



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-01
 Title: Strategic: Registration for GST

GST Implication: **Background**

1. PGT primarily receives grant from the Penang State Government for the purpose of promoting and developing tourism industry in Penang.
2. PGT also receives income from selling of souvenirs, tours, SIM packs, rapid passports and etc. by its Tourist Information Centre, of which the annual taxable turnover does not exceed RM500,000.
3. PGT also receives commission income from selling of Georgetown Festival tickets on behalf of the event organiser.

GST Implication

4. The grant received may be treated as consideration for services supplied by PGT, however, supply made to State Government may be given relief from GST under the GST (Relief) Order. As of-to-date, the GST (Relief) Order has not been issued yet.
5. If the grant received from the State Government is included as part of taxable income, PGT will be required to register for GST as the total taxable supplies will exceed the prescribed threshold of RM500,000.
6. However, if the total taxable supplies (if the grant receive from State Government is not regarded as taxable supplies) is less than RM500,000, PGT is not required to be registered but PGT can still apply for voluntary registration, if it desire. Once PGT voluntarily registered, PGT shall need to be registered for a minimum of 2 years.
7. PGT can be registered provided PGT can satisfy the Director General that he is committed to doing business by submitting the following documents:-
 - details of business arrangements (business plans, plants, location);
 - copies of contract for establishment of premises such as rental of premises / construction of pipelines/ purchase of equipment;
 - details of any patents;
 - details of business purchases; or
 - other documentary evidence.
8. Once registered, PGT must account for GST whenever PGT makes taxable supplies. When PGT acquires inputs from a GST registered person, PGT will be charged GST on the purchases and such GST is claimable if it is incurred for making taxable supplies.
9. No output tax / input tax is chargeable/ claimable if PGT does not register under GST.
10. In view of the above, apart from the initial cost outlay in getting ready for GST, consideration of whether or not to be registered would also need to take into account PGT's resources to support the recurring and continuous process of GST compliance (refer issue log on Budgeting and Resource Requirement for GST Implementation).

Work Plan: Recommendations

1. Monitor the issuance of GST Relief Order by Customs
2. Seek Customs confirmation on the GST treatment for the grant income.
3. Conduct cost-benefit analysis on whether it is feasible to register under GST (if does not exceed the threshold).



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-02
 Title: Strategic: Budgeting and Resource Requirement for GST Implementation

GST Implication: **Background**
 1. The introduction of the GST will require you to allocate necessary budget and resources to meet the cost to implement GST.

GST Implication

2. The initial cost outlay in getting ready for the GST will be material. This will involve amongst others incurring costs for upgrading IT systems, changes to stationary to comply with GST requirements, training of staff, software upgrades, etc. These will be one-off expenditure.

3. As a consequence, these costs and the timing of their acquisition would need to be considered in any budgeting / cost assessment process.

4. The introduction of the GST will also necessitate a review of the current allocation of resources with a view to determining whether further resources should be allocated to meet the additional demands of the GST.

5. As such, PGT will require resources to undertake the following:
- GST technical reference providing technical support to the Finance Team and other departments on the GST treatment of new transactions and new product lines
 - Act as a contact point for Customs enquiries
 - Undertake internal GST audit / reviews of systems and processes to ensure compliance
 - Process and maintain invoices to substantiate input tax claims
 - Prepare, complete and submit the monthly/quarterly GST return including reviewing, verifying and reconciling all data captured.

Work Plan: Recommendations

1. Plan and document a budget to fund the necessary expenditure.
2. Devise a plan outlining the timing of the changes (and expenditure) required.
3. Communicate changes to employees.
4. Review and assess the resource requirements for GST.
5. Management to determine the resource needed to ensure PGT's GST requirement is met.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-03
 Title: Strategic: CAPEX

GST Implication: **Background**

1. PGT may be planning to make significant capital expenditures near the GST implementation date.

GST Implication

2. Where capital goods are currently not subject to sales tax, purchasing such goods before the GST implementation date will have potential tax savings to PGT.

3. Alternatively, for capital goods that are currently subject to sales tax (10%) or have embedded sales tax element, it may be more economical to purchase these goods post-GST (6%). In addition to the lower rate of tax, PGT would also be able to claim some input tax credit on the GST charged.

4. Therefore, PGT should consider accelerating or delaying its capital expenditures based upon the tax implications. It should be noted that GST should only be a factor, and not driver of purchasing decisions.

Work Plan: Recommendations

1. Identify capital expenditures to be made close to GST implementation date.
2. Analyse potential tax savings and cash flow benefit for purchasing the goods before (sales tax regime) or after implementation of GST. Consider: (a) Goods that are not subject to sales tax or Company enjoys sales tax exemption on such goods; (b) GST rate higher/lower than the current sales tax rate, input tax mechanism.
3. Consider accelerating or delaying capital expenditure based upon the above tax implications.
4. Negotiate with the suppliers/vendors on the change in the timing of these capital expenditures.
5. Obtain management sign-off on decision to accelerate or delay purchases.
6. Update the purchase policy on the change in the timing of capital expenditures.
7. Communicate the updated policy on acquisitions to the relevant staff in the Company.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-04
 Title: Strategic: Preferred vendor management

GST Implication: **Background**

1. Malaysian businesses will only be required to register for GST if their annual turnover exceeds RM500,000. All other businesses, have the option to register, but can also opt to remain outside of the Malaysian GST system.
2. As a result, it is likely that not all of PGT's existing suppliers and vendors will be registered for GST. This will mean that there will be some vendors / suppliers who issue tax invoices with GST, whilst others do not, even though both may be providing the same type of good or service.

GST Implication

3. GST registered businesses can claim input tax and issue GST tax invoices and thus:
 - Potentially have a lower cost base because they are able to claim input tax and hence offer PGT lower prices.
 - Will be able to issue PGT with GST invoices that will allow PGT to claim an input tax credit.
4. A preferred vendor program involves establishing a policy to acquire goods and services from suppliers who are registered for GST to access the above benefits.
5. For example, PGT may consider instructing any current vendor, to voluntarily register for GST in order for PGT to derive the above benefits.

