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WARTA KERAJAAN PERSEKUTUAN

*FEDERAL GOVERNMENT  
GAZETTE*

PERINTAH CUKAI PENDAPATAN  
(TAWARAN AWAM PERMULAAN) (PENGECUALIAN)  
2024

*INCOME TAX (INITIAL PUBLIC OFFERING) (EXEMPTION)  
ORDER 2024*

DISIARKAN OLEH/  
PUBLISHED BY  
JABATAN PEGUAM NEGARA/  
ATTORNEY GENERAL'S CHAMBERS

AKTA CUKAI PENDAPATAN 1967

PERINTAH CUKAI PENDAPATAN (TAWARAN AWAM PERMULAAN)  
(PENGECUALIAN) 2024

PADA menjalankan kuasa yang diberikan oleh perenggan 127(3)(b) Akta Cukai Pendapatan 1967 [*Akta 53*], Menteri membuat perintah yang berikut:

**Nama dan permulaan kuat kuasa**

1. (1) Perintah ini bolehlah dinamakan **Perintah Cukai Pendapatan (Tawaran Awam Permulaan) (Pengecualian) 2024**.

(2) Perintah ini berkuat kuasa mulai 1 Mac 2024 hingga 31 Disember 2028.

**Tafsiran**

2. Dalam Perintah ini—

“bursa saham” ertinya Bursa Malaysia Securities Berhad;

“Pasaran ACE” ertinya Pasaran Akses, Pasti, Cekap di Bursa Malaysia Securities Berhad;

“Pasaran LEAP” ertinya Pasaran Platform Pengembangan Usahawan Unggul di Bursa Malaysia Securities Berhad;

“Pasaran Utama” ertinya Pasaran Utama di Bursa Malaysia Securities Berhad.

**Pengecualian**

3. (1) Menteri mengecualikan suatu syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi daripada pembayaran cukai pendapatan berkenaan dengan pendapatan yang boleh dikenakan cukai daripada laba atau keuntungan yang diterima daripada pelupusan syer suatu syarikat yang diperbadankan di Malaysia yang tidak tersenarai di bursa saham.

(2) Bagi maksud pengecualian di bawah subperenggan (1)—

- (a) pelupusan syer itu hendaklah dibuat dalam tempoh mulai 1 Mac 2024 hingga 31 Disember 2028;
- (b) syer itu hendaklah dilupuskan berhubung dengan penstrukturan semula mana-mana syarikat bagi suatu tawaran awam permulaan;
- (c) syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi itu hendaklah memohon bagi tawaran awam permulaan itu di bawah Akta Pasaran Modal dan Perkhidmatan 2007 [*Akta 671*] dalam tempoh satu tahun dari tarikh pelupusan syer itu—
  - (i) kepada Suruhanjaya Sekuriti bagi maksud penyenaian di Pasaran Utama; atau
  - (ii) kepada Bursa Malaysia Securities Berhad bagi maksud penyenaian di Pasaran ACE dan Pasaran LEAP; dan
- (d) syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi itu hendaklah mendapatkan kelulusan bagi permohonan tawaran awam permulaan yang disebut dalam subsubperenggan (2)(c) pada atau sebelum 31 Disember 2028.

(3) Syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi itu hendaklah memohon secara bertulis kepada Ketua Pengarah dalam tempoh satu tahun dari tarikh kelulusan bagi permohonan tawaran awam permulaan yang disebut dalam subsubperenggan (2)(c).

(4) Tiada apa-apa jua dalam subperenggan (1) boleh melepaskan atau disifatkan telah melepaskan syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi itu daripada mematuhi apa-apa kehendak untuk mengemukakan

apa-apa penyata atau penyata akaun atau untuk memberikan apa-apa maklumat lain di bawah Akta.

### **Kerugian daripada pelupusan syer**

4. Jika syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi itu mengalami apa-apa kerugian daripada pelupusan syer yang disebut dalam perenggan 3 dalam tempoh mulai 1 Mac 2024 hingga 31 Disember 2028, kerugian itu tidak boleh diambil kira bagi maksud subseksyen 65E(5) dan (6) Akta.

