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In this Issue

- **PR No. 4/2024 – Taxation of a Resident Individual Part I – Gifts or Contributions and Allowable Deductions**
- **PR No. 5/2024 – Tax Incentive for Investment in BioNexus Status Company**
- **PR No. 6/2024 – Tax Incentive for Organising Arts, Cultural, Sports and Recreational Activities**
- **PR No. 7/2024 – Co-operative Society**
- **Guidelines on Tax Deduction for Contribution/Sponsorship for AI-Driven Reverse Vending Machine**
- **Allowance for Increase in Exports**
- **Submission of Notification of Change of Accounting Period via e-CP204B**
- **Operational Guidelines on Real Property Gains Tax**
- **Stamp Duty Audit Framework**
- **Stamp Duty Exemption on Instruments for Purchase of a Flat under the National Economic Action Council People's Housing Programme and Kuala Lumpur City Hall Public Housing**
- **Updated E-Invoice Guidelines and Industry Specific FAQ**
- **PR No. 1/2024 – Forms, Returns and Payment Methods Prescribed under the Tourism Act 2017, Sales Tax Act 2018 and Service Tax Act 2018**

- Moore Malaysia
- Moore Global
- Inland Revenue Board

PR No. 4/2024 – Taxation of a Resident Individual Part I – Gifts or Contributions and Allowable Deductions

The Inland Revenue Board [“IRB”] has recently issued the *Public Ruling [“PR”] No. 4/2024 – Taxation of a Resident Individual Part I – Gifts or Contribution and Allowable Deductions* to replace the previous PR No. 6/2023 issued on 20th November 2023. This new PR has been updated and amended in accordance with the Finance Act 2023 to provide clarification on gifts or contributions as well as deductions that are allowable to a resident individual in computing his total / chargeable income for a year of assessment.

Significant updates included in the new PR are as follows:-

i. Medical Treatment, Dental Treatment, Complete Medical Examination, Special Needs or Carer Expenses for Parents [Section 46(1)(c) of the Income Tax Act 1967 (“ITA 1967”)]

- The allowable deduction of up to a maximum of RM8,000 which can be claimed by an individual is expanded to include dental treatment and complete medical examination.
- The dental treatment includes all type of expenses for dental examination and treatments.
- The complete medical examination for parents is limited to RM1,000.
- Effective year of assessment [“YA”] 2024.

ii. Up-Skilling and Self-Enhancement Course Fees [Section 46(1)(f) of the ITA 1967]

- Tax relief of up to RM2,000 (which forms part of the relief for the education fees of RM7,000) on fees incurred for up-skilling or self-enhancement course in any field recognised by the Department of Skills Development, Ministry of Human Resource is extended for another 3 years from YA 2024 to YA 2026.

iii. Medical Expenses on Serious Diseases, Fertility Treatment, Vaccination and Dental Examination or Treatment [Section 46(1)(g) of the ITA 1967]

- The amount of deduction of up to a maximum of RM10,000 which can be claimed by an individual is expanded to include dental examination or treatment on himself, his wife or child, or in the case of a wife on herself, her husband or child.
- The dental examination or treatment expenses are limited to RM1,000.
- The dental treatment claims must be evidenced by receipts and certificates issued by dental practitioners registered with the Malaysian Dental Council.
- Effective YA 2024.

iv. Lifestyle Relief [Section 46(1)(p) of the ITA 1967]

- The lifestyle relief on the purchase of sports equipment has been removed from Section 46(1)(p) of the ITA 1967. However, the same relief is allowed for deduction under Section 46(1)(u) of the ITA 1967 as an additional tax relief for lifestyle related to sports activities.
- The scope of lifestyle relief is expanded to include payments for self-enhancement course fees on learning skills that are unrelated to the individual's job. The expenses for the course must be supported by receipts issued by the course provider.
- Effective YA 2024.

v. Additional Tax Relief for Lifestyle-Related Sports Activity [Section 46(1)(u) of the ITA 1967]

- The allowable claim limit has been increased from RM500 to RM1,000.
- The scope of relief is extended to sports training provided by associations/clubs/companies registered with the Commissioner of Sports or incorporated under the Companies Act 2016 to conduct sports activities defined under the Sports Development Act 1997.
- Effective YA 2024.