Work Plan: Recommendations

1. Analyse the existing suppliers / vendors if they are potential GST registrant.
2. Determine if management would establish policy on preferred vendor program or continue engaging non-registered vendors.
3. Option 1: If management decides to implement the programme, communicate policy to vendors and develop procedures to track GST status of vendors.
4. Option 2 : If management decides to continue with current practices and engage non-registered vendors, ensure the GST status of the vendor and the transactions (i.e. with GST vs without GST) are tracked separately.
5. Update the changes to processes and systems to enable tracking of vendors and their transactions.
6. Educate staff on the updated processes and systems changes.
7. If necessary, educate vendors on GST.
8. Communicate with vendors on the Company's policy on preferred vendor scheme.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-05

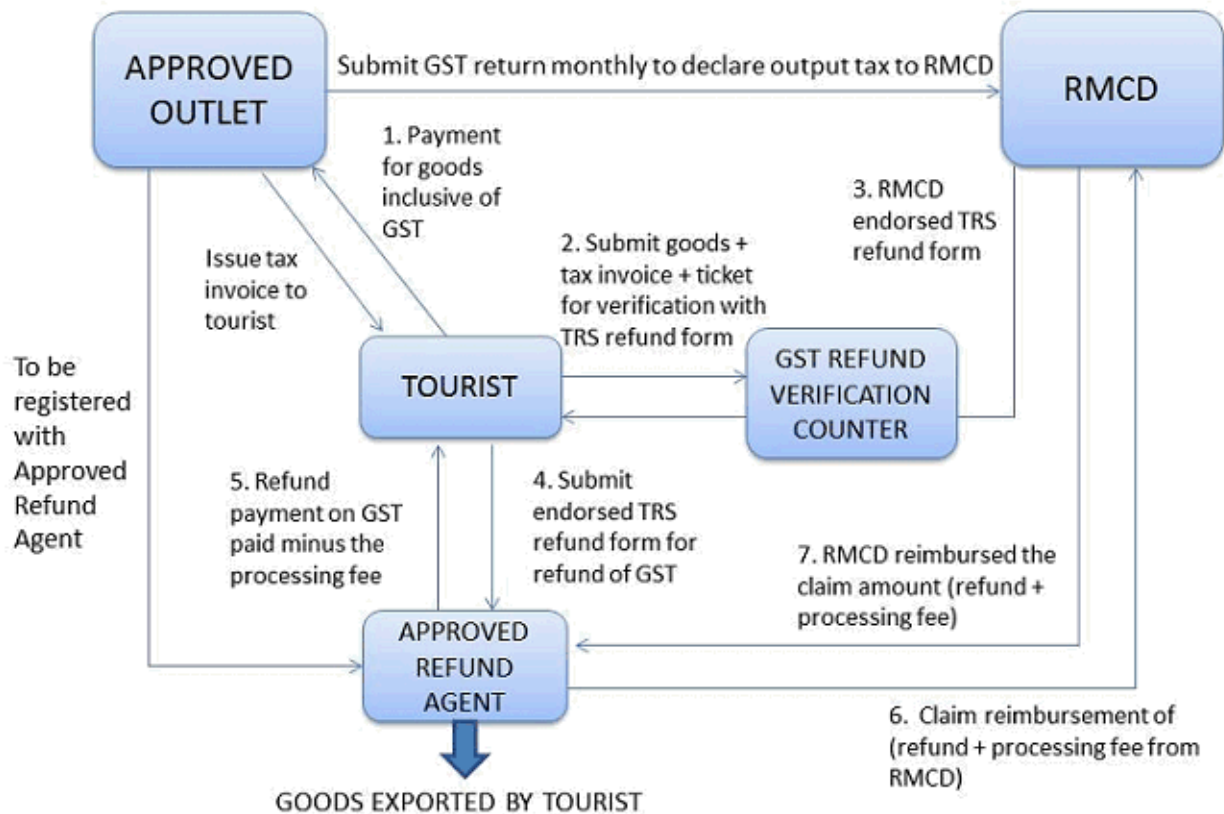
Title: Strategic: Approved Tourist Refund Scheme Outlet

GST Implication: **Background**

1. PGT currently sells souvenirs to visitors at its Tourist Information Centre.

GST Implication

2. Tourist Refund Scheme (TRS) will allow foreign tourists to claim GST paid from Approved Refund Agent on goods purchased from an Approved TRS Outlet when they leave Malaysia by air mode.
3. Conditions and eligibility of Approved TRS Outlets are:-
 - To be appointed by Approved Refund Agent;
 - Must be a GST registered person;
 - A registered user of electronic service and be linked electronically with Approved Refund Agent / GST Customs Refund Verification Counter;
 - Must account for tax on a monthly taxable period;
 - Not wholly selling non taxable goods/ non tax refundable goods like liquor, cigarettes, tobaccos and precious metal; and
 - Selling goods to cater for tourist requirement
4. As an Approved TRS Outlet, PGT will be required to charge GST at standard rate on taxable goods sold to foreign tourists and correspondingly issue a tax invoice which indicates the cost of the goods as well as the amount of GST charged. PGT will also have to display Tax Refund Logos at their outlets.
5. In addition, PGT will be required to provide refund form to tourists who wish to claim refund of GST under TRS:-
 - The TRS refund form will be issued by Approved TRS Outlet operators in triplicate for customers, Customs and Approved Outlet operators;
 - The original and second copy (customers/ Customs) are to be given to claimant for customs verification. The third copy will be retained by Approved Outlet operator for auditing purposes;
 - The original copy to be kept by the tourist and the second copy should be presented to the Appointed Refund Agent for refund of GST purposes after it has been endorsed by Customs;
 - Approved Refund Agent will use the endorsed copy (second copy) for reimbursement of GST paid to tourists on a monthly basis from Customs.



Workstream:

Immediate Action:

Reason:

Work Plan:

Recommendations

1. Conduct cost-benefit analysis on whether it is feasible to apply for Approved TRS Outlet.
2. Monitor eligibility to apply for Approved TRS Outlet.
3. If eligible to apply for Approved TRS Outlet, establish processes to monitor compliance with conditions.
4. Determine and implement processes and systems changes.
5. Educate employees on updated processes and systems changes.

Status of Issue:

Open



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-06
 Title: Strategic: Price Rebalancing

GST Implication: **Background**

1. The introduction of GST, along with the repeal of sales tax and service tax, could have implications on PGT's costs and pricing.

GST Implication

2. Post GST appointed date, any price to be published or quoted for any supply of goods or services shall include the GST chargeable on the supply.

3. If a company wishes to publish or quote its prices exclusive of GST, a written application need to be made to Customs for approval. Where an approval has been granted, the company shall publish or quote his prices exclusive of GST with the words "Price payable is exclusive of GST".

