*The qualifying expenditure on motor vehicles not licensed for commercial transportation of goods or passengers is restricted to MYR50,000. However, for new vehicles, where the “on-the-road price” of the vehicle does not exceed MYR150,000, the maximum qualifying expenditure is restricted to MYR100,000.

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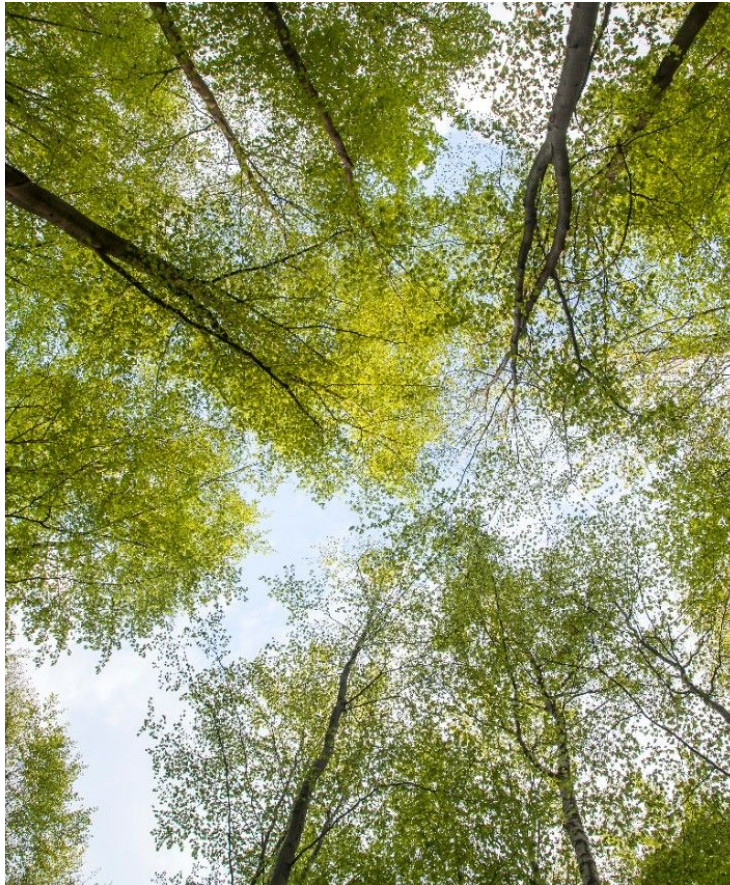
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Plantations and forests

Expenditure on new planting (as distinct from expenditure on replanting, which is deductible) and expenditure on the construction of roads in a plantation, qualify for an agriculture allowance of 50% of the cost for two years. Expenditure on the construction of roads in a forest, or of buildings that are likely to be of little or no value when the plantation ceases to be worked, or when timber ceases to be extracted, qualifies for an agriculture allowance of 10% of the cost for ten years. The cost of construction of buildings used for staff welfare or as living accommodation, qualifies for an agriculture allowance of 20% of the cost for five years.

Deduction of CA

CA on assets used in one business cannot be deducted against income from another business, or against income from other non-business sources.

When there is insufficient adjusted income to absorb the full amount of allowances available, the unutilised amount is carried forward for deduction against future business income from the same source.

For a dormant company, the unutilised CA will be disregarded if there is a substantial change in shareholders.



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Losses

Business losses can be set off against income from all sources in the current year.

Unutilised business losses in a YA can be carried forward for a maximum period of ten consecutive YAs to be utilised against income from any business source. For a dormant company, the unutilised business losses will be disregarded if there is a substantial change in shareholders.

Group relief

Group relief is available to all locally incorporated, resident companies that fulfill certain conditions. A company that qualifies is allowed to surrender a maximum of 70% of its adjusted loss for a YA to one or more related companies. The period in which a company may surrender its adjusted loss is limited to the first three consecutive YAs after having completed its first 12-month basis period from commencement of its operations. Companies opting for group relief must make an irrevocable election to surrender or claim the tax loss in the income tax return to be filed with the IRB for that YA.

Companies currently enjoying certain incentives such as pioneer status, investment tax allowance, reinvestment allowance, etc. are not eligible for group relief.

Capital gains and other taxes

Tax is imposed on gains from disposal of unlisted shares, property situated outside Malaysia, and real property, refer to Chapter 7 for more details. For other taxes, please refer to Chapter 8.



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Tax administration

Tax identification number

Any person who is a citizen aged 18 years and above, or is assessable and chargeable to tax, or is required to furnish an income tax return, will be assigned a tax identification number (TIN), i.e. the income tax reference number.

The TIN will be used for purposes of income tax, real property gains tax and stamp duty matters.

Submission of returns and assessments

Companies are required to submit a return of income within seven months after the closing of accounts. Particulars required to be specified in the return include the amount of chargeable income and tax payable by the company. Upon submission of the return, an assessment is deemed to have been made on the company. The return is deemed to be a notice of assessment, which is deemed to be served on the company on the date that it is submitted.

Tax collection

Companies are required to furnish estimates of their tax payable for a YA no later than 30 days before the beginning of the basis period. However, a newly established company with paid-up capital of MYR2.5 million or less, that meets certain specified conditions, is exempted from this requirement for two years, beginning from the YA in which the company commences operations. A revised estimate can be submitted in the sixth and / or ninth month of the basis period for a YA.

Companies are then required to pay tax by monthly installments (based on the estimates submitted) commencing from the second month of the company's basis period (financial year).

Tax payable by a company under an assessment upon submission of a return is due and payable by the last day on expiry of seven months from the date on which the accounts are closed.

Public rulings and advance rulings

To facilitate compliance with tax laws, the Director General of Inland Revenue (DGIR) is empowered by law to issue public rulings. Public rulings set out the interpretation of the DGIR in respect of tax law, and the policy and procedures that are to be applied. Public rulings are binding on the DGIR but a taxpayer who has applied the treatment as set out in a particular public ruling may still appeal against an assessment which is based on the public ruling. All public rulings may be downloaded from the IRB's website at www.hasil.gov.my.

A taxpayer may request for an advance ruling from the DGIR, who may make an advance ruling on how the provision of the law applies to an arrangement described in the application. An advance ruling is only applicable to the person making the application and is not subject to review when issued. However, the taxpayer retains his right of appeal against any assessment issued in accordance with the tax treatment set out in the ruling. A fee will be charged for the issuance of an advance ruling.

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Tax audit process

The general tax audit framework outlines the rights and responsibilities of audit officers, taxpayers and tax agents in respect of a tax audit. A tax audit may cover a period of one to three YAs determined in accordance with the audit focus. The YAs to be covered in a tax audit may, however, be extended depending on the issues identified during an audit.

Statute of limitation

Additional assessments can be made within five years after the expiration of the relevant YA. This time limit is not applicable where fraud, wilful default or negligence has been committed.

Tax compliance certificate

Taxpayers who wish to tender for government projects will be required to obtain a tax compliance certificate from the Inland Revenue Board (IRB).

Transfer pricing

Transfer pricing (TP) legislation

The basis for determining proper compensation is the arm's length principle. Under the Malaysian Income Tax Act 1967 (ITA 1967) the DGIR is given powers to adjust any transfer prices between related parties in Malaysia which, in his view, do not meet the arm's length standard.

The TP Rules 2023 provides an arm's length range in a Malaysian context, and together with the TP Guidelines 2012, give guidance on the arm's length standard that is acceptable to the IRB. The TP Rules and Guidelines seek to provide guidance on the application of the law on controlled transactions, the acceptable methodologies as provided in the rules and administrative requirements including the types of records and documentation expected from taxpayers involved in TP arrangements.