Note: For further information on the previous PR No. 6/2023, kindly refer to our [Tax Flash – December 2023](#).

PR No. 5/2024 – Tax Incentive for Investment in BioNexus Status Company

The IRB has recently issued the [PR No. 5/2024 – Tax Incentive for Investment in BioNexus Status Company](#) to explain the tax incentives offered to an investor who has invested in a BioNexus status company in Malaysia. This new PR replaces the PR No. 2/2023 dated 4th October 2023 with some changes to the examples and relevant amendments in law.

Pertinent amendments included in the new PR are as follows:-

- Changes are made in the new PR to take into account the extension of the application period which has been extended to 31st December 2024 for an investor in respect of investment deduction in a BioNexus status company pursuant to the Income Tax (Deduction for Investment in a BioNexus Status Company) (Amendment) Rules 2024.

The above new PR should be read together with PR No. 1/2020 – Tax Incentives for BioNexus Status Companies.

Note: For further information on the PR No. 1/2020, PR No. 2/2023 and Income Tax (Deduction for Investment in a BioNexus Status Company) (Amendment) Rules 2024, kindly refer to our [Tax Flash – June 2020](#), [Tax Flash – November 2023](#) and [Tax Flash – March 2024](#) issues respectively.

PR No. 6/2024 – Tax Incentive for Organising Arts, Cultural, Sports and Recreational Activities

The tax exemption of 50% is given to a promoter on statutory income derived from organising any arts or cultural activities or sports or recreational competitions of international standard held in Malaysia from YA 2020 to YA 2022, and is further extended for another 3 years, until YA 2025.

Following the above, the Income Tax (Exemption) (No. 12) Order 2021 has been gazetted to provide the above tax exemption. The IRB has recently published the [PR No. 6/2024 – Tax Incentive for Organising Arts, Cultural, Sports and Recreational Activities](#) to explain the tax incentive available to a promoter who organises an approved arts or cultural activities as well as sports or recreational competitions in Malaysia.

Some salient points of the abovementioned PR are as follows:-

Subject	Arts or Cultural Activities	Sports or Recreational Competitions of International Standard
Definition	A stage performance approved by the Ministry of Tourism, Arts and Culture ["MOTAC"] and organised with the participation of foreign nationals who have performed at least 3 performances in any countries other than their own.	Any sporting event or recreational activity approved by the Ministry of Youth and Sports ["KBS"] and organised in any form with the participation of foreign nationals from a number of countries.
Tax Incentive	Tax exemption is given on 50% of the statutory income derived from organising the approved arts or cultural activities or sports or recreational competitions of international standard.	

Subject	Arts or Cultural Activities	Sports or Recreational Competitions of International Standard
Approved Activity	The activity is held at <i>Istana Budaya</i> , National Visual Arts Gallery or Petronas Philharmonic Hall.	The competition of an international standard is held at an approved organising location by KBS.
Tax Incentive Mechanism	<ul style="list-style-type: none"> • Complete the application form and submit the relevant documents to MOTAC 30 days before the activity is to be carried out in order to obtain an authorisation letter for organising the activity. • Application for an approval letter for tax exemption is to be submitted to MOTAC not later than 90 days after the activity has been carried out. 	<ul style="list-style-type: none"> • Submit the application to KBS via online not later than 90 days before the activity is to be carried out in order to obtain an authorisation letter for organising the activity. • Application for approval letter for tax exemption is to be submitted to KBS not later than 90 days after the activity has been carried out.

PR No. 7/2024 – Co-operative Society

The IRB has recently issued the [PR No. 7/2024 – Co-operative Society](#) dated 31st December 2024 to explain the tax treatment of a co-operative society registered in Malaysia. This new PR replaces the PR No. 9/2011 dated 16th November 2011 with some updates on the tax deduction, tax exemption and tax incentives including the re-interpretation of the terms used in the PR.