4. The Price Control and Anti-Profiteering Act 2011 has been introduced, in part, in anticipation of the implementation of GST. The Act makes it illegal for businesses to profit, either directly or indirectly from the introduction of the tax.

5. Because certain goods purchased by PGT are currently subject to sales tax at 10%, it is likely that some of these goods will become cheaper after the implementation of GST. If PGT does not pass the cost saving on to its customers, it may be liable to prosecution under the Act.

6. PGT should retain documentation to show that its prices are justifiable in order to satisfy the Price Control and Anti-Profiteering Act 2011.

Work Plan: Recommendations

1. Determine transactions in which the implementation of GST will result in material savings / increase in costs.
2. Ensure that pricing decisions based on these transactions are justifiable by PGT.
3. Ensure documents are retained in order to justify pricing decisions.
4. Identify related documents to be updated/amended to quote price with GST inclusive.
5. Determine and implement process and system changes required.
6. Educate employees in process and system changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-08

Title: Compliance: Record keeping requirements for GST purposes

GST Implication: **Background**

1. PGT may keep / manage / maintain records on PGT's transactions in either soft or hard copies.

GST Implication

2. The GST legislation requires that every taxable person and certain non-taxable person to keep full and true records of all transactions which affect or may affect his liability to tax.

3. These records should be kept in Malaysia except as otherwise approved by the Director General and shall be in the national or English language, and should be preserved for a period of seven years from the latest date to which the records relate.

4. The "certain non-taxable person" mentioned above are as follows:
 - a. any person who has ceased to be a taxable person and has made/may make bad debt relief claim;
 - b. imported services supplied to the recipient, who is a non-taxable person, for the purposes of business;
 - c. goods of a taxable person are sold by a non-taxable person to recover any debt owed by the taxable person;
 - d. supply by the auctioneer, who is a non-taxable person in his own name on behalf of the principal/owner of the goods who is a taxable person; and
 - e. a non-taxable person in Malaysia, who receives goods (in the course or furtherance of business) from an approved toll manufacturer.

5. The proper retention of such documents are essential as evidence of PGT's GST liabilities and entitlements.

6. For instance, in the event of a Customs audit, if PGT is unable to substantiate a claim for input tax credits with the relevant documentation, there is a risk those input tax credits would be denied and penalties would be imposed for submitting an incorrect GST return.

7. The registered person must keep the original documentation which is normally kept in paper (hard copy) format. However, where the record is in an electronically readable form, the record shall be kept in such manner as to enable the record to be readily accessible and convertible into writing.

8. When the record is originally in a manual form and is subsequently converted into an electronic record, the record shall be retained in its original form prior to the conversion. Such records shall be admissible as evidence in any proceedings. For example, records kept in a computer using magnetic tape or disc, should be readily converted into a satisfactory legible form and available to Customs on request to allow its officers to check registered person's operation and the information stored through the person in charge of the computer or its software.

Work Plan: Recommendations

1. Develop procedures for retention of GST records for the required period.
2. Determine and review current record retention procedures/policy.

3. Communicate to the relevant employees on the retention policy and procedures.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-09
 Title: Compliance: Issuance of Tax Invoices

GST Implication: **Background**

1. PGT issues invoices in local currency to customers (i.e. visitors making purchases at the Tourist Information Centre).
2. PGT received income from sale of souvenir which receipt are being issued to customers upon their request.

GST Implication

3. Once registered for GST, PGT is required to issue a valid tax invoice when PGT makes any taxable supply of goods or services in the course of PGT's business. The tax invoice must contain the prescribed particulars in respect of the supply as required by the GST legislation (refer below). It must be issued within 21 days after the time when the supply has taken place.
4. A pro forma invoice is not regarded as a tax invoice.
5. Under the GST legislation, PGT is prohibited from issuing a tax invoice on any supply of imported services (which would be treated as if supplied by PGT to itself) and is also not required to issue a tax invoice when it makes the following supplies:
 - exempt supply
 - zero rated supply
 - supply made without consideration on which tax is chargeable (e.g. free goods over the Gift Rule threshold of RM500 per person per year)
6. Although exempt and zero rated supplies do not require tax invoice to be issued, for administrative ease PGT may choose to issue tax invoices for all its transactions with customers but correctly code the transactions in the tax invoice issued as standard rated, exempt or zero rated.
7. As for supply made without consideration which tax is chargeable, please refer to issue log on "Goods provided for free".
8. If a mistake is made on an invoice, you should treat the invoice as cancelled and clearly mark the tax invoice "cancelled".

Full Tax Invoice

9. A full tax invoice should contain the following particulars:
 - the words "tax invoice" in a prominent place;
 - an invoice serial number;
 - date of issue of the invoice;
 - name, address and GST identification number of the supplier;
 - the name and address of the recipient to whom the goods and services are supplied;
 - description of, and the quantity / extent of, the goods or services supplied;
 - any discount offered; and
 - the amount payable (excluding GST), the rate of GST, the total GST chargeable shown as a separate amount and the total amount payable, including the GST.

Statements, special forms or endorsements may be allowed to be used as invoices

for GST purposes, provided the necessary information as required for a valid full tax invoice are contained in those documents. Conversely, if you wish for a particular document not to be considered as such, it would be best practice to state such on the invoice. This is significant because the issuance of a full tax invoice triggers the 'time of supply' (your liability to account for output tax).

Simplified Tax Invoice

10. In relation to the income received under item 2, PGT might find it difficult to issues a full tax invoices to every customers that you sell the souvenir . GST guide has provided that PGT may apply to the Director General for approval to issue simplified tax invoice in this business transactions. This invoice can be issued regardless of any amount.

11. A simplified tax invoice can take the form of an invoice, receipt, voucher or any other similar document, as long as it contains the particulars approved by the Director General. For instance, PGT may apply to the Director General to allow PGT to omit certain particulars (e.g the name and address of the recipient) from the simplified tax invoice.

Work Plan:

Recommendations

1. Identify invoice type (i.e. statements, cover notes etc) documents that are currently issued to customers.
2. Management to decide on:
 - Whether billing / invoicing should be standardised to meet the prescribed requirement for valid tax invoice.
 - Whether to modify current documentation to meet requirements of full tax invoice, or develop a new tax invoice.
 - Whether to issue simplified tax invoice for certain business transactions.
3. To apply to Director General if an issuance of simplified tax invoices is needed.
4. IT to review and document invoicing module modifications to comply with the tax invoicing (i.e. full or simplified tax invoice) requirements under the GST.
5. Design and implement the necessary modifications to the current invoices / documentation.
6. Ensure a process or system is in place to enable the issuance of tax invoice.
7. Implement processes and systems changes.
8. Educate staff on processes and systems changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-10
 Title: Compliance: Time of Supply

GST Implication: **Background**

1. Currently, PGT receives cash payment from customers from selling of souvenirs, tours, SIM packs, rapid passports and etc. at the point of purchase.