Advance pricing arrangements (APA)

Companies are allowed to apply for APAs from the DGIR. The objective of establishing APAs is to provide an avenue for taxpayers to obtain certainty upfront that their related party transactions meet the arm's length standards. The APA Rules 2023 and APA Guidelines 2012 give guidance on the matter.

Statute of limitation for TP adjustments

The statute of limitation to raise an assessment or additional assessment for a YA in respect of TP adjustments for a transaction entered into between associated persons, which is not at arm's length, is seven years from the expiration of that YA.

Country-by-Country Reporting

The Malaysian Country-by-Country Reporting Rules require a Malaysian multinational corporation (MNC) group, with total consolidated group revenue of MYR3 billion and above in the FY preceding the reporting FY, to prepare and submit the Country-by-Country Report to the IRB no later than 12 months after the close of each FY.

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Malaysian entities of foreign MNC groups will generally not be required to prepare and file Country-by-Country Reports as the obligation to file will be with the ultimate holding company in the jurisdiction it is tax resident in. However, a notification to the IRB may be required.

Business reorganisations

Business reorganisations involving a transfer of shares normally has no tax consequences unless transfer of shares in a real property company or shares of unlisted companies incorporated in Malaysia is involved. In such cases, there may be RPGT or Capital Gains Tax (CGT) implications arising from the share transfers. For more details on CGT, please refer to Chapter 7.

If the disposer and acquirer are under a common control, the transfer of any asset between them is regarded as a “controlled transfer” wherein the disposer / acquirer is deemed to have disposed of / acquired the assets at the tax written down value. (“Control” means management control or the holding of 50% or more of the shares by the disposer / acquirer or other controlling corporation).

In other cases of transfer, the transfer values of the fixed assets will constitute qualifying expenditure for the purpose of computing CA of the transferee corporation, and also as the disposal value for the purpose of computing balancing charge or allowance of the transferor corporation.

Group relief (outlined earlier) is available to all locally incorporated tax resident companies that fulfil certain conditions.

There may also be stamp duty implications when shares / assets are transferred. However, relief from stamp duty may be available (please refer to Chapter 8).



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Tax incentives

In cognisance of the importance of the role of private sector investment in ensuring sustainable growth in the medium and long term, the government has instituted measures to enhance investment activity in Malaysia. One of the measures is through tax incentives. Tax incentives are generally applicable to investors who establish tax resident companies in Malaysia. The policy is to encourage foreign companies wishing to engage in continuing operations in Malaysia to incorporate local subsidiaries. Tax incentives to promote investments in Malaysia are generally in the form of tax exemptions on profit, capital-based incentives in the form of allowances or deductions based on the quantum of capital expenditure incurred.

Malaysia has made legislative changes where required, to meet the Forum on Harmful Tax Practice's requirements.

Examples of tax incentives available are as follows:

Pioneer status (PS) and investment tax allowance (ITA)

PS incentive is an exemption from income tax on 70% of statutory income (adjusted income after deducting CA) for a period of five years. ITA is an allowance of 60% of qualifying capital expenditure (QCE) incurred on a building or plant and machinery for a period of five years. ITA is an alternative incentive to PS.

Companies in the manufacturing, agricultural, hotel and tourism sectors or any other industrial or commercial sector that participate in a promoted activity of producing a promoted product may be eligible for the PS or ITA incentive where qualifying conditions are met.

There are also enhanced PS and ITA incentives available for companies undertaking projects in promoted products or activities where the government intends to further expedite growth. Enhanced PS usually takes the form of a full tax exemption whilst ITA is given on 100% of QCE.

Currently, eligible projects range from projects of national and strategic importance, high technology, research & development, healthcare, education, to those undertaking green technology activities such as energy conservation and generation of energy using renewable resources.

Any unutilised PS losses can be carried forward for a maximum period of seven consecutive YAs after the end of the pioneer period. Any unutilised amount after the end of the seventh YA will be disregarded,

Islamic financial services sector

There are also an array of incentives available in furtherance of the government's objective of developing Malaysia into a leading international Islamic Financial Centre. These range from tax deduction given for issuance costs of various Islamic securities to tax exemptions granted for fees earned from management of funds in accordance to syariah principles.

Malaysia Digital (MD) (formerly known as Multimedia Super Corridor)

MD tax incentive will be offered to eligible MD status companies that undertake qualifying activities by utilising MD promoted tech enablers. The MD tax incentive is an outcome-based approach that uses a tiered system in granting tax incentives.

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The MD tax incentive is offered as follows:

	New investment	Expansion
Reduced tax rate:		
- Qualifying intellectual property (IP) income	0%	15%
- Qualifying non-IP income	10% or 5% (up to 10 years)	15% (up to 5 years)
or		
ITA	60% or 100% of QCE against up to 100% statutory income (up to 5 years)	30% or 60% of QCE against up to 100% statutory income (up to 5 years)

Special tax incentive for relocation to Malaysia

The main objective of this incentive is to attract investors to relocate their operations to Malaysia. The incentives offered (until 2024) are as follows:

Manufacturing

- Special tax rate of 0% for ten years for new investment in manufacturing sector (capital investment of at least MYR300 million and above).
- Special tax rate of 0% for 15 years for new investment in manufacturing sector (capital investment of at least MYR500 million and above).
- 100% ITA for five years for existing company in Malaysia relocating overseas facilities into Malaysia (capital investment above MYR300 million). The ITA is available to offset up to 100% of statutory income.

“Pre-packaged” incentives

As part of the Government’s efforts to attract high quality investments, specially “pre-packaged” incentives are available to companies resident in Malaysia carrying on an “approved business”. An “approved business” is defined to mean any business approved by the Minister of Finance (“the Minister”) under the special incentive scheme. Under this scheme, a company is entitled to claim either:

- Tax exemption on 70% (or any other rate as prescribed by the Minister) of the company’s statutory income; or
- Tax exemption on 70% (or any other rate as prescribed by the Minister) of statutory income granted based on a percentage (as determined by the Minister) of QCE incurred.

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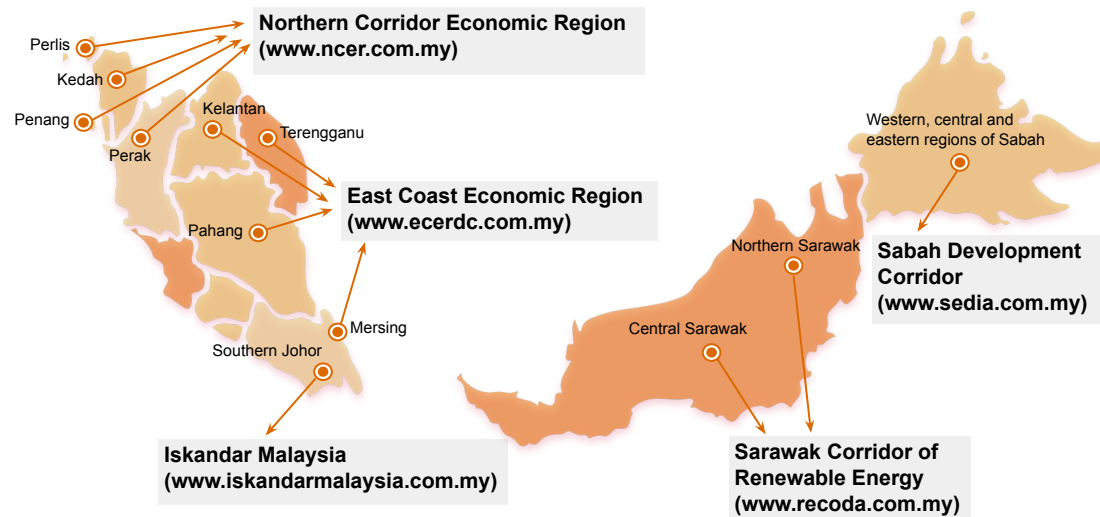
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Development Regions

The following development regions were launched as part of the Malaysian government's plan for national economic advancement through regional development and growth acceleration in various strategic locations by promotion of domestic and foreign investments:



Basic to the strategy for promotion of investments in these development regions is the provision of all necessary infrastructure (financial and non-financial) for the creation of a business-friendly environment, including tax and other financial incentives. Apart from existing incentives which are available for promoted activities and products provided under the Promotion of Investments Act 1986 (PS, ITA, etc.) and the ITA 1967, special incentives which are customised for the purpose of each development region have been (or will be) developed.

