

**MINIT MESYUARAT JAWATANKUASA TEKNIKAL ISU PELAKSANAAN GST
BIL 3/2016**

1. KETERANGAN AM

Tarikh : 29 September 2016

Masa : 9.00 pagi

Tempat : Bilik Mesyuarat Bahagian GST, Aras 4, Menara Tulus, Putrajaya

2. BUTIR KEHADIRAN

BIL	NAMA	JAWATAN	AGENSI
1.	Tn. Tan Sim Kiat	Pengarah GST	JKDM
2.	Tn. Ahmad Maher Bin Abd Jalil	Timb Pengarah Kastam	JKDM
3.	Pn. Rokiah Bt Embong	Timb Pengarah Kastam	JKDM
4.	Pn. Tengku Aini Binti Engku Mansor	Timb Pengarah Kastam	JKDM
5.	Pn. Siti Zaleha Binti Mohd Said	Timb Pengarah Kastam	JKDM
6.	Pn. Azizah Binti Kechik	Timb Pengarah Kastam	JKDM
7.	Datin Nor Abinah Bt Hj. Ahmad Salbie	Timb Pengarah Kastam	JKDM
8.	Pn. Fauziah Bt Abu Zarim	PKPK I	JKDM
9.	Pn. Nur Hanisah Dukes Bt Abdullah	PKPK I	JKDM
10.	Pn. Zuraini Binti Othman	PKPK I	JKDM
11.	Tn. Mohamad Tarmizi Bin A. Hamid	PKPK I	JKDM
12.	Pn. Sakenah Begum Bt Md Nazir	PKPK I	JKDM
13.	Tn. Khairulnizam Bin Othman	PKPK II	JKDM
14.	Tn. Osman Bin Abd. Karim	PKPK II	JKDM
15.	Tn. Ahmad Imran Bin Mahmod	PPK	JKDM
16.	Tn. Mohamad Firdaus Bin Satibi	PPK	JKDM
17.	Pn. Poh Wan Kh'ng	Executive Secretary	ACCIM
18.	En. Koong Lin Loong	National Council Member	ACCIM
19.	En. Raja Kumaran	Director	MICCI
20.	En. Koh Siok Kiat	Executive Director	CTIM
21.	En. Lim Kok Seng	Secretariat	CTIM
22.	En. Alan Chung	Committee Member	CTIM
23.	En. Tan Eng Yew	Committee Member	CTIM
24.	Dato' Tan Kwong Jin	Vice Chairman	FMM
25.	En. Abdul Samad bin Ibrahim	Chairman	FMM
26.	Cik Maygelah Siva	Executive	FMM
27.	En. Mohd Rozlan bin Mohamed Ali	Member	MATA

BIL	NAMA	JAWATAN	AGENSI
28.	En. Mahmud Zuhoi bin Palal	Member	MATA
29.	Dato' Nadzim Johan	Activist	Muslim Consumers Association
30.	En. Darian Lim	Representative	Great Vision
31.	En. Beh Tok Koay	Committee Member	MICPA
32.	En. Bernard Yap	Member	MIA
33.	Pn. Azlina Zakaria	Secretariat	MIA
34.	Pn. Tan Yu Yin	Secretariat	MICPA
35.	Pn. Farah Bt Ramlee	Manager	NCIA/NCSCC
36.	Pn. Irene Quah	Executive	FREPENCA
Urusetia			
1.	Pn. Asmah Binti Ibrahim	PKPK I	JKDM
2.	Pn. Sarah 'Abidah Bazilah bt Abd Jabbar	PPK	JKDM