GST Implication

2. For GST purposes, GST must be accounted for in the tax period in which the earlier of the following events takes place:

- the date when goods are removed or made available or when the services are performed (the basic tax point);
- the date when a tax invoice is issued; or
- the date when payment is received.

3. The GST legislation provides a concession to the above when a tax invoice is issued within 21 days from the basic tax point, the date of invoice is taken as the time of supply for GST purposes.

4. If the tax invoice fails to be issued within 21 days, the GST liability is brought back to the basic tax point, which would result in a cash flow loss to PGT and a potential penalty for an incorrect GST return.

5. For cases where deposit forms part of the consideration for the supply, such payments fall within the scope of GST and tax must be accounted for on receipt of the deposit (if it is received before the issuance of the tax invoice).

6. For retention of any part of a consideration by PGT's customer pending full and satisfactory performance of the contract, or any part of it, by PGT, the time of such supply is the earliest of the payment is received or tax invoice is issued by PGT.

7. PGT needs to ensure that process and procedures are in place to identify every payments received since advance payment or prepayment received may have GST's time of supply implications.

8. PGT will be required to monitor the trigger points for time of supply (above) and ensure GST is accounted for in the correct taxable period.

Work Plan:

Recommendations

1. Put in place processes and systems to monitor the trigger points for time of supply and ensure GST is accounted for appropriately.
2. Determine capability of current process and system to issue tax invoice for all taxable supplies within 21 days from the date the goods are removed / services are performed.
3. If the 21 days rule cannot be complied with, reach agreement with customs authorities on alternative approach or concessionary treatment for longer time frame on the requirement to issue tax invoice or use of alternative documents (e.g. bank statement as a tax invoice).
4. Communicate policies and processes to the relevant staff.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-11
 Title: Compliance: Commissions received

GST Implication: **Background**

1. PGT receives commission for selling of event tickets, e.g. Georgetown Festival tickets, on behalf of event organizers.

GST Implication

Commission received for acting as an agent

2. Being a GST registered entity, PGT needs to account for GST on the commission received for the provision of the services on behalf of the vendor. PGT needs to issue tax invoice for commission that PGT receives or negotiate with the vendor for them to issue self billed invoice to PGT.

3. The time to account for GST on commission received is triggered at the earlier of payment received or tax invoice issued. As such, PGT will need to correctly determine the time when the GST will be triggered and account for GST in the correct taxable returns.

Work Plan: Recommendations

1. Identify the commissions paid to and received by PGT.
2. Include GST clauses in service agreement, where necessary
3. Make recommendations to management on the pricing of the commissions paid and received (to be GST inclusive or absorbed).
4. Communicate the GST implications to the vendors and agree on which party to bear the GST cost.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-13
 Title: Compliance: De minimis and Incidental Financial Supplies

GST Implication: **Background**

1. PGT make the following supplies in its business:
 - Dividend income from bank deposits with Maybank Islamic

GST Implication

2. For GST purposes the above supplies are treated as exempt. The implication is that input tax incurred in making these exempt supplies would not be claimable.

3. The GST Guide however provides a concession whereby prescribed "incidental exempt supplies" are treated as taxable supplies; the implication being that all input tax incurred would be claimable (without the need for tracking and / or apportionment). The list of prescribed "incidental exempt supplies" are as follows:-

- the deposit of money;
- the exchange of currency;
- the provision of any loan, advance or credit to your employees;
- the provision of any loan, advance or credit between related parties;
- the holding of bonds, debentures, notes or other similar instruments representing or evidencing indebtedness, whether secured or otherwise;
- the transfer of ownership of securities;
- the holding or transfer of ownership of any unit or other similar instruments under a trust fund; and
- the hedging of any interest rate risk, currency risk, utility price risk, freight price risk or commodity price risk.

4. If PGT provides exempt supplies other than the above prescribed "incidental exempt supplies", the GST Guide further provides for a concession where the total value of your exempt supplies does not exceed;

- an average of RM5000 per month; and
- an amount equal to 5% of the total value of all taxable and exempt supplies made in that period.

If these restrictions are satisfied, PGT will be eligible to claim all input tax incurred on your exempt supplies and avoid apportionment and tracking of input tax.(refer to issues log on "Apportionment of 'Indirect Costs' for Recovery of Input Tax")

Work Plan:

Recommendations

1. Review and document all exempt supplies made by PGT.
2. Determine and confirm the incidental financial supplies provided.
3. Ensure that the input tax attributable to the above incidental financial supplies are being tax coded properly as fully claimable.
4. Determine if the de minimis criteria will be met for non-prescribed "incidental exempt supplies".
5. If the de minimis criteria will be met, determine and implement steps to monitor the criteria moving forwards.
6. If the de minimis criteria is or will be breached, PGT needs to determine on appropriate formula to apportion its input tax.
7. Identify the process and system changes to monitor the input tax claim.
8. Educate staff on the processes and systems.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-14

Title: Compliance: Documentation to Claim Input Tax Credit

GST Implication: **GST Implication**

1. GST incurred on local acquisition of supplies of goods and services can be claimed as input tax provided that the claimant is in possession of a valid tax invoice, and the input tax to be claimed is:

- In respect of a taxable supply (i.e. a standard rated or zero rated supply) made by PGT
- Not blocked from input tax claim

2. The criteria for a valid tax invoice includes:

- The invoice must be issued in the full name of Penang Global Tourism Sdn Bhd to enable PGT to claim the input tax credit. For example any tax invoice issued in the name of eg: "PGT" or "Penang Global Tourism" cannot be used to make an input tax claim by PGT.
- The invoice contains all the prescribed information required for a tax invoice.

3. For purchases not more than RM500 in a single invoice, a simplified tax invoice would be sufficient to claim input tax credit whereby the name of PGT is not required on the tax invoice.

4. For purchases exceed RM500 in a single receipt, a simplified invoice would not be sufficient for PGT to claim the full input tax credit incurred. Under GST Guide, the maximum amount of input tax credit that PGT can claim on a single simplified tax invoice is restricted to RM30. Therefore, when PGT's staff make any purchases exceeding RM500 for business purpose, they must request a full tax invoice from the supplier in the full name of PGT in order for PGT to claim the full input tax credit.