Reinvestment Allowance (RA)

RA is available to manufacturing companies that reinvest their capital to embark on a project for either expansion of existing production capacity, modernisation or automation of the production facilities, or diversification into related products. The rate of RA is 60% of QCE (i.e. expenditure on factory, plant and machinery) and is granted in addition to CA. The RA is used to reduce up to 70% of statutory income of the manufacturing company from its business source in respect of the qualifying project.

The incentive period for RA is 15 years from the first year of claim by a company. In respect of unutilised RA available at the end of the RA period, the seven consecutive YAs carry-forward restriction apply, similar to the PS incentive.



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Scope of taxable income

Income tax is imposed on income accruing in or derived from Malaysia by any person (See Chapter 5). Gains or profits from an employment, profession or vocation are taxable if derived from Malaysia. Employment income is regarded as derived from Malaysia if the employment is exercised in Malaysia and is subject to Malaysian tax, even if the income is received outside of Malaysia. Capital gains are not taxable except for those derived from disposal of real property or shares in a real property company (See Chapter 8).

Resident individuals are also subject to tax on foreign-sourced income received in Malaysia. Subject to conditions, foreign-sourced income received in Malaysia from 1 January 2022 to 31 December 2026 is exempted from tax (See Chapter 5).

Basis of assessment

Income of individuals are assessed on a calendar year basis. The year of assessment (YA) is the year coinciding with the calendar year, for example, the YA 2024 is the year ending 31 December 2024.

Residence status of individuals

The tax residence status of an individual is determined based on the number of days the individual is present in Malaysia. The individual would be regarded as a tax resident, if the individual meets any of the following conditions, i.e. if the individual is:

- in Malaysia for at least 182 days in a calendar year,
- in Malaysia for a period of less than 182 days during the year but that period is linked to a period of physical presence of 182 or more “consecutive” days in the following or preceding year. In ascertaining “consecutive” days, under certain situations, an individual’s temporary absence from Malaysia may be disregarded when determining tax residence status,
- in Malaysia for 90 days or more during the year and, in any 3 of the 4 immediately preceding years, the individual was in Malaysia for at least 90 days or was resident in Malaysia,
- resident for the year immediately following that year and for each of the three immediately preceding years.

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Rates of tax

Resident individuals

Chargeable Income (MYR)	Tax payable (MYR)	Tax rate (%) on excess (YA 2024)
5,000	0	1
20,000	150	3
35,000	600	6
50,000	1,500	11
70,000	3,700	19
100,000	9,400	25
400,000	84,400	26
600,000	136,400	28
2,000,000	528,400	30

Non-resident individuals

Types of income	Tax rate (%)
Public entertainer's professional income	15
Interest	15
Royalty	10
Special classes of income: <ul style="list-style-type: none">rental of movable propertyadvice, assistance or services rendered in Malaysiapayment for services rendered in connection with use of property or installation or operation of any plant, machinery or other apparatus purchased from a non-resident person	10
Dividends (single tier)	Exempt
Business and employment income	30
Employment income of a knowledge worker who is a qualified person in specific regions	15
Employment income of a foreign citizen holding key or C-Suite positions in a company that has been granted relocation tax incentive and subject to other eligibility criteria	15
Income other than the above	10

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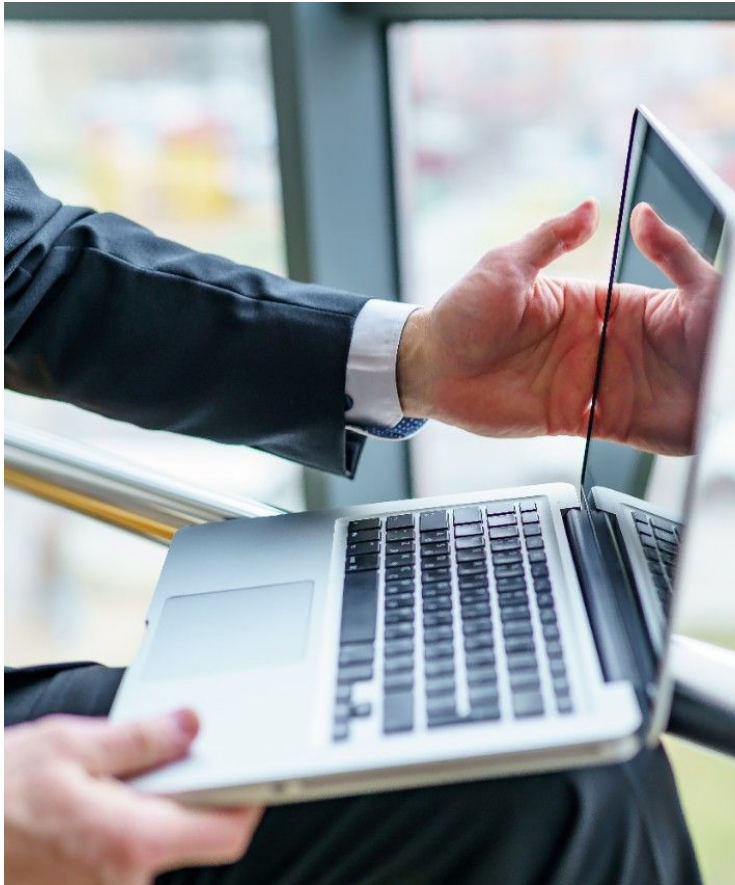
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Exemptions and concessional tax treatment for expatriates

Exemptions or concessions are given in certain situations, such as:

- Income tax exemption for non-resident employees who are short-term visitors (other than public entertainers), if the aggregate period(s) of employment in Malaysia do not exceed 60 days. If a short-term visiting employee is resident in a country that has a double tax treaty with Malaysia, the qualifying period is generally extended to 183 days provided certain other prescribed conditions are satisfied.
- Exemption for an expatriate receiving fees as a director of a Labuan entity (until YA 2025).
- Expatriates working in approved Regional Offices based in Malaysia are taxed on a time apportionment basis in accordance with the employment income attributable to the number of days the employment is exercised in Malaysia.

Deductions

Expenses and other payments

Employees are allowed a deduction for any expenditure wholly and exclusively incurred in the performance of their duties. Non-business expenses, such as medical expenses and taxes, are not deductible. Expenses of a private or domestic nature are expressly excluded from deduction.



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Employment income

Gross employment income includes:

Cash remuneration Wages Salary Leave pay Fees Commissions Bonuses Gratuities		Perquisites Petrol card / petrol or travel allowance Childcare subsidies / allowance Income tax borne by employer		Benefits-in-kind Motorcar Household furnishings & appliances Driver Domestic servant Gardener Club membership	
Living accommodation Unfurnished living accommodation provided by the employer		Pension / provident fund Receipts from unapproved pension / provident fund arising from contributions made by the employer in respect of the employee		Compensation Compensation for loss of employment	

Valuations of some types of employment income are as follows:

- Cars or other household items provided for private use can be valued at prescribed rates that are lower than the actual cost incurred by the employer.
- Rent-free accommodation provided by the employer is valued at the lower of 30% of the employee's total cash remuneration (excluding equity income) or the actual rental value.