The salient amendments and updates included in the abovementioned PR are as follows:-

- i. Re-interpreted the terms of “**co-operative principles**” as below:-
 - Voluntary and open membership;
 - Democratic member control;
 - Members economic participation;
 - Autonomy and independence;
 - Education, training and information;
 - Co-operation among co-operative society; and
 - Concern for community.
- ii. Any sum transferred or paid to a Co-operative Development Trust Fund is allowed a tax deduction from the total income of a co-operative society. This is effective upon coming into operation of the Finance (No. 2) Act 2012.
- iii. Reserves that can be included in the computation of "member's fund" are capital reserves and revenue reserves that are created from realised profits (which have been converted into money).
- iv. Tax incentive for a Qualifying Capital Expenditure on a Qualifying Activity or a Special Qualifying Activity in the East Cost Economic Region [“ECER”]
 - An Agro-based Co-operative Society, an Area Farmers’ Organisation, an Area Fishermen’s Association, a National Fishermen’s Association and a State Fishermen’s Association are exempted from payment of income tax in respect of statutory income derived from:-

- a qualifying activity which is equivalent to the amount of allowance of 100% of the qualifying capital expenditure incurred for a period of 5 consecutive years from the date of the first qualifying capital expenditure incurred.
 - a special qualifying activity, which is equivalent to the rate of allowance specified by the Minister which shall not be less than 60% and not more than 100% of the qualifying capital expenditure incurred for a specific period of consecutive years of assessment as the Minister may determine.
 - a capital expenditure incurred in relation to a building, factory, machinery or plant will be regarded as a qualifying capital expenditure for the purpose of this incentive if it is used in Malaysia solely for the purpose of carrying on the qualifying activity or the special qualifying activity which has not been carried on in the ECER or which has been carried on in the ECER for a duration of not more than 1 year.
 - The qualifying capital expenditure shall not include any building which is used as living accommodation or any machinery/plant which is provided for the use of a director or an individual who is involved in the management, administration or clerical tasks.
- v. Tax Incentive on Statutory Income on Qualifying Activity or Special Qualifying Activity in the ECER
- An Agro-based Co-operative Society, a Farmers' Organisations, an Area Fishermen's Association, a National Fishermen's Association and a State Fishermen's Association are exempted from the payment of income tax in respect of the statutory income derived from:-
 - a qualifying activity at the rate of 100% for a period of 10 consecutive years of assessment.
 - a special qualifying activity at the rate of not less than 70% and not more than 100% for a period as determined by Minister.
 - The exemptions apply to the statutory income derived from a qualifying activity or a special qualifying activity which has not been carried on in the ECER or the date of application for the incentive or which has been carried on not more than 1 year in the ECER prior to the date of application for the incentive.
 - The exemptions shall not apply to:-
 - an application for exemption received by the Minister through the ECER Development Council after 31st December 2024;
 - the co-operative society commences a qualifying activity or a special qualifying activity after 1 year from the date of the approval or after such extended period approved by the Minister; or
 - the co-operative society in the basis period for a year of assessment has been granted any other incentives as stipulated in these orders.

Note: For further information on the previous PR No. 9/2011, kindly refer to our [Tax Flash – December 2011](#) issue.

Guidelines on Tax Deduction for Contribution/Sponsorship for AI-Driven Reverse Vending Machine

Following the 2025 Budget announcement, the Ministry of Finance ["MOF"] has issued the updated [Guidelines on Tax Deduction for Contribution/Sponsorship for Artificial Intelligence-Driven \["AI-driven"\] Reverse Vending Machine](#). In order to further support the practice of recycling plastic waste and ensure the increase of the collected-for-recycling rate, the tax deduction on the contribution/sponsorship of AI-driven reverse vending machine has been extended for another 2 years.

Salient points of the abovementioned updated Guidelines are as follows:-

i. Effective Date

- For applications received by the MOF from 1st January 2025 to 31st December 2026.

ii. Supporting Documents

- The following documents are required in support of the claim for tax deduction:-
 - original approval letter from the MOF;

- letter acknowledging the receipt of contribution/sponsorship from the recipient;
- verification letter of the value of cash/equipment/services from the relevant government agencies; and
- official receipt/invoice related to the project financing.

Note: For further information on the tax deduction for contribution/sponsorship for AI-driven reverse vending machine, kindly refer to our [Tax Flash – May 2023](#) issue.

Allowance for Increase in Exports

Currently, a qualifying company which achieves an increase in export sales of agricultural produce or product from manufacturing in the basis period for a year of assessment is eligible for allowance for increased exports [“AIE”].