5. It should also be noted that PGT is not required to make payment before claiming an ITC; possessing a valid tax invoice is sufficient evidence for making a claim. However, if after 6 months of the invoice being issued PGT has still not made payment to PGT's supplier, PGT must repay any input tax credit PGT has claimed with respect to this invoice. In the event of settlement of the debt, PGT may then reclaim the ITC.

6. However, do note that a pro forma invoice is not regarded as a tax invoice. PGT can only claim input tax on local acquisitions in PGT's GST return if PGT has a valid tax invoice.

7. In respect of importation of goods, PGT must hold a valid Customs importation document Customs No.1. In respect of clearance of goods from bonded warehouses, PGT must hold Customs No.1 or No.9.

8. For importation of services, PGT is required to hold a document such as the foreign supplier's invoice to show that PGT is entitled to claim input tax.

Work Plan: Recommendations

1. Develop new policy and guidelines for purchases to have valid tax invoices from GST registered person.
2. Establish new policy where tax invoice for purchases must be issued in PGT's name.
3. Update current process to ensure that a tax invoice is issued by GST-registered vendors for any purchases.

4. Implement procedures and processes to ensure input tax credits are only claimed on valid tax invoices for local purchases of supplies or customs import declaration forms, K1, for imported goods.
5. Determine the processes and systems changes to monitor ITC claimed based on vendor's tax invoices or Customs No. 1 form (for imports).
6. Ensure policy and processes are in place to review tax invoice received from vendors are accurate and issued on timely basis or value in Customs No. 1 forms are declared accurately.
7. Implement processes and systems changes.
8. Educate staff and vendors on the processes and systems changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-15
Title: Compliance: Accounting Recognition vs GST Recognition for Input Tax Claim

GST Implication: **Background**

1. PGT incurs expenses for purchase of souvenirs, SIM packs, stamps etc. which are charged to Profit and Loss account as cost of goods sold.
2. PGT also accrue expenses in relation to telephone charges, utility charges, audit fees, secretarial fees, legal fees, professional fees and etc.

GST Implication

3. The accounting recognition of purchases does not lead to a claim of input tax if there is no tax invoice when the supply of goods or services are received.
4. PGT must hold a tax invoice in respect of any supply of goods or services (refer issue log on "Documentation to Claim Input Tax Credit") to claim back the input tax.
5. For subsequent reclassification of Balance Sheet items to Profit & Loss account (when consumed or used), PGT must ensure there is no double claiming of input tax.

Work Plan: Recommendations

1. Identify affected transactions.
2. Implement procedures and processes to ensure input tax credits are only claimed on valid tax invoices.
3. Determine the processes and systems changes to monitor ITC claimed at the availability of tax invoice.
4. Review reversal of accrued expense to ensure correct claim of ITC.
5. Implement processes and systems changes.
6. Educate staff and vendors on the processes and systems changes



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-16

Title: Compliance: Imported Services (Reverse Charge)

GST Implication: **Background**

- PGT currently incurs the following expenses for services provided by overseas vendors:
 - charges for advertisements placed outside Malaysia relating to Penang tourism
 - guest appearance fees and the corresponding air fares, food and lodging expenses of overseas guests attending events such as Culture Japan and Georgetown Literary Festival

GST Implication

2. PGT is required to account for GST upon payment for imported services (i.e. services acquired from non-resident suppliers which would have been subject to GST if supplied in Malaysia) which are **consumed in Malaysia**. "Consumed in Malaysia" means any service which is used, utilised, or enjoyed in Malaysia.

3. In the case of imported services, the GST liability shifts from the overseas supplier to PGT. PGT is treated as if PGT is making and receiving the supply. Since PGT is treated as making a supply, PGT is required to account GST on supply of imported services as an output tax.

4. If the imported services are used for making taxable supplies, PGT is entitled to claim the GST incurred as input tax. If the supply is used for making exempt supplies, PGT is not entitled to claim the GST as input tax. If the imported services are used for making both taxable and exempt supplies, then PGT has to apportion the GST incurred and claim the proportion of GST on imported services used for making taxable supplies.

5. PGT has to declare both output tax due and input tax claimed in its GST return for the month where the payment for the supply of imported services was made.

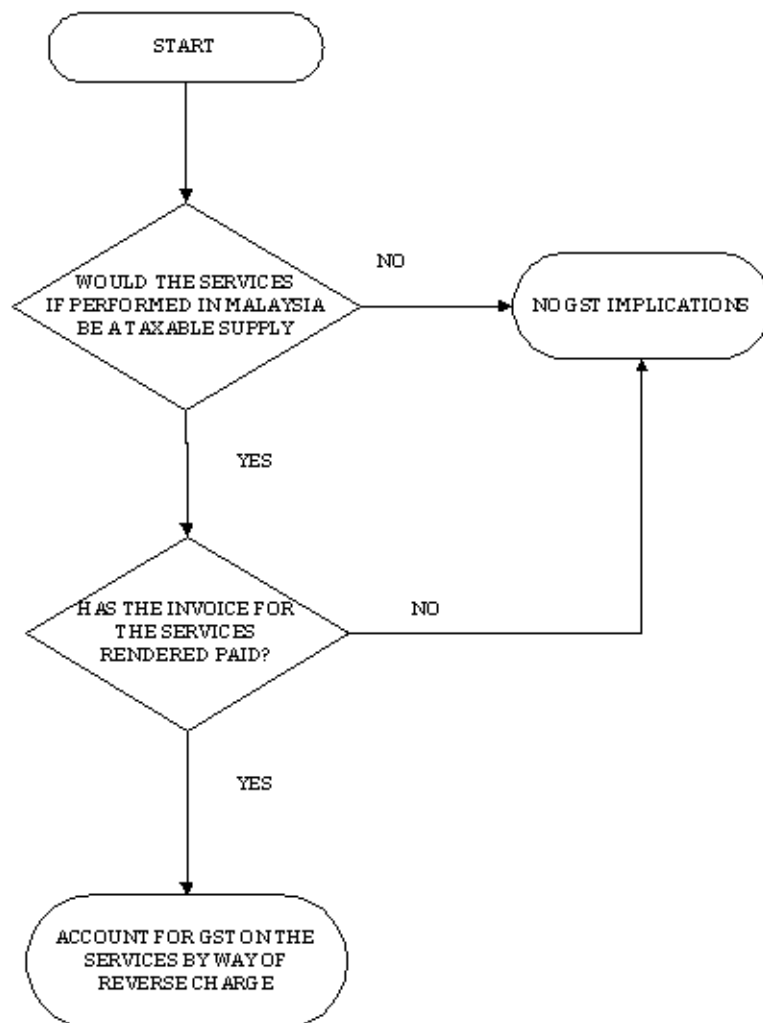
6. PGT does not need to issue any tax invoice on the imported service received.