The following are some exemptions for certain benefits-in-kind:

- Medical benefits, as well as childcare benefits provided by the employer.
- Leave passages, restricted to one overseas trip, up to a maximum amount of MYR3,000, and three local trips (including meals and accommodation) per year.
- Full or partial exemption in respect of a variety of allowances (e.g. allowances for parking and meals, travel / petrol, or childcare allowances) or other benefits (e.g. telephones, pagers, etc. registered in the name of the employee / employer, monthly bills for telephones or broadband subscriptions, goods provided free or at a discount) for employees.

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Personal relief

Personal reliefs are deductible from the total income of a tax resident individual to arrive at taxable income. Examples of personal reliefs given are:

	YA 2024 (MYR)
Self	9,000
Spouse	4,000
Child	
• per child (unmarried & below 18 years old)	2,000
• per child (unmarried & receiving full-time instruction at any university, college, school or similar educational establishment)	2,000
• per child (over 18 years old) receiving full-time instruction of higher education in respect of:	8,000
◦ diploma level and above (in Malaysia)	
◦ degree level and above (outside Malaysia)	
• per child (over 18 years old) serving under articles of indenture in a trade or profession	8,000
Life insurance premiums and additional voluntary contribution to Employees Provident Fund (EPF)	3,000*
EPF / approved pension fund contributions and additional voluntary contribution to EPF	4,000*
Insurance premiums for education or medical benefits	3,000*
Medical expenses for self, spouse or child suffering from a serious disease	10,000*

*Maximum relief

Filing obligations and tax collection

An individual will self assess and compute his own chargeable income and tax payable. Upon submission of the tax return form, the taxpayer is deemed to have been served with a notice of assessment for which tax is due and payable. Annually, the due date for submission of individual income tax returns are:

- 30 April for individuals without business income
- 30 June for individuals with business income

Tax payments by employees are collected through compulsory monthly deductions from salary, or bi-monthly instalment plan issued by the Inland Revenue Board for individuals with business income. The balance of tax payable upon computing the chargeable income for a YA is due and payable on the abovementioned submission due dates.



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Capital Gains Tax

Taxable person

Capital gains tax (CGT) is imposed on:

- companies,
- limited liability partnership (LLP),
- co-operatives, and
- trust bodies.

Scope of CGT

The following types of capital assets are within the scope of CGT:

1. Gains from disposal of:
 - a. Shares in unlisted companies incorporated in Malaysia.
 - b. Shares in controlled company incorporated outside Malaysia deriving value from real property in Malaysia.
2. Gains from disposal of all types of capital assets situated outside Malaysia, remitted into Malaysia

The CGT tax rates are as follows:

Capital asset situated in Malaysia

Acquisition date of capital asset	CGT rate	
	On net gain (chargeable income)	On gross disposal price
Before 1 January 2024*	10%	or 2%
From 1 January 2024*	10%	Not applicable

**Exemption is given for disposals made on or after 1 January 2024 to 29 February 2024. The exemption does not apply where the gains are treated as business income.*

Gains from disposal of all types of capital asset situated outside Malaysia, remitted into Malaysia*

Based on prevailing income tax rate of the taxpayer:

- Companies, LLPs, and trust bodies: 24% (headline)
- Co-operatives: 0% to 24% (scaled rates)

**Exemption is given for such capital gains which are received in Malaysia from 1 January 2024 to 31 December 2026 which meet economic substance requirements.*

All other gains on capital assets are not subject to tax, except for gains arising from the disposal of real property situated in Malaysia, which is not subject to CGT from 1 January 2024, is subject to Real Property Gains Tax.

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Real Property Gains Tax (RPGT)

RPGT is imposed on gains arising from the disposal of real property including shares in a real property company (RPC) owned by individuals at the rates indicated in the table below.

Real property is defined as any land situated in Malaysia and any interest, option or other right in or over such land.

An RPC is essentially a controlled company where 75% or more of its total tangible assets consist of real property and / or shares in RPC. A controlled company is essentially a company which is owned by not more than 50 members and controlled by not more than five persons.

Disposal from the date of acquisition	RPGT rate		
	Companies incorporated in Malaysia, trustee of a trust or body of persons registered under any written law in Malaysia	Individuals (citizens & permanent residents)	Individuals (non-citizens & non-permanent residents), executor of deceased estate of a person who is not a citizen or not a permanent resident, companies not incorporated in Malaysia
Within 3 years	30%	30%	30%
In the 4th year	20%	20%	30%
In the 5th year	15%	15%	30%
In the 6th year onwards	10%	0%	10%



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Sales Tax

Sales tax is a single-stage tax imposed on taxable goods manufactured in Malaysia that are subsequently sold, used or otherwise disposed of by a registered manufacturer or imported into Malaysia by any person. All goods are taxable goods unless they are specifically exempted by order of the Minister of Finance.

Sales tax is a consumption tax, and under the system the onus is on the registered manufacturer to calculate the tax, levy it and collect it from its customers. In the case of imported goods, sales tax is collected from the importer at the time the goods are cleared from customs control.

With effect from 1 January 2024, sales tax is also imposed on low value goods sold on online platforms by registered sellers and brought from overseas into Malaysia. [Refer to section on “Low Value Goods” for further details]

Manufacture

Manufacture, in relation to goods other than petroleum, means the conversion by manual or mechanical means of organic or inorganic materials into a new product by changing the size, shape, composition, nature or quality of such materials and includes the assembly or parts into

pieces of machinery or other products but does not include the installation of machinery or equipment for the purpose of construction. In relation to petroleum, it means the process of refining that includes the separation, conversion, purification and blending of refinery streams or petrochemical streams.

Registration and exemption from registration

A manufacturer is liable to be registered if the total sales value of his taxable goods for a 12-month period exceeds or is expected to exceed MYR500,000. Certain manufacturing activities are exempted from the registration requirement. They include the developing and printing of photographs and production of film slides, the manufacture of ready mixed concrete and the preparation of foods or drinks by central kitchen for distribution to its premises registered for service tax.

Any manufacturer who is not liable to be registered for sales tax or exempted from registration may nonetheless apply to the Director General (DG) of Customs for voluntary registration as a registered manufacturer. The DG of Customs may approve the registration to be effective from a date he determines and subject to conditions he deems fit.

Rates of tax

The default rate of sales tax is 10%. There is a reduced rate of 5% for certain prescribed goods which are listed in the First Schedule of the Sales Tax (Rates of Tax) Order 2022. There are also specific rates (e.g. MYR0.30 per litre, MYR0.01 per kg, etc) for coal tar and petroleum products.

Goods exempted

All goods exported from Malaysia are exempted from sales tax. There are also goods which are specifically exempted by order from the Minister of Finance. The full list of goods specifically exempted is available in Schedule A of the Sales Tax (Goods Exempted from Tax) Order 2022.

Tax-free raw material

In order to maintain the single-stage concept, there are facilities available to allow for inputs (raw materials and components) to be imported or acquired free of sales tax by a registered manufacturer for use in the manufacturing process.





Approved Major Exporter Scheme

The Approved Major Exporter Scheme applies to traders and manufacturers whose annual sales exceed MYR10 million and who export at least 80% of their annual sales. Such approved traders and manufacturers are granted full sales tax exemption on their importation or purchase of goods. Traders and manufacturers who fulfill all the prescribed conditions can apply to the DG of Customs for approval under this scheme.

Drawback

A person can claim drawback on the sales tax paid in respect of imported or locally acquired goods, which are subsequently exported.

Sales tax deduction

Registered manufacturers can apply to the DG of Customs for sales tax deduction on taxable raw materials, components or packing materials purchased from local traders and used solely in the manufacturing of their taxable goods. The rate of sales tax deduction is:

- 2% of the total value of taxable goods purchased if the taxable goods were charged with sales tax of 5%
- 4% of the total value of taxable goods purchased if the taxable goods were charged with sales tax of 10%

Payment of sales tax and taxable period

Sales tax is due at the time the taxable goods are sold, disposed of otherwise than by sale, or first used otherwise than as materials in the manufacture of taxable goods, by the taxable person. However, in relation to the classes of petroleum that are subject to sales tax, special provisions apply regarding the time when sales tax is due and payable.