Bil		Perkara	Tindakan/ Ulasan
3.0		UCAPAN ALUAN PENERUSI	
	3.1	PENDAHULUAN i. Tuan Tan Sim Kiat selaku Pengerusi Mesyuarat mengucapkan terima kasih dan mengalu-alukan kehadiran semua ahli mesyuarat.	Makluman
	3.2	TUJUAN MESYUARAT i. Mesyuarat diadakan bagi membincangkan isu-isu teknikal yang telah dikemukakan oleh pihak swasta.	Makluman
4.0		PENGESAHAN MINIT MESYUARAT i. Minit Mesyuarat Jawatankuasa Teknikal Isu Pelaksanaan GST Bil 2/2016 telah disahkan tanpa sebarang pindaan.	Makluman
5.0		PERKARA YANG DIBINCANGKAN	
		PERBINCANGAN	
	5.1	Claim for bad debt relief Issue (1)/ CTIM (1) i. The response is noted.	Rujuk maklum balas dalam Item 1, Isu(1) Lampiran A
		Claim for bad debt relief Issue (2)/ MICPA (17) i. The response is noted.	Rujuk maklum balas dalam Item 1, Isu (2) Lampiran A
	5.2	Expediting Refund of ITC i. The response is noted	Rujuk maklum balas dalam Item 2, Lampiran A
	5.3	Directors Issue (1)/ CTIM (3) i. The response is noted.	Rujuk maklum balas dalam Item 3, Isu (1) Lampiran A
		Directors Issue (2)/ MICPA (8) i. The response is noted.	Rujuk maklum balas dalam Item 3, Isu (2) Lampiran A
	5.4	Claim of ITC (Services For Pre-Commencement Of Business) Issue (1)/ CTIM (4)	Rujuk maklum balas dalam Item 4, Isu (1) Lampiran A

Bil	Perkara	Tindakan/ Ulasan
	<p>Practical issues raised by members:</p> <p>(a) Where a company engage contractors to build property in their land, ITC is not claimable until the company is registered. No registration is allowed unless the company makes a taxable supply within 12 months. These will be a cost to business.</p> <p>ii. Rationale for not allowing ITC to be claimed on service incurred before GST registration is by virtue of the fact that the service has already been consumed. However, goods in hand or capitalised is claimable.</p>	
	<p>Claim of ITC (Regulation 46) Issue (2)/ MICPA (9)</p> <p>i. For ITC claim under Regulation 46, application has to be submitted upon registration in the next taxable period. The provision also authorize the DG to allow any claim to be made in full or certain percentage.</p>	Rujuk maklum balas dalam Item 4, Isu (2) Lampiran A
	<p>Claim of ITC Issue (3)/ MICPA (16)</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 4, Isu (3) Lampiran A,
5.5	<p>Recovery and Penalty For Late Payment of GST Issue (1)/ CTIM (5)</p> <p>i. At present, the law requires penalty to be imposed on the amount due rather than the remaining balance. No penalty has been issued by Customs in 2016.</p> <p>ii. New amendment of the law to replace the current provision will take effect in January 2017.</p>	Rujuk maklum balas dalam Item 5, Isu (1) Lampiran A
	<p>Recovery and Penalty For Late Payment of GST Issue (2)/ MICPA (5)</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 5, Isu (2) Lampiran A
5.6	<p>Carry forward of Input Tax Credit for Offset Against Future GST payable</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 6, Lampiran A

Bil	Perkara	Tindakan/ Ulasan
5.7	<p>Special Refund under Section 190 (Issue 1)/ CTIM (7)</p> <p>i. Issues raised by members:</p> <p>(a) Some companies have yet to receive any special refund.</p> <p>(b) For example a manufacturing company provided every detail including SKU to Bahagian Pematuhan. Customs however requires further proof of the reduction in price and the matter was subsequently referred to MOF.</p> <p>ii. Customs response:</p> <p>(a) Customs to seek auditor confirmation on the percentage of stock take and to make the relevant decision whether to approve special refund based on the level of compliance.</p>	Rujuk maklum balas dalam Item 7, Isu (1) Lampiran A
	<p>Delays in Special Refunds (Issue 2)/ FMM (1)</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 7, Isu (2) Lampiran A
5.8	<p>Requirement to insert statement “ A claim for input tax under the GST Act 2014 will be made” on the export declaration Form K2</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 8, Lampiran A
5.9	<p>Insolvency Administration Issue (1)/ MICCI (2)</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 9, Isu (1) Lampiran A
	<p>Insolvency Administration Issue (2)/ MICPA (11)</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 9, Isu (2) Lampiran A
5.10	<p>Development rights</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 10, Lampiran A
5.11	<p>Supply of Land</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 11, Lampiran A