7. For input tax claim, PGT is required to hold document such as the foreign supplier's invoice to show that he is entitled to claim input tax.

8. Based on the GST Guide, the value of the supply of imported services shall be taken to be such amount as is equal to:-

- in the case of the recipient who is not connected to the supplier of such services, whatever consideration paid by the recipient; or
- in the case of the recipient who is connected to the supplier of such services, the open market value.

GST ON IMPORTED SERVICES



Workstream:

Immediate Action:

Reason:

Work Plan:

Recommendations

1. Determine processes and systems changes required to account for reverse charge on payment of taxable imported services.
2. Establish and test process changes to identify overseas vendors providing taxable imported services and non-taxable (exempt/out-of-scope) imported services.
3. Ensure a process or a system is in place to account for reverse charge on relevant payments to overseas entities.
4. Review and update current practices
5. Implement the processes and systems changes
6. Educate staff on the processes and systems changes.

Status of Issue: Open



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-18
 Title: Compliance: Entertainment Expenditure

GST Implication: **Background**

- PGT in the course of its business incurs entertainment expenses for the following:
 - Meals and refreshment (including canteen subsidies) for employees, vendors, service providers, authorities and etc;
 - Meals, lodging and transportation for travel agents / foreign journalists invited to Penang for the purpose of providing media coverage to promote Penang tourism.

GST Implication

2. Based on GST Guideline, no input tax claim is allowed for any entertainment expenses to a person other than employees or existing customers (i.e. potential customers, suppliers, vendors and third party). Input tax for entertainment to employee and existing customer is recoverable.

- "Entertainment expense" includes —
 - the provision of any food, drink, recreation or hospitality of any kind, or
 - the provision of accommodation or travel associated with the provision of food, drink or recreation

by a person or an employee of his to anyone in connection with a trade or business carried on by that person.

"recreation or hospitality" would include:

- a trip to a theme park or a recreation centre;
- a stay at a holiday resort;
- tickets to a show or theatre; and
- entry to sporting activities/events.

4. Policy and procedures will need to be established to ensure that only input tax on entertainment to employees and existing customers are claimed. With GST implementation, the classification of entertainment expenses needs to be looked into to ensure that only the correct input tax is claimed.

Work Plan:

Recommendations

- Monitor for any changes in rules regarding the GST definition of entertainment expenditure.
- Develop process for identifying entertainment expenditure
- Implement policy and process that for all expenditure claims to be supported by information setting out the people entertained and their relationship with PGT.
- Determine processes and systems changes required to report and capture claimable and non-claimable (blocked) entertainment expenditure.
- Implement processes and systems changes.
- Educate staff on processes and systems change.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-19
 Title: Compliance: Employee Benefits Provided by PGT

GST Implication: **Background**

1. PGT provides a number of benefits to employees. PGT incurs input tax on some of these goods or services provided to PGT's staff. Among the benefits provided by PGT are:

- Goods intended for use during work e.g. uniforms provided to staff;
- Insurance;
- Medical services.

GST Implication

2. Employee benefits refers to any goods or services provided free to employees. These goods and services acquired and given as employee benefits are considered as used "for the purpose of business" for which the input tax incurred are claimable.

3. In general, PGT is required to account for output tax on goods given as employee benefits except for the following items:

- i. Goods given free to employees as stated in the contract of employment.
- ii. Exempt or zero rated supply.
- iii. Supply of goods under gift rule.

4. In the case of free services provided to employee except connected person, there is no liabilities to account for output tax because it is not regarded as a supply.

5. PGT must account for GST on free goods given to employee if the cost of those goods exceed RM500 per person per year. Once the 'RM500' threshold is met, you must account for GST on the 'open market value' of that good and any subsequent goods given free to that person over the course of the year. The GST amount must be accounted for and paid in the corresponding GST return for the month in which the free goods was given. (Refer to issue log on "Goods provided for free")

6. Goods, tools and equipment issued to employees which are to be returned is not considered a supply and no output tax need to be accounted.

7. The requirement to account for output tax on free goods given to employees may be avoided if :

- The HR policy of PGT requires all goods given to employee to be returned to PGT at the end of the employees' service; the goods would arguably not be considered gifts and hence no output tax is to be accounted when issued to the staff.
- PGT imposes a charge (consideration) for all goods given away in a year to staff (e.g. the salary deduction for the current year's goods that are not returned to PGT on the cessation of employment).
- Revised contract of employment to include such benefits where necessary.

8. Otherwise, PGT would need to maintain a tracking system recording all goods:

- on which it was entitled to input tax credit on purchase;
- subsequently issued to staff;
- returnable or non-returnable at the end of the staff service; and
- that are allowed to be permanently retained by staff even though initially issued

to staff on returnable basis.

Work Plan:

Recommendations

1. Identify and determine the category of goods or services that are provided to employees
2. Identify items covered under employee benefits and its respective GST treatment.
3. Identify items that are subjected to deemed output tax.
4. Seek clarification from Customs on any ambiguity in GST treatment.
5. Update HR policy, guidelines, processes and systems changes for GST compliance on free goods to employees
6. Educate staff on the updated policy, processes and systems changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-21

Title: Compliance: Goods provided for free

GST Implication: **Background**

1. PGT gives away trade show booklets, brochures, maps and leaflets to tourists.
2. PGT may also give free gifts to staff such as, free T-shirts, lucky draw gifts, hampers or trophies for Team Building.

GST Implication

3. The current GST Guide proposes that where goods are given away without consideration, GST is accounted on the goods as a deemed supply on 'open market value' ("OMV") of the goods.

4. However, the transfer or disposal of business assets by the person carrying on the business is not a supply of goods if it is made as:

- a gift in the course or furtherance of the business to the same person in the same year where the total cost to the donor is not more than RM500; or
- a gift to an actual or potential customer of the business, of an industrial or commercial sample in a form not ordinarily available for sale to the public.

The maximum limit of gift is set at RM500 to the same person in the same year. Therefore, a gift for business purposes where the total cost to the donor is not more than RM500 is not a supply for GST purposes.