The [Income Tax \(Exemption\) \(No. 5\) Order 2019 \(Amendment\) Order 2025](#) and [Income Tax \(Exemption\) \(No. 6\) Order 2019 \(Amendment\) Order 2025](#) have been gazetted to amend Paragraphs 3(3)(a) and 3(2)(a) respectively with regards to the conditions that would have to be fulfilled in order to be eligible for AIE.

The updates on the ownership of the qualified company included in the above Orders are as follows:-

- At least 60% of the issued share capital of a qualifying company at the beginning of the basis period for a year of assessment is to be owned:-
 - directly by a Malaysian citizen;
 - by a body corporate that administers and manages a fund established under any written law; or
 - by a company which is:-
 - incorporated under the Companies Act 2016 and resident in Malaysia in the basis period for that year of assessment; and
 - at least 60% of the issued share capital of the company is owned by a Malaysian citizen or body corporate which administers and manages a fund established under any written law.

For the purposes of these Orders, the body corporate responsible to administer and manage a fund refers to the following:-

- Employees Provident Fund Board established under Section 3 of the Employees Provident Fund Act 1991;
- Retirement Fund (Incorporated) established under Section 3 of the Retirement Fund Act 2007;
- *Lembaga Tabung Haji* established under Section 3 of the *Tabung Haji* Act 1995;
- *Lembaga Tabung Angkatan Tentera* established under Section 4 of the *Tabung Angkatan Tentera* Act 1973; or
- any body corporate which administers and manages a fund established under a written law as approved by the Minister.

The above Orders shall have effect from the YA 2025.

Note: For further details on the previous [Income Tax \(Exemption\) \(No. 5\) Order 2019](#) and [Income Tax \(Exemption\) \(No. 6\) Order 2019](#), kindly refer to our [Tax Flash – July 2019](#) issue.

Submission of Notification of Change of Accounting Period via e-CP204B

Currently, a company that changes its accounting period is required to inform the IRB on the change of accounting period by submitting a Notification of Change of Accounting Period [“Form CP204B”] manually.

Based on Section 21A(3A) of the ITA 1967, the due date for submission of Form CP204B is as follows:-

- 30 days before the end of the new accounting period, if the accounting period is **shortened** after the change of accounting year end; or
- 30 days before the end of the original accounting period, if the accounting period is **lengthened** after the change of accounting year end.

The IRB has recently informed that companies, limited liability partnerships, trusts and cooperatives can now submit the Form CP204B electronically [“e-CP204B”] starting from 1st January 2025 for cases which are submitted within the stipulated deadline. For late submission cases, the submission of the Form CP204B must be done manually until the e-module for late cases is developed by the IRB.

The e-CP204B can be submitted through the following methods:-

- MyTax portal, by the company’s director or director’s representative; or
- TAeF portal, by the company’s appointed tax agent.

The current functions of the e-CP204B facility include:-

- submission of Form CP204B electronically;
- availability of an acknowledgement receipt of the e-CP204B submitted; and
- downloading or printing of the e-CP204B together with the CP205 instalment schedule.

Operational Guidelines on Real Property Gains Tax

In line with the implementation of the Real Property Gains Tax [“RPGT”] Self-Assessment System, the IRB has issued the *Operational Guidelines for RPGT* [“RPGT Operational Guidelines”] dated 13th January 2025 (in *Bahasa Malaysia*) to provide clarification on the responsibilities of the disposers and the acquirers in reporting the gains from the disposal of chargeable assets.

Effective 1st January 2025, it is mandatory for all categories of taxpayers to submit the RPGT return electronically via e-CKHT on the MyTax Portal at <https://mytax.hasil.gov.my> in respect of the disposal of asset which is subject to the Real Property Gains Tax Act 1976 [“RPGT Act 1976”]. It is noteworthy that manual submission of the RPGT return is no longer acceptable and any attempt to submit the return manually will be treated as a failure to submit the return if no re-submission is made through e-CKHT on the MyTax Portal.