### **Ketidakpakaian**

5. Perintah ini tidak terpakai bagi—

(a) suatu pelupusan syer suatu syarikat yang diperbadankan di Malaysia yang tidak tersenarai di bursa saham yang laba atau keuntungan daripada pelupusan syer itu dikenakan cukai sebagai suatu pendapatan perniagaan di bawah perenggan 4(a) Akta;

(b) suatu syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi yang telah membuat suatu permohonan untuk pengecualian di bawah Perintah Cukai Pendapatan (Skim Penstrukturan Semula Syarikat) (Pengecualian) 2024 [*P.U. (A) 289/2024*] berkenaan dengan pelupusan syer yang sama; atau

(c) suatu syarikat, perkongsian liabiliti terhad, badan amanah atau koperasi yang telah diberikan pengecualian cukai di bawah perenggan 127(3)(b) atau subseksyen 127(3A) Akta berkenaan dengan pelupusan syer yang sama.

Dibuat 19 September 2024

[MOF.TAX(S)700-1/3/115; LHDN.AY.A 600-12/1/7 (29)-337; PN(PU2)80/JLD.112]

DATUK SERI AMIR HAMZAH AZIZAN  
*Menteri Kewangan II*

[*Akan dibentangkan di Dewan Rakyat menurut subseksyen 127(4)*  
*Akta Cukai Pendapatan 1967*]

INCOME TAX ACT 1967

INCOME TAX (INITIAL PUBLIC OFFERING) (EXEMPTION) ORDER 2024

IN exercise of the powers conferred by paragraph 127(3)(b) of the Income Tax Act 1967 [Act 53], the Minister makes the following order:

**Citation and commencement**

1. (1) This order may be cited as the **Income Tax (Initial Public Offering) (Exemption) Order 2024**.

(2) This Order has effect from 1 March 2024 to 31 December 2028.

**Interpretation**

2. In this Order—

“stock exchange” means Bursa Malaysia Securities Berhad;

“ACE Market” means the Access, Certainty, Efficiency Market of Bursa Malaysia Securities Berhad;

“LEAP Market” means the Leading Entrepreneur Accelerator Platform Market of Bursa Malaysia Securities Berhad;

“Main Market” means the Main Market of Bursa Malaysia Securities Berhad.

**Exemption**

3. (1) The Minister exempts a company, limited liability partnership, trust body or co-operative society from the payment of income tax in respect of chargeable income from gains or profits received from the disposal of shares of a company incorporated in Malaysia which is not listed on the stock exchange.

- (2) For the purposes of exemption under subparagraph (1)—
- (a) the disposal of shares shall be made within the period from 1 March 2024 to 31 December 2028;
  - (b) the shares shall be disposed of in relation to restructuring of any company for an initial public offering;
  - (c) the company, limited liability partnership, trust body or co-operative society shall apply for the initial public offering under the Capital Market and Services Act 2007 [Act 671] within the period of one year from the date of the disposal of shares—
    - (i) to the Securities Commission for the purpose of listing on the Main Market; or
    - (ii) to Bursa Malaysia Securities Berhad for the purpose of listing on the ACE Market and LEAP Market; and
  - (d) the company, limited liability partnership, trust body or co-operative society shall obtain the approval for the application of the initial public offering referred to in subparagraph (2)(c) on or before 31 December 2028.

(3) The company, limited liability partnership, trust body or co-operative society shall apply in writing to the Director General within the period of one year from the date of approval for the application of the initial public offering referred to in subparagraph (2)(c).

(4) Nothing in subparagraph (1) shall absolve or be deemed to have absolved the company, limited liability partnership, trust body or co-operative society from complying with any requirement to submit any return or statement of accounts or to furnish any other information under the Act.

**Loss from disposal of shares**

4. Where the company, limited liability partnership, trust body or co-operative society incurs any loss from the disposal of shares referred to in paragraph 3 within the period from 1 March 2024 to 31 December 2028, such loss shall be disregarded for the purposes of subsections 65E(5) and (6) of the Act.

**Non-application**

5. This Order shall not apply to—

- (a) a disposal of shares of a company incorporated in Malaysia which is not listed on the stock exchange where gains or profits from the disposal of shares is chargeable to tax as a business income under paragraph 4(a) of the Act;
- (b) a company, limited liability partnership, trust body or co-operative society who has made an application for exemption under the Income Tax (Restructuring of Companies Scheme) (Exemption) Order 2024 [P.U. (A) 289/2024] in respect of the same disposal of shares; or
- (c) a company, limited liability partnership, trust body or co-operative society which a tax exemption has been granted under paragraph 127(3)(b) or subsection 127(3A) of the Act in respect of the same disposal of shares.

Made 19 September 2024

[MOF.TAX(S)700-1/3/115; LHDN.AY.A 600-12/1/7 (29)-337; PN(PU2)80/JLD.112]

DATUK SERI AMIR HAMZAH AZIZAN  
*Minister of Finance II*

*[To be laid before the Dewan Rakyat pursuant to subsection 127(4) of the Income Tax Act 1967]*