5. The GST amount would not be recovered by PGT from the recipient of these goods. PGT would have to bear the costs of the GST and pay the deemed output tax in the GST return for the month in which the goods are provided to the recipient.

6. In order to comply with the 'RM500 per person per year' rule, there will need to be a tracking mechanism in place. This will ensure PGT does not account for GST unnecessarily. This would be an additional administrative cost to PGT.

7. The annual limit will mean that it is possible to meet the RM500 threshold by giving a series of small gifts (e.g. RM100 first month, RM200 second month and RM300 third month) over the course of a year to a single person. This will require PGT to develop a system where PGT can closely monitor and track the free goods provided.

8. On the contrary, PGT may choose not to track, but instead account GST for all goods given out for free. However this would mean an opportunity lost for PGT to benefit from the exceptions provided under this rule.

9. As 'goods provided for free' are currently not captured as 'revenue' items, PGT will also need to develop a separate process whereby the GST on these deemed supplies are captured in the GST Return for the month in which the goods are given away.

10. Gifts of services or any 'intangible' items are not subject to the Gift rule. Further, monetary vouchers are also not subject to GST.

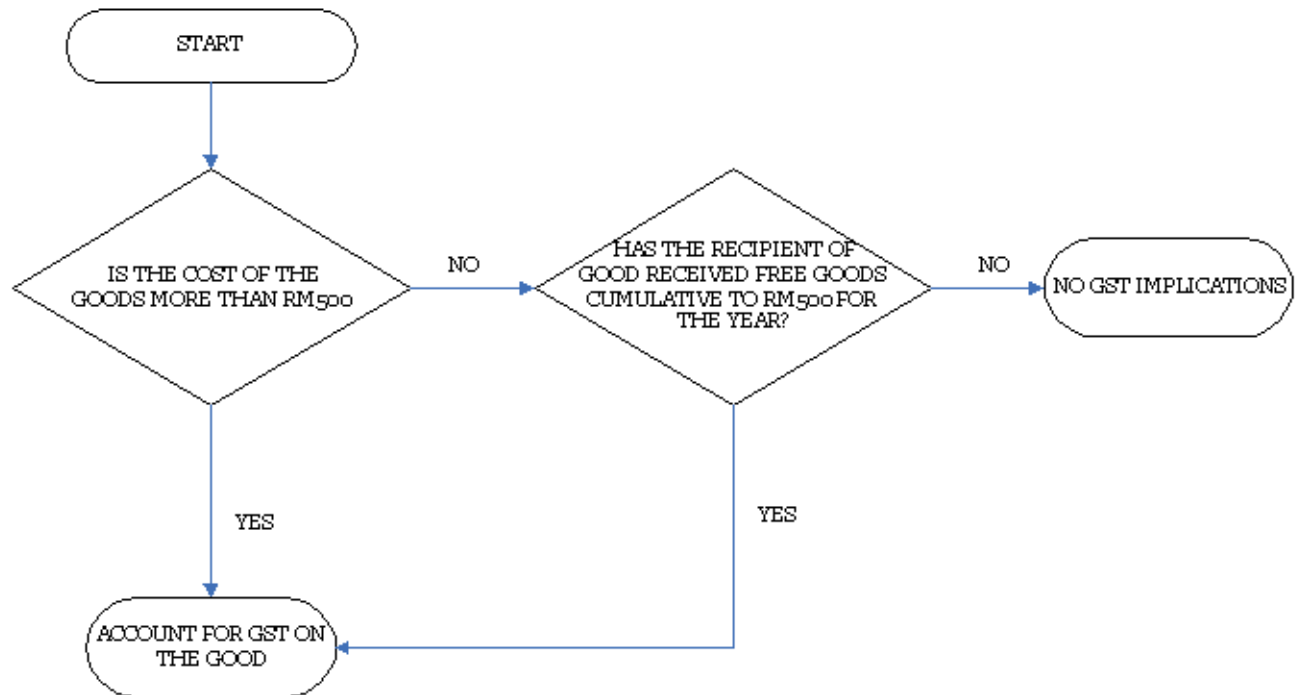
11. As for sample given out for free, there is no limitation on the value or the quantity of the gift of an industrial or commercial sample to actual or potential customer. However, the sample must not be in the form of goods the business normally sells to the public.

12. PGT would still be entitled to recover full input tax credits on the purchases of the goods provided for free.

13. Where goods are received for free (i.e. free goods received from suppliers) and subsequently give-away, PGT does not need to account for output tax or claim for the input tax credit for the free goods.

14. No GST needs to be accounted for on services provided for free e.g. free delivery of goods.

ACCOUNTING FOR GOODS GIVEN OUT FOR FREE



Workstream:

Immediate Action:

Reason:

Work Plan:

Recommendations

1. Review and assess marketing strategies from different channels where goods are given away free.
2. Segregate and record free gifts given from own stock and those received from suppliers.
3. Awareness of deemed supplies when formulating marketing strategies in the future.
4. Management to make strategic decision on whether goods will continue to be given free, the value of such gifts and whether PGT will attempt to track free goods.
5. Consider proper controls for goods given out for free - map process flow of goods given away free to ensure GST is captured.
6. Education and communication to relevant staff.

Status of Issue: Open



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-23
 Title: Compliance: Disposal of fixed assets

GST Implication: **Background**

1. PGT may dispose off assets such as:-
 - Office equipment;
 - Computer;
 - Furniture and fittings;
 - Software;
 - Motor vehicles and etc.

GST Implication

2. Where PGT disposes assets for a consideration, GST is accounted on the sale proceeds received (not on the written down value) and a tax invoice must be issued to the purchaser. The exception is where the assets are destroyed and written off or the assets are 'blocked input tax items' (refer to issue log on "Blocked input tax").

3. PGT will be required to identify and track the proceeds received, account for GST and issue tax invoice for the disposal of assets.

4. Moving forward, PGT may want to consider assigning a GL code specific to the disposal of assets which will allow PGT to identify /distinguish between the assets which are:

- written off / destroyed
- disposed to third parties
- disposed to related parties*
- blocked input tax

*For goods / equipment / assets disposed to related parties, GST would be accounted for by PGT on the open market value.