The RPGT Operational Guidelines has removed Paragraphs 19 to 27 of the Guidelines on RPGT dated 6th January 2023. The salient points of this Operational Guidelines include:-

i. Responsibilities of Acquirers [Paragraph 2 of the Operational Guidelines]

- Acquirers are required to furnish the Form CKHT 2A within 60 days (or any extended period as may be allowed by the Director General of Inland Revenue [“DGIR”]) from the date of acquisition of real property or shares in real property companies under Paragraphs 34 or 34A of Schedule 2 of the RPGT Act 1976.

ii. Responsibilities of Disposers [Paragraph 3 of the Operational Guidelines]

- Disposers are required to furnish the Form CKHT 1A or Form CKHT 1B and Form CKHT 3 within 60 days (or any extended period as may be allowed by the DGIR) from the date of disposal of asset subject to the RPGT Act 1976.
- Effective 1st January 2025, the RPGT return furnished by the disposer shall be deemed to be a notice of assessment and be served on the disposer on the date the RPGT return is furnished to the IRB.
- The disposer is required to pay the tax or any outstanding tax under an assessment within 90 days from the date of disposal, regardless of whether an appeal is made against the assessment.

- If the amount remitted by the acquirer under Section 21B of the RPGT Act 1976 is less than the total tax payable, the disposer is required to settle the balance of the RPGT payable.
- The disposer is required to settle the balance of the RPGT payable within 30 days from the date of the notice of assessment if he receives the notice of assessment or notice of additional assessment.

iii. Amended RPGT Return [Paragraph 5 of the Operational Guidelines];

- Effective 1st January 2025, the new provision under Section 13A of the RPGT Act 1976 allows the disposer to amend the RPGT return furnished to the IRB where an assessment is deemed to have been served on the disposer, provided that the following criteria are fulfilled:-
 - the amended return shall be made within 6 months from the due date for furnishing the RPGT return;
 - the amended return in respect of the RPGT return which is submitted within the prescribed due date can only be made once; and
 - the amended return is made for the purpose of reporting additional information or amending the errors in the RPGT return that would result in:-
 - unreported or under-declared gains;
 - overclaimed incidental costs or other expenses; and
 - tax rate differential due to the amendments made to the date of disposal or the date of acquisition.
- Amended return is not allowed if the assessment has been made by the IRB for a year of assessment.
- The amended return can be submitted electronically via e-CKHT on the MyTax Portal.

iv. Procedures for Appeal for Relief [Paragraphs 6 and 7 of the Operational Guidelines]

- A person may apply to the IRB for a relief on errors or mistakes made in a return or statement for any year of assessment within 5 years after the end of the year of assessment.
- A person may also apply to the IRB for a relief by reason of any exemption, relief, remission, allowance or deduction granted for a year of assessment made under any written law mentioned in the Gazette after the year of assessment in which the return is furnished, or the approval for any exemption, relief, remission, allowance or deduction is granted after the year of assessment in which the return is furnished.

Note: For further information on the earlier Guidelines on RPGT, kindly refer to our [Tax Flash – July 2013](#), [Tax Flash – July 2018](#) and [Tax Flash – February 2023](#) issue.

Stamp Duty Audit Framework

The IRB has published [Stamp Duty Audit Framework](#) (in *Bahasa Malaysia*) [“the Framework”] on 1st January 2025.

The salient points in the Framework are as follows:-

- The objectives of the Framework are as follows:-
 - to ensure fairness and transparency in the audit process, outlining the rights and responsibilities of both audit officers and auditees; and
 - to enhance the efficiency and effectiveness of audit officers in carrying out their duties to assist duty payers in fulfilling their responsibilities.
- The Framework provides that the stamp duty audit will be conducted in the following methods:-
 - General Review
 - The review is conducted at the IRB’s office.

