

13 REAL PROPERTY GAINS TAX

2017



LEMBAGA HASIL DALAM NEGERI MALAYSIA
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INTRODUCTION

Real Property Gains Tax (RPGT) is charged on gains arising from the disposal / sale of real properties or shares in Real Property Companies (RPC)

SUBMISSION OF RPGT FORM

ITEM	BEFORE 1 APRIL 2007	FROM 1 JANUARY 2010
Disposer		
• Real Property	CKHT 1	CKHT 1 A
• Shares in RPC	CKHT 1	CKHT 1 B
Acquirer		
• Real Property	CKHT 2	CKHT 2 A
• Shares in RPC	CKHT 2	CKHT 2 A

Submit the RPGT Form within 60 days after the date of disposal to the LHDNM branch which handles the disposer's tax file

ATTACH THE FOLLOWING DOCUMENTS

- Copy of stamped Sale & Purchase Agreement (S&P) / Memorandum of Transfer (Form 14A National Land Code) for acquisition and disposal of real property
- Copy of stamped Sale & Purchase Agreement (S&P) / Form of Transfer of Securities (Form 32A Companies Act 1965) for acquisition and disposal of RPC shares. Copy of Return of Allotment of Shares (Form 24 Companies Act 1965) maybe submitted for acquisition of RPC shares
- Copy of the Title (if any)
- Receipts and invoices for expenses / incidental costs

REMITTANCE

The acquirer is required to remit an amount equivalent to 3% of the total consideration or the whole sum of cash consideration (whichever is less) within 60 days after the date of acquisition to DGIR

If the disposal is not liable to RPGT, the disposer may submit Form CKHT 3. The remittance of 3% need not be made if the form is submitted

Disclaimer

This leaflets is issued for general information only. It does not contain final advice or complete information pertaining to a particular topic and should not be used as a legal reference

DISPOSAL NOT LIABLE TO RPGT

Includes:

- Disposal made after 5 years from the date of acquisition of the property by person other than company, and other than non-citizen and non-permanent resident individual
- Transfer of asset by way of gift by a donor who is a citizen, where the donor and the acquirer are:
 - ❖ Husband and wife
 - ❖ Parent and child
 - ❖ Grandparent and grandchild
- Gains on disposal of one private residence only for a Malaysian citizen or permanent resident. Election for exemption (once in a life time) shall be made by submitting the election form* for tax exemption on disposal of private residence under Paragraph 9 Schedule 3 (Section 8), Real Property Gains Tax Act 1976

* Borang Perakuan Pemilihan Pengecualian cukai untuk pelupusan kediaman persendirian di bawah Perenggan 9 Jadual 3 (Seksyen 8) Akta CKHT 1976

RPGT RATES W.E.F 1 JANUARY 2014

DISPOSER CATEGORY OF DISPOSAL	OTHER THAN COMPANY AND OTHER THAN NON-CITIZEN AND NON-PERMANENT RESIDENT INDIVIDUAL	NON-CITIZEN AND NON-PERMANENT RESIDENT INDIVIDUAL	COMPANY
Within 3 years after the date of acquisition	30%	30%	30%
In the 4th year after the date of acquisition	20%	30%	20%
In the 5th year after the date of acquisition	15%	30%	15%
In the 6th year after the date of acquisition and subsequent years	0%	5%	5%

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for further details

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