Work Plan: Recommendations

1. Review and document current processes for accounting for disposals.
2. Identify the assets which are disposed by PGT and determine if the tracking process in place is sufficient for GST purposes.
3. Implement policy and process for accounting for GST on disposal and issuance of tax invoice.
4. Implement system changes required to account for GST on disposal and generate tax invoice.
5. Communication to relevant employees on the updated process and system changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-24
 Title: Compliance: GST on Lost/ Destroyed/ Stolen/ Obsolete Stock

GST Implication: **Background**

1. There may be instances where rejected/obsolete stock (e.g. souvenirs) are destroyed or disposed of by PGT without consideration.

GST Implication

2. No GST would be chargeable on lost/destroyed/stolen stock as no supply has been made. However, there should be sufficient documentary evidence to support that the stock was lost/destroyed/stolen before a sale had taken place.
3. Failing which, the Customs authorities could impose GST on the stock that cannot be accounted for as lost/destroyed/stolen.
4. There are currently no guidelines as to the level of "sufficient" documentation required for this purpose. However, these may include insurance claims, police report, survey report, or destruction approval forms.
5. PGT should ensure robust stock control processes that can support the tracking and movement of all goods. Stock control processes should also ensure that the appropriate level of authority verifies and signs off the stock takes or stock destruction. In the event of an audit, Customs would need to be satisfied that goods have not been given away without consideration.

Work Plan: Recommendations

1. Ensure internal controls over all business assets are in place and sufficient to be GST compliant.
2. Review existing stock control systems and processes and maintain best practices.
3. Record Keeping - Consider keeping hard copies of stock take reports, destruction reports and other relevant records for Customs audit.
4. Educate employees on changes and requirements under GST.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-25
 Title: Compliance: Company Cars

GST Implication: **Background**

1. PGT currently has company cars used by staff for both business and private purposes.

GST Implication

(A) Recovery of Input Tax

2. Generally, the GST Guide provides that the GST incurred in the purchase of passenger motor cars is a blocked input tax item.

3. However, for motor cars which are used exclusively for business purposes, the input tax incurred on the purchase of such motor cars will be claimable, subject to the following conditions:

- the motor car is registered in the name of the company;
- the motor car is not let on hire;
- there is no intention to make the motor car available for private use;
- the motor car is kept at business premises, used for business trips and must not be taken home overnight by any employee; and
- the motor car has the business's name.

4. The above can potentially be applied on the company cars for use by staff for business travelling purposes only. However, PGT may need to take the necessary steps to meet the above conditions such as placing company name on the cars, updating/documenting company policy on the usage of such company cars, etc.

5. Company cars provided to company directors/senior management staff as part of their employment benefit are unlikely to be considered as "used exclusively for business purposes" as the cars can be used for private purposes (e.g. taken home, personal travel). Thus input tax on the purchase of such motor cars will be blocked.

(B) Disposal of Company Cars

6. The supply of a blocked input tax item is not subject to GST. Therefore, if the claim of input tax incurred on the company cars was blocked, no GST will apply on the subsequent sale of the car.

7. However, if input tax credit has been claimed or is claimable, GST is chargeable upon the sale of the cars.

Work Plan: Recommendations

1. Identify company cars that are used exclusively for business purposes.
2. Make necessary changes to comply with the given criteria for company car.
3. To ensure that any new acquisition of company cars should be in compliant with the criteria for company cars.
4. Update the current policy on the use of company cars to ensure it is GST compliant.
5. Make necessary changes to the computer system to capture the expenses for company cars and claim input tax correctly.
6. Implement policy, processes and systems changes.

7. Educate staff on the updated company car policy , processes and systems changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-27

Title: Compliance: Payments to Federal & State Governments, Statutory Bodies and Local Authorities

GST Implication: **Background**

1. PGT makes a number of payments to various Federal & State government agencies as well as statutory bodies and local authorities such as the following:
 - Filing fees to SSM (companies commission) for lodgement of statutory forms
 - License fees for Tourist Information Centre (TIC)
 - PTPTN loan repayment for staff
 - EPF, SOCSO, PCB in respect of staff's salary

GST Implication

2. Supplies made by Federal and State Government are disregarded for GST purposes i.e. they will not be subject to GST. This means payments made to Federal and State Governments will not contain any claimable input tax for PGT.

3. In respect of statutory bodies and local authorities, only supplies they make as part of their regulatory and enforcement functions will be disregarded for GST purposes. All other supplies made outside their regulatory and enforcement functions will be subject to GST.

4. It will be the responsibility of the relevant statutory body and local authority to identify which of its supplies are provided in a 'regulatory function' and disregarded for GST purposes and which are 'commercial' in nature and subject to GST. This is not PGT's responsibility.

5. PGT only needs to ensure that any input tax being charged by such bodies are properly recorded and PGT is able claim back the input tax credit.

Work Plan:

Recommendations

1. Identify and list all payments made to local authorities and statutory bodies.
2. Implement process to confirm whether GST applies on a payment to local authorities and statutory bodies prior to making payment.
3. Determine the processes and systems changes to track the charges (taxable or non-taxable) imposed by Government.
4. Implement processes and systems changes.
5. Educate staff on the processes and systems changes.



GST Issue

Group:	PDC Subsidiaries
Sub Group:	
Entity:	Penang Global Tourism Sdn Bhd
Business Unit:	

Issue No: GST PGT-28
 Title: Compliance: GST/VAT incurred overseas

GST Implication: **Background**

1. PGT may incur GST/ VAT overseas, for example:-

- Expenses incurred for attendance at seminar/courses/any business related activities overseas by staff (e.g. accommodation, transportation, food & beverages)

GST Implication

2. When PGT incurs foreign GST/VAT, PGT cannot claim an input tax credit in the Malaysian GST return; only Malaysian input tax (GST) charged on taxable supplies made in Malaysia is claimable.

3. Where an overseas party invoices PGT for supplies consumed in their country, any foreign GST/ VAT incurred on these supplies cannot be claimed as an input tax credit in Malaysia.

4. Should PGT wish to claim a refund of the foreign GST/ VAT, PGT may need to write and appeal to the overseas tax authority on which PGT incurred the GST/VAT, however any refund will be subject to the provisions of the respective countries' GST/VAT laws.

Work Plan: Recommendations

1. List all expenses whereby GST/VAT is incurred overseas.
2. Determine if management would claim refunds for foreign GST/VAT.
3. Develop new policy for claiming GST/VAT for expenses incurred overseas that cannot be claimed as input tax credit.
4. Develop process to claim GST/VAT overseas from overseas tax authority, where relevant.
5. Determine the changes to processes and systems to account accurately the GST incurred overseas.
6. Implement changes to processes and systems.
7. Educate staff on the updated processes and systems changes.