Any sales tax that falls due during a taxable period, is payable to the Royal Malaysian Customs Department (RMCD) latest by the last day of the month following the end of the taxable period.

A taxable period is a period of 2 calendar months. However, a taxable person can apply to the DG of Customs to vary the taxable period. If the application to vary the taxable period is approved, the sales tax due is payable to RMCD latest by 30 days from the end of the varied taxable period.

Refund of sales tax on bad debts

A registered manufacturer or a person who has ceased to be a registered manufacturer can apply for a refund of sales tax in relation to bad debts. The conditions for the refund application are that:

- the whole or part of the sales tax paid has been written off as a bad debt, and
- all reasonable efforts have been made by the applicant to recover the sales tax.

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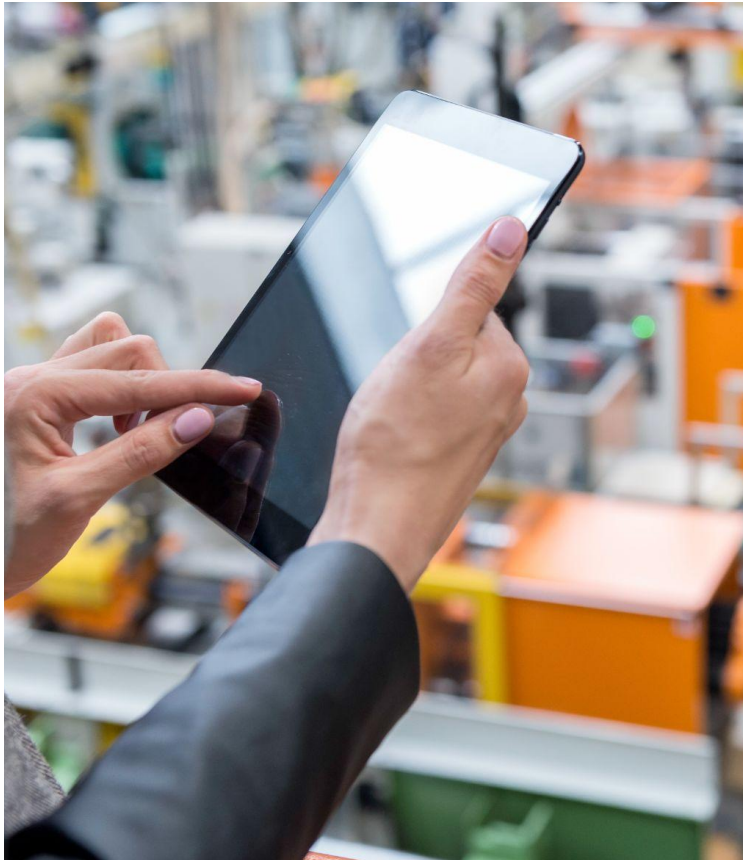
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Low value goods

With effect from 1 January 2024, sellers (both local and foreign) who sell Low Value Goods (LVG) on an online platform to Malaysian customers are required to register for and impose sales tax on the sale of LVG if the total sale value of LVG for a 12-month period exceeds or is expected to exceed MYR500,000.

For the purpose of charging sales tax, LVG is defined in the legislation to mean all goods which are sold at a price not exceeding MYR500 and are brought into Malaysia by land, sea or air. LVG exclude the following:

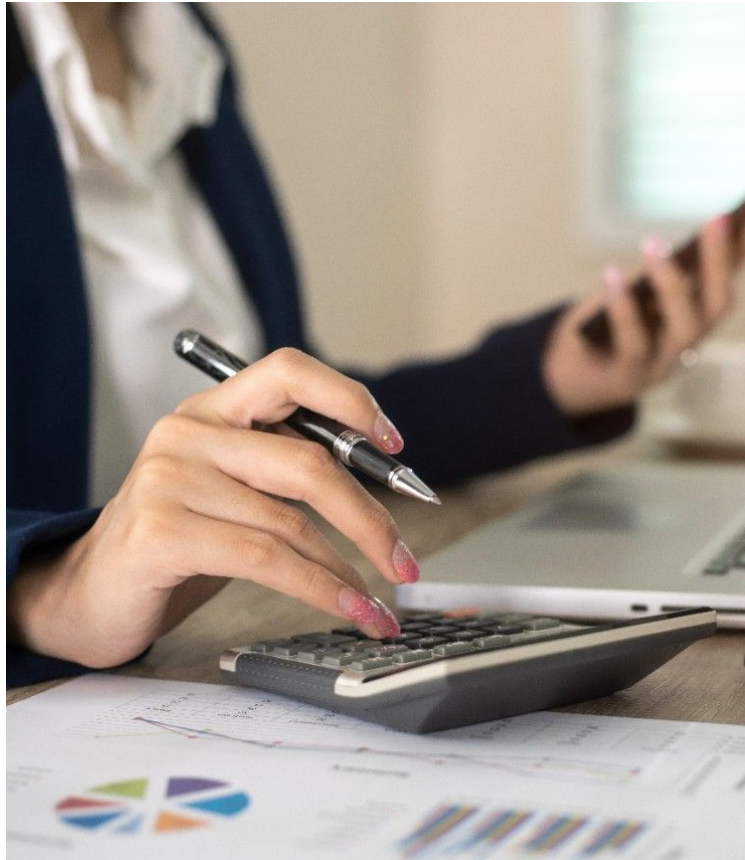
- Cigarettes and tobacco products.
- Intoxicating liquors.
- Smoking pipes (including pipe bowls).
- Electronic cigarettes and similar personal electric vaporizing devices.
- Preparation of a kind used for smoking through electronic cigarettes and electric vaporizing device, in form of liquid or gel, whether or not containing nicotine.

“Seller” means a person, whether in or outside Malaysia, who sells LVG on an online platform or operates an online marketplace for the sales and purchase of LVG.

The RMCD has indicated in their guide that an "online platform" refers to a platform that provides facilities for the sale and purchase of LVG which includes a marketplace operated via website, internet portal or gateway.

The rate of sales tax on LVG is 10% and sales tax is calculated on the sale value of the LVG excluding any tax, duty, fee or other charges such as transportation, insurance or other costs. Sales tax on LVG is due when the LVG are sold by the seller.

A seller of LVG who has registered with the RMCD is referred to as a registered seller. A registered seller is required to file the returns online and pay the tax on a quarterly basis to the RMCD.



Service Tax

Service tax is a consumption tax levied and charged on:

- a) any taxable services (including digital services) provided in Malaysia by a registered person in carrying on his business,
- b) any imported taxable services acquired by any person who carries on business in Malaysia, and
- c) any digital services provided by a foreign registered person to a Malaysian consumer.

To avoid being taxed twice, local businesses which acquired digital services from a foreign registered person are exempted from having to account for and pay service tax through the imported taxable service mechanism.

Rates of tax

Prior to 1 March 2024, the rate of service tax is 6% *ad valorem* for all taxable services and digital services except for the provision of charge or credit card services. Service tax for the provision of charge or credit card services is MYR25 per year on each principal card or supplementary card.

With effect from 1 March 2024, the rate of service tax has increased to 8% *ad valorem* for all taxable services and digital services except for the following services at their respective rates as below:

- a) Food and beverages services (excluding sale of alcoholic beverages) – 6%.
- b) Telecommunication services – 6%.
- c) Provision of parking place services – 6%.
- d) Logistic services – 6%.
- e) Provision of charge or credit card services – MYR25.

Registration of taxable person and taxable services

A taxable person is a person who is registered or liable to be registered for service tax. A person is liable to be registered if the total value of his taxable services for a 12-month period exceeds or is expected to exceed the prescribed registration threshold. The term “person” includes an individual, a firm, a society, an association, a company and every other juridical person.