- A notification letter will be issued to an auditee for review of the documents submitted by the auditee through the Stamp Assessment and Payment System ["STAMPS"].
 - The auditee may be requested to meet the audit officers if further information is required.
 - For certain situations, the general review can be referred to a more comprehensive review.
 - Comprehensive Review
 - The review may be conducted at the premises of auditee, the IRB's office or any agreed-upon location.
 - A letter notifying the audit visit will be issued to the auditee through STAMPS.
 - The review involves examining all the executed documents kept by the auditee.
- iii. The Framework covers a period of 3 calendar years. However, there is no time limit for audits involving fraud, duty evasion or negligence under Sections 63, 64 and 74 of the Stamp Act 1949 ["SA 1949"].
- iv. Cases are selected for audit based on risk assessment criteria and information obtained from various sources. The selection criteria include:-
- risk-based assessment;
 - industries;
 - specific issues among duty payers; and
 - information from third party sources.
- v. The Framework outlines the implementation of the Stamp Duty Audit which includes the following to ensure compliance with the relevant legislation and procedures administered by the IRB:-
- initial audit actions;
 - audit visit;
 - audit visitation period for a comprehensive audit;
 - review/access to records/information;
 - completion of audit;
 - voluntary disclosure;
 - the rights and responsibilities of the audit officers and the auditees; and
 - confidentiality of the information.
- vi. Penalties and Offences
- A penalty may be imposed under Section 47A of the SA 1949 for deficient or loss of duty.
 - The Collector has the discretion under Section 47A of the SA 1949 to reduce or remit the penalty imposed.
 - A concessionary penalty rate is available if a voluntary disclosure is made by the duty payer. However, voluntary disclosure is not allowed if the audit process has commenced.
 - The penalty rate pursuant to Section 47A of the SA 1949 for voluntary disclosure cases is 10% of the amount of the deficient duty or RM50, whichever is higher.
- vii. Appeal
- If a duty payer is dissatisfied with the notice of assessment and additional assessment raised by the Collector, the person may appeal to the Collector within 30 days from the date of assessment or additional assessment, or any extended period allowed.
 - If the duty payer is still dissatisfied with the Collector's decision after the appeal, a further appeal can be made to the High Court within 21 days after the person is being notified in writing of that decision.

The Framework takes effect from 1st January 2025.

Stamp Duty Exemption on Instruments for Purchase of a Flat under the National Economic Action Council People’s Housing Programme and Kuala Lumpur City Hall Public Housing

The *Stamp Duty (Exemption) Order 2025* has been gazetted to provide exemption on instruments for the purchase of a flat under National Economic Action Council People’s Housing Programme and Kuala Lumpur City Hall Public Housing.

The instruments are as summarised below:-

Scheme	Instrument
Special Financing Scheme	<ul style="list-style-type: none"> • Sale and purchase agreement between Syarikat Perumahan Wilayah Persekutuan [“SPWP”] and Kuala Lumpur City Hall [“DBKL”] • Sale and purchase agreement between a purchaser and SPWP • Loan agreement between a purchaser and SPWP • Instrument of transfer between a purchaser and DBKL
Any scheme other than Special Financing Scheme	<ul style="list-style-type: none"> • Sale and purchase agreement between a purchaser and DBKL • Loan agreement between a purchaser and a financial institution • Instrument of transfer between a purchaser and DBKL

The exemption applies to the above instruments executed from 1st January 2025 and not later than 31st December 2027.

Updated E-Invoice Guidelines and Industry Specific FAQ

The IRB has recently issued the following documents with further clarifications and amendments pertaining to the implementation of e-Invoice:-

- [Updated e-Invoice Guideline dated 28th January 2025 \[Version 4.1\]](#) to replace the previous guidelines uploaded on 4th October 2024;
- [Updated e-Invoice Specific Guideline dated 28th January 2025 \[Version 4.0\]](#) to replace the previous guidelines uploaded on 4th October 2024;
- [General Frequently Asked Questions \[“FAQ”\] \(Updated on 28th January 2025\)](#);
- Updated Industry Specific FAQ for the following industries:-
 - [insurance and takaful \(updated on 28th January 2025\)](#); and
 - [financial services, stockbroking and unit trust \(updated on 28th January 2025\)](#).

Note: For further information on the previous e-Invoice Guideline and e-Invoice Specific Guideline, kindly refer to our [Tax Flash – October 2024 issue](#).

PR No. 1/2024 – Forms, Returns and Payment Methods Prescribed under the Tourism Act 2017, Sales Tax Act 2018 and Service Tax Act 2018

The Royal Malaysian Customs Department has published the *PR No. 1/2024 – Forms, Returns and Methods of Application and Payment in accordance with the Tourism Act 2017, the Sales Tax Act 2018 and the Service Tax Act 2018* dated 30th December 2024 (in *Bahasa Malaysia*).

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