Bil	Perkara	Tindakan/ Ulasan
5.12	<p>Exports to Labuan (Designated Area)</p> <p>i. For courier services, goods are usually consolidated and only outward manifest is issued instead of K2 Form.</p> <p>ii. K2 Form is the proof for export. Therefore, goods will be subject to GST at standard rate if there is no K2 declaration.</p>	Rujuk maklum balas dalam Item 12, Lampiran A
5.13	<p>Time of supply for Imported Services</p> <p>i. The current provision will be amended.</p>	Rujuk maklum balas dalam Item 13, Lampiran A
5.14	<p>Indirect export (back to back)</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 14, Lampiran A
5.15	<p>Redemption of Reward Points under Loyalty Program to Customer</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 15, Lampiran A
5.16	<p>Disclosure under field 10 or 11- zero rated supplies</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 16, Lampiran A
5.17	<p>Transitional Guide dated 3 August 2016</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 17, Lampiran A
5.18	<p>Reimbursement</p> <p>i. The response is noted.</p> <p>ii. Guide on Disbursement/ Reimbursement is still in the process of being prepared by Unit Panel Teknikal.</p>	Rujuk maklum balas dalam Item 18, Lampiran A
5.19	<p>Discount</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 19, Lampiran A
5.20	<p>Transfer of Going Concern</p> <p>i. In TOGC agreement, the transferor must mention the date when the transfer must be completed.</p> <p>ii. Concerns were raised by members that the day of the completion will never be specified in the contract. This is because although the contract is a commitment to transfer but this is however subject upon all approval for</p>	Rujuk maklum balas dalam Item 20, Lampiran A

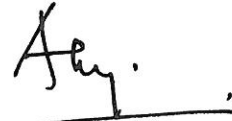
Bil	Perkara	Tindakan/ Ulasan
	<p>example by government, public authorities, Bank Negara, Securities Commission, etc</p> <p>iii. The following approach will be taken by Customs:</p> <p>(a) Where no approval is required, the TOGC agreement must stipulate the date in which the transfer is completed.</p> <p>(b) Where the transfer is subject to an approval, the date of TOGC will be the date when all the conditions has been fulfilled and notification is made to Customs.</p>	
5.21	<p>Foreign Exchange Rates</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 21, Lampiran A
5.22	<p>Quit rent</p> <p>i. The local authorities do not charge directly to the condo owner as the strata title is still under the developer's name.</p> <p>ii. The developer is treated to be making a supply of services to the condo owners. If the quit rent is charged directly to the condo owner, then it can be treated as a disbursement.</p>	Rujuk maklum balas dalam Item 22, Lampiran A
5.23	<p>Employee Benefit</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 23, Lampiran A
5.24	<p>Property Developer</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 24, Lampiran A
5.25	<p>GST Return</p> <p>i. The response is noted.</p>	Rujuk maklum balas dalam Item 25, Lampiran A
5.26	<p>K1 Endorsement for Input Tax Claim</p> <p>i. Members raised concern of the discrepancies on the endorsement of K1 Form and the effect for GST audit.</p>	Rujuk maklum balas dalam Item 26, Lampiran A
6.0	<p>HAL-HAL LAIN</p> <p>i. Mesyuarat yang akan datang dijadualkan dalam bulan Disember 2016.</p>	Makluman

Bil	Perkara	Tindakan/ Ulasan
	ii. Maklum balas tidak diberikan bagi isu-isu yang lewat dikemukakan dan ia hanya akan dibincangkan dalam mesyuarat akan datang. iii. Isu yang telah dibincang dan diputuskan tidak akan dibincangkan semula. iv. Maklum balas di Lampiran A yang diedarkan pada hari ini hendaklah diabaikan dan Lampiran A yang baru berdasarkan keputusan yang dicapai pada hari ini akan diedarkan semula kepada semua ahli.	
7.0	PENUTUP	
	i. Tuan Pengerusi merakamkan ucapan terima kasih kepada semua ahli yang hadir. ii. Mesyuarat ditangguhkan pada jam 1.00 petang.	

Disediakan oleh:

Urusetia
 Mesyuarat Jawatankuasa Teknikal
 Isu Pelaksanaan GST
 Bahagian GST
 Ibu Pejabat

Disahkan oleh:



(AHMAD MAHER BIN ABD JALIL)
 Pengerusi
 Mesyuarat Jawatankuasa Teknikal
 Isu Pelaksanaan GST
 Bahagian GST
 Ibu Pejabat