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The following is a summary of taxable persons and their respective prescribed registration thresholds:

Group	Taxable person	Threshold (MYR)
A	Operators of hotels, inns, lodging house, service apartment, homestay (subject to some exclusions)	500,000
B	Operators of restaurants, bars, snack-bars, canteen, coffee house or any place providing food and drinks whether eat-in or take-away (subject to some exclusions) Catering services providers Operators of food court	1,500,000
C	Operators of night-clubs, dance halls, cabarets and karaoke centres Operators of 1st, 2nd or 3rd Class Public House and 1st or 2nd Class Beer House Operators of approved health and wellness centres and massage parlours (subject to some exclusions)	500,000

Group	Taxable person	Threshold (MYR)
D	Operators of private clubs	500,000
E	Operators of golf course or golf driving range	500,000
F	Licensed operators of bettings, sweepstakes, lotteries, gaming machines or games of chance	500,000
G	Registered advocates, solicitors and syarie lawyers Registered public accountants Licensed or registered surveyors / registered valuers, appraisers and estate agents Registered professional engineers Registered architects Consultancy, training or coaching services providers (subject to some exclusions) Digital and information technology services providers	500,000

Group	Taxable person	Threshold (MYR)
G (con't)	Management services providers Employment services providers Licensed private agencies Operators of online platform or market place Maintenance or repair service providers (subject to some exclusions)	
H	Persons who are regulated by Bank Negara Malaysia and provide credit card or charge card services through the issuance of a credit card or a charge card	Nil
I	Licensed insurers or takaful operators Licensed/registered persons providing telecommunication services and contents applications services Operators of parking space for motor vehicles Operators of motor vehicles service or repair centres	500,000 500,000 500,000 500,000

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Group	Taxable person	Threshold (MYR)
I (con't)	Licensed courier service providers	500,000
	Licensed hire-and-drive car, hire-car, charter bus and excursion bus services operators	500,000
	Advertising (including digital advertising) services providers	500,000
	Providers of electricity transmission and distribution services	500,000
	Licensed airlines providing domestic flights	500,000
	Brokering and underwriting services providers	500,000
J	Cleaning services providers	500,000
	Providers of logistics services	500,000
	Providers of delivery, distribution or transportation of goods, documents or packages services through the e-commerce platform	
	Licensed courier service providers	
	Approved customs agents who provide services for the release of goods from customs control	Nil

Any person who is not liable to be registered for service tax may nonetheless apply to the DG of Customs for voluntary registration as a registered person. The DG of Customs may approve the registration to be effective from a date he determines and subject to conditions he deems fit.

Examples of taxable services include but are not limited to the provision of accommodation premises, certain professional services, digital services (including electronic platform services), certain telecommunication services, betting and gaming services, management services, security services, provision of parking space, provision of golf course, golf driving range or services related to golf or golf driving range, courier delivery services (other than to destinations outside Malaysia), domestic flight services, provision and issuance of charge card or credit card whether or not annual subscription or fee is imposed, and provision of electricity to domestic consumer.

Taxable services also include sale or provision of food, drinks, alcoholic beverages, cigarettes, tobacco products, smoking pipes, electronic

cigarettes and similar electric vaporizing devices, preparation of a kind (in form of liquid or gel and irrespective of whether or not containing nicotine) used for smoking through electronic cigarettes and electric vaporizing devices.

The following services were included as taxable services with effective from 26 February 2024:

- Services at Karaoke centres.
- Brokering and underwriting services other than those related to financial services.
- Maintenance or repair services.
- Logistics services, which includes the supply chain of logistic management services, warehousing or warehousing management services, freight forwarding services, port or airport services, shipping services, aviation services or cold chain facilities services, delivery, distribution or transportation of goods services.

A complete list of taxable persons and taxable services can be found in the First Schedule of the Service Tax Regulations 2018.



Registration of foreign digital service provider

Service providers outside Malaysia who provide digital services to Malaysian consumers will be required to register in Malaysia and charge service tax if the total value of digital services provided to Malaysian consumers for a 12-month period exceeds or is expected to exceed the prescribed registration threshold of MYR500,000.

Intra-group services

Service tax is not applicable on the following transactions performed among companies within a qualifying group of companies (i.e. subject to certain qualifying criteria):

- a) provision of certain taxable professional services in Malaysia by a registered person,
- b) acquisition of certain taxable professional services from overseas by a Malaysian, and
- c) provision of digital services by foreign service providers or foreign registered person.

Exemption for specific *business-to-business (B2B)* services

Service tax registered businesses which provide certain taxable professional services, advertising services or logistics services are exempted from payment of service tax on the same professional services or advertising services acquired from another service tax registered person subject to certain qualifying criteria.

Local service tax-registered businesses which provide certain taxable professional services or advertising services are exempted from having to account for and pay service tax through the imported taxable service mechanism on the same professional services, advertising services or logistics services acquired from foreign service providers subject to certain qualifying criteria. In addition, local service tax registered businesses which provide digital services can claim refund of service tax paid on digital services acquired from foreign registered persons if the digital service acquired is the same as the digital service they provide.



Payment of service tax and taxable period for registered person (bi-monthly)

Service tax is due when payment is received for the taxable services rendered. Nonetheless, if payment is not received within 12 calendar months from the date of issuance of the invoice, the tax is due on the day immediately after the expiry of the 12-month period.

The DG of Customs may approve an application from a registered person for the service tax of the taxable service rendered to be due at the date of issuance of the invoice instead of the payment date.

Any service tax that falls due during a taxable period is payable to the RMCD latest by the last day of the month following the end of the taxable period. A taxable period is a period of 2 calendar months. However, a taxable person can apply to the DG of Customs to vary the taxable period. If the application to vary the taxable period is approved, the service tax due is payable to RMCD latest by 30 days from the end of the varied taxable period.

Payment of service tax on imported taxable service

The service tax for imported taxable service is due at the earlier of the payment date or the date the invoice for the service is received. A taxable person is required to account for the service tax on imported taxable service in its service tax return. However, a non-taxable person is required to account for the service tax on imported taxable service in a prescribed declaration to the DG of Customs. The furnishing of the declaration and the payment of service tax due must be made latest by the last day of the month following the month in which the payment for the service is made or the invoice for the service is received.

Payment of service tax by a foreign registered person

For digital services provided by a foreign registered provider, service tax is due when payment is received for the digital services provided. The DG of Customs may approve an application from a foreign registered person for the service tax of the digital service provided to be due at the date of issuance of the invoice instead of the payment date.

Any service tax that falls due during a taxable period is payable to the RMCD latest by the last day of the month following the end of that taxable period. A taxable period for a foreign registered person is a period of 3 calendar months. However, a foreign registered person can apply to the DG of Customs to vary the taxable period. If the application to vary the taxable period is approved, the service tax due is payable to RMCD latest by the last day of the month following the end of the varied taxable period.

Refund of service tax on bad debts

A registered person or a person who has ceased to be a registered person can apply for a refund of service tax in relation to bad debts. The conditions for the refund application are that:

- the whole or part of the service tax paid has been written off as a bad debt, and
- all reasonable efforts have been made by the applicant to recover the service tax.

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Import duties

Imports of goods are generally subject to import duties.

Rates of tax

Import duties are generally levied on an *ad valorem* basis, but they may also be imposed on a specific basis. The *ad valorem* rates range from 0% to 60%. Raw materials, machinery, essential foodstuffs, and pharmaceutical products are generally non-dutiable or subject to duties at lower rates.

Tariff rate quota

Malaysia has a tariff rate quota (TRQ) on selected agricultural products, such as chicken, milk and cream, hen eggs, cabbages. Under TRQ, the tariff charged depends on the volume of imports. Imports within quota (volume) attract duties at a lower tariff rate while a higher tariff rate applies on goods in excess of the quota volume “out-quota tariff rate”. The quota applicable is determined by the relevant agency, e.g. Department of Veterinary Services or Federal Agriculture Marketing Authority Department.

Value of goods

The value of goods for the purpose of computing import duties is determined largely in accordance with the World Trade Organisation (WTO) principles of customs valuation.

Exemptions

Import duty exemptions are provided by the Minister of Finance (“the Minister”) e.g. on manufacturing aids and cleanroom equipment, re-imported goods after repair.

In addition, manufacturers may apply to the relevant authorities for exemption from import duties for the following, subject to certain conditions:

- dutiable raw materials and components used directly for the manufacture of goods, and
- dutiable machinery and equipment which are used directly in the manufacturing process.

Prohibition of imports

Import restrictions are seldom imposed except on a limited range of products for the protection of local industries or for reasons of security and public safety. An import licence has to be obtained from the relevant authorities and other government agencies for the importation of prohibited goods.

Export duties

Export duties are generally imposed on Malaysia’s main commodities such as crude petroleum and palm oil for revenue purpose.

Prohibition of exports

Export prohibitions also apply to goods such as live animals, poultry, palm kernels and palms seeds, sugar and rice, unless accompanied by an export license issued by the relevant authorities and other government agencies.

High-value goods tax

On 31 March 2024, the Minister announced that the high-value goods tax (HVGT) will be deferred from the initial implementation date, 1 May 2024, as proposed during the Budget 2024 speech. The HVGT is expected to range from 5% to 10%.

To date, the new implementation date has yet to be announced.

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Excise duties

Excise duties are imposed on a selected range of goods manufactured in Malaysia or imported into Malaysia. Goods which are subject to excise duty include beer / stout, cider and perry, rice wine, mead, undenatured ethyl alcohol, brandy, whisky, rum and other spirits obtained by distilling fermented sugar-cane products, gin and geneva, cigarettes containing tobacco, electronic cigarette and electric vaporising device, motor vehicles, motorcycles, playing cards, mahjong tiles and sweetened beverages including premix preparations. No excise duty is payable on goods that are exported.

Licensing

Unless exempted from licensing, a manufacturer of tobacco, intoxicating liquor, sweetened beverages or goods subject to excise duties must have a licence to manufacture such goods.

An excise warehouse licence is required for storage of goods subject to excise duty. However, a licence to manufacture tobacco, intoxicating liquor, sweetened beverages or goods subject to excise duty also permits the holder to store such goods.

Rates of duties

The rates of excise duties vary from a composite rate ranging from MYR0.50 per litre for sweetened beverages, MYR0.47 per 100 grams for premix preparations, MYR0.40 per stick for cigarettes, MYR0.40 per millilitre for nicotine based liquid or gel used in electronic cigarettes, MYR1.10 per litre and 15% for certain types of spirituous beverages, to as much as 105% for motorcars (depending on engine capacity).

Payment of duty

As a general rule, duty is payable at the time the goods leave the place of manufacture or the licensed warehouse. However, for motor vehicles, duty is payable at the time the vehicles are removed from the place of manufacture for registration with the Road Transport Department.

Specific exemptions for electric vehicles

- Full import duty exemption on components for Completely Knocked Down (CKD) Electric Vehicles (EVs) and full excise duty exemption and sales tax on CKD EVs from 1 January 2022 to 31 December 2027.
- Full import duty and excise duty exemption on imported Completely Built Units EVs from 1 January 2022 to 31 December 2025.

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Stamp duty

Stamp duty is chargeable on instruments and not on transactions.

Stamp duty rates

Stamp duty rates vary according to the value of the underlying transaction which is generally taken to be the higher of actual consideration or market value.

Transfer of properties in general (other than shares and marketable securities)

- i) Foreign companies, non-citizens and non-permanent residents
Flat rate stamp duty of MYR4 per MYR100 or part thereof.
- ii) Other than foreign companies, non-citizens and non-permanent residents

	Portion of total value (MYR)	Rate	Stamp duty payable (MYR)
On the first	100,000	MYR1 per MYR100 or part thereof	1,000
On the next	400,000	MYR2 per MYR100 or part thereof	8,000
On the next	500,000	MYR3 per MYR100 or part thereof	15,000
	1,000,000		24,000
In excess of	1,000,000	MYR4 per MYR100 or part thereof	

Transfer of shares not listed on stock exchange or marketable securities

MYR3 for every MYR1,000 or any fraction thereof.

Transfer of shares listed on Bursa Malaysia

MYR1 for every MYR1,000 or any fraction thereof, capped at MYR1,000 per contract note.

Transfer of listed marketable securities

MYR1 for every MYR1,000 or any fraction thereof, capped at MYR200 per contract note.

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Loan, services and equipment lease agreement

The stamp duty rate is 0.5%. Reduced rates are available as follows:

i) Service agreement:

Reduced stamp duty rate		
All service agreement (one tier)		0.1%
Multi-tier service agreement		
a) Non-government contract (i.e. between private entity and service providers)	First level	0.1%
	Subsequent level(s)	0.1%, capped at MYR50
b) Government contract (i.e. between Federal / State Government of Malaysia or State / local authority and service providers)	First level	Exempted
	Second level	0.1%
	Subsequent level(s)	0.1%, capped at MYR50

ii) Loan agreement:

Reduced stamp duty rate		
Loan agreement without security and repayable on demand or in single bullet repayment	Ringgit Malaysia loan	0.1%

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Stamp duty relief

Relief from stamp duty is available for various instruments. In relation to the transfer of properties / shares between related companies, the following reliefs are available subject to meeting the qualifying conditions:

1. Transfer of properties / shares between associated companies. Associated companies are essentially companies where either company owns 90% or more of the other company or where a third company owns 90% or more of both companies.
2. Transfer of properties / shares pursuant to a scheme of reconstruction or amalgamation of companies.

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Windfall profit levy

A levy of 3% is imposed on crude palm oil and crude palm kernel oil where the price exceeds MYR3,000 per metric ton for Peninsular Malaysia and MYR3,500 per metric ton for Sabah and Sarawak.

Contract levy

A levy of 0.125% on contract works having a contract sum above MYR500,000 is imposed on every registered contractor by the Construction Industry Development Board.

Assessment, quit rent and road tax

Assessment rates and quit rent are payable by property owners according to the legislation of the local or municipal authorities on properties located in areas under their jurisdiction. Essentially, these levies are intended for the maintenance and provision of essential services to the areas. The tax is levied as a percentage of the capital value or the taxable value of the property.

Road tax is levied on owners of motor vehicles at rates that vary according to the type of vehicle and engine capacity. Owners of electric vehicles are eligible for exemption from road tax until 31 December 2025.



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PwC operations in Malaysia

PwC's history in Malaysia dates back to the early 1900s. Over the years, we have worked with many different types of clients - global companies, public sector entities, growing businesses and up-and-coming entrepreneurs. We believe we have a responsibility in playing an integral role in the growth and progress of our nation. With our assurance, tax, deals and consulting services, we help our clients succeed through both buoyant and challenging economic environments.

Our aim is to deliver value to you at all times. How we use our knowledge and experience to deliver that value, depends on what you want to achieve. We'll start by asking questions to get to know you and your business better. Are you looking to build trust? Give your shareholders more value? Or do you want to do something new with your business?

You can expect, when working with anyone of our people in Kuala Lumpur, Pulau Pinang, Ipoh, Melaka, Johor Bahru, Kuching, and Labuan that we'll help you recognise what your business needs are. Then we'll work with you to identify the goals critical to your corporate strategy.

Assurance services

We help organisations improve their external financial reporting and adapt to new regulatory requirements, such as the Financial Reporting Standards. Our audit clients include many leading companies listed on Bursa Malaysia as well as emerging Malaysian companies.

We also help clients respond to the need for greater transparency, improved corporate governance and business models, based on the principles of sustainability.

Tax services

We collaborate with clients to create effective strategies and solutions for important tax and business challenges, drawing on our expertise in technical matters and compliance.

We partner with organizations to develop effective tax strategies that align with their overall corporate goals. In the realm of tax technology, we assist in capturing purposeful data, automating processes, and enhancing ERP systems. Our goal is to empower tax functions to adapt to the ever-evolving demands of the business.

Deals services

We work with clients to create, realise and protect value throughout the deal continuum.

We help clients from deal origination and acquisitions to valuation, due diligence and risk management. We also provide capital projects advisory and policy assessments. At times of crisis, we assist in liquidation, restructuring and/or working capital.

Consulting services

The PwC Consulting business in Malaysia is part of our South East Asian Consulting joint venture.

By bringing together our expertise across the region, we help organisations work smarter and grow faster. We consult with our clients to drive growth, leverage digital opportunities, manage risk and transform your workforce to accelerate business outcomes.

Acceleration Center Kuala Lumpur (AC Kuala Lumpur)

PwC Acceleration Centers are global talent hubs that bring together diverse, highly skilled talent to work on complex client engagements. Using the latest digital technologies to seamlessly collaborate with global teams, the centers deliver services in an agile and efficient fashion, while creating a differentiated experience for clients. Established in 2022, PwC Acceleration Center Kuala Lumpur (AC Kuala Lumpur) is envisioned to be a truly cross-functional operation with capabilities across Advisory, Assurance, Tax and Business Services. Currently, AC Kuala Lumpur primarily supports the needs of PwC clients in the US through Assurance, Tax and Advisory services.

About PwC



Our industry-specific approach

PwC's industry-focused network is designed to anticipate and address your business needs. With more than 364,000 people, deployed across 151 countries, we can both zoom out and see the big picture — the context — and zoom in on the right solution.

- Assurance
- Tax
- Deals
- Consulting

Key industries

Consumer & Industrial Products and Services

Entertainment, Hospitality and Leisure

Energy, Utilities and Resources

Financial Services

Government and Public Sector

Technology, Media and Telecommunications

Service offerings

Financial & Non-Financial Assurance

- Statutory Audit
- Financial Accounting
- Regulatory Compliance
- Non-Financial Performance & Reporting
- Financial Reporting Standards
- Sustainability Assurance

Risk Services

- Controls & Performance Assurance
- Digital Trust and Cybersecurity
- Governance, Risk & Compliance
- Islamic Finance
- Data and Analytics
- Financial Risk Management
- Internal Audit & Controls Advisory
- Public Sector Financing

Corporate Tax

- Corporate Tax Compliance & Advisory
- Corporate Services
- Dispute Resolution
- One Stop Compliance Services

Specialist Tax

- E-invoicing
- Indirect Tax (including Sales & Services Tax)
- Workforce
- Transfer Pricing
- International Tax Services/ Mergers & Acquisitions
- Tax Reporting & Strategy
- Capital allowances
- Accounting solutions
- Managed Services
- Environmental, Social & Governance
- New Law
- Worldtrade Management Services
- Japanese Business Consulting
- Korean Business Consulting
- China Business Consulting

Deals

- Business Restructuring Services
- Mergers & Acquisition
 - Corporate Finance
 - Transaction Services
- Value Creation
 - Valuations
 - Deals Strategy & Operations
 - Forensics
- Economics, Policy & Infrastructure Capital
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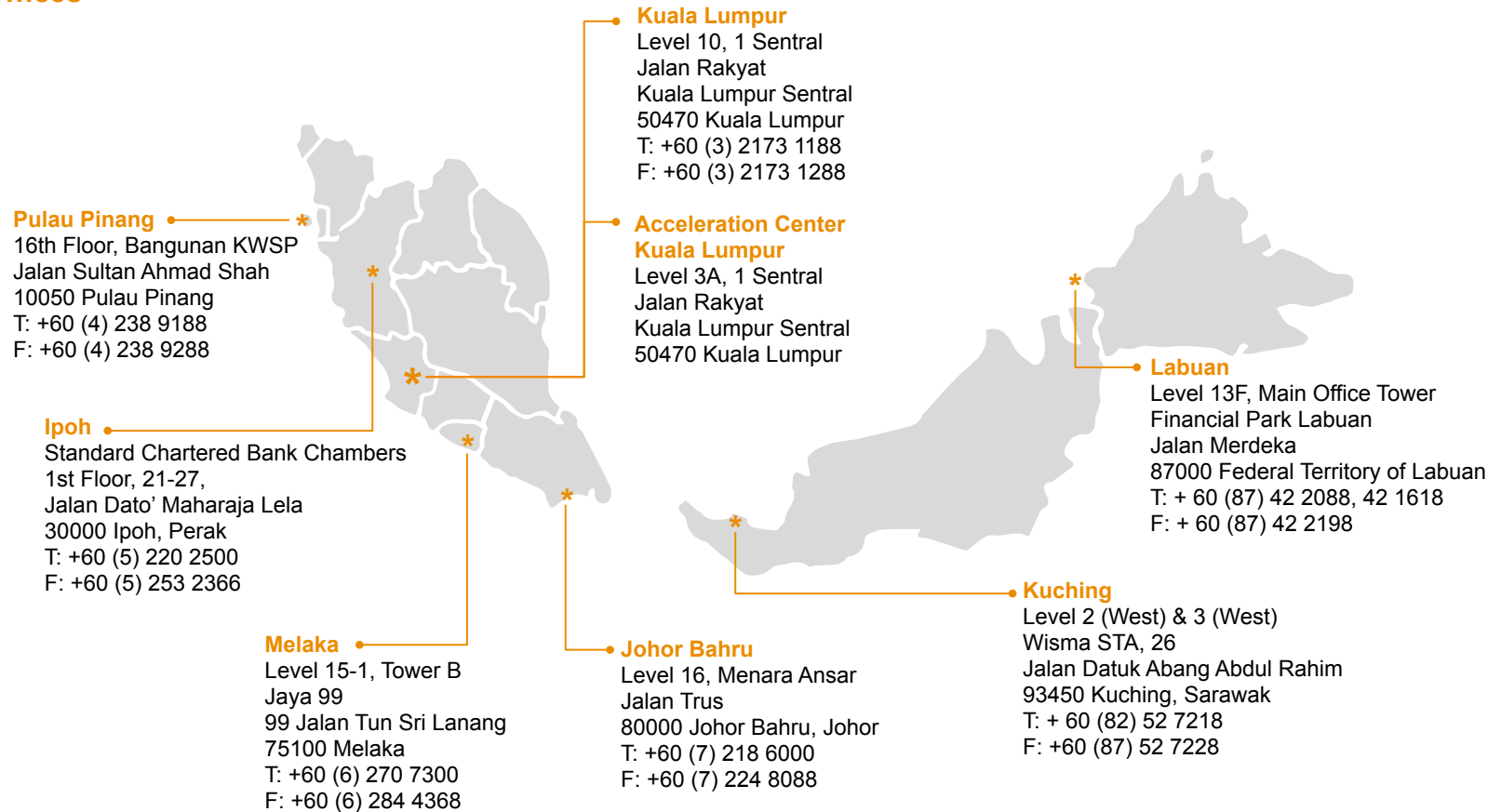
Consulting

- Strategy & Operations
 - Finance
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 - Supply Chain
 - Front Office
- Workforce Transformation
- Finance Transformation
- Digital, Cloud and Data
 - Microsoft
 - AWS etc.
- Alliances
 - SAP
 - Oracle
 - Salesforce
- Risk & Modeling Services
- Financial Crime
- Cybersecurity
- Sustainability
- Managed Services

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