



TOURISM TAX

GUIDE ON TOURISM TAX (DIGITAL PLATFORM SERVICE PROVIDER)

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INTRODUCTION

1. This guide is prepared to assist Digital Platform Service Providers (DPSP) who provides online booking accommodation premises to tourists relating to the implementation of Tourism Tax (TTx).

Background of Tourism Tax (Digital Platform Service Provider)

2. The implementation of TTx is provided for under the following legislations:
- a) Tourism Industry Act 1992;
 - b) Tourism Tax Act 2017 (Act 791);
 - c) Tourism Tax (Digital Platform Service Provider) Regulations 2021;
 - d) Tourism Tax (Rate of Digital Platform Service Provider Tax) Order 2021;
 - e) Tourism Tax (Digital Platform Service Provider) (Exemption) Order 2021; and
 - f) Tourism Tax (Compounding of Offences) Regulations 2023

DEFINITION

Digital Platform Service Provider

3. DPSP means any person who provides services relating to online booking accommodation premise to a tourist whether such person is in Malaysia or outside Malaysia.

Services relating to online booking accommodation premises

4. Services relating to online booking accommodation premise means any online service relating to the booking of accommodation premises that is delivered automatically over the internet or any other electronic network.

IMPOSITION AND RATE OF TTx

5. Any person who provides digital platform services whether he is located in Malaysia or outside Malaysia, on providing digital platform services relating to online booking accommodation premise in which the accommodation premises are in Malaysia shall be liable to be registered under the Tourism Tax Act 2017 (TTA 2017).

6. A registered DPSP is required to charge TTx at a fixed rate of RM10.00 per room per night, on a tourist who stays at any accommodation premise whether in the form of room, bed, tube, chalet, house, apartment or any other form of accommodation advertised or made available through online booking platform.
7. The tourist is liable to pay the TTx to the registered DPSP and the DPSP shall account for the relevant TTx to the Royal Malaysian Customs Department (RMCD).

Example 1

Yoshery, a tourist from London has booked an accommodation through Mystaycationohsem.com, for her vacation in Malaysia from 25.07.2023 to 31.07.2023. Mystaycationohsem.com is registered under Tourism Tax Act 2017 as a DPSP. Mystaycationohsem.com has charged Yoshery a TTx of RM60 for her 6 nights stay at Elwin Hotel, Kuala Lumpur.

8. In a case where the TTx has been paid by the tourist to the registered DPSP, the registered accommodation premise operator is not required to collect the TTx from the tourist provided that the tourist shows proof of such payment to the operator.
9. If the tourist is unable to provide any proof of such payment of TTx, the registered operator shall collect the TTx from the tourist.

Example 2

Ryssa Resort in Langkawi Island, a registered operator, receives a confirmed booking from Bib Bieber for a stay that was made via LaViva.com. Bib Bieber has made full payment of the booking including TTx to LaViva.com. Upon checks in at the resort, Bib Bieber has to show proof of payment of the TTx to Ryssa Resort.

10. It is the responsibility of the registered accommodation premise operator to reimburse the TTx that he has collected to the registered DPSP since the booking of the premise was made via online.
11. When a tourist made a booking of accommodation premise through a registered DPSP, the registered DPSP is liable to account for the TTx to the RMCD even though the payment of the booking was made to the registered accommodation premise operator.

Example 3

Mid Jensen made an online accommodation premise booking via QemaQemut.com for a stay at Melati Resort, Kuala Nerang, Kedah. However, Mid Jensen has opted to make the payment at the resort. The resort operator then has to collect the booking payment together with the TTx from Mid Jensen and reimburse the payment to QemaQemut.com. QemaQemut.com is responsible to account and pay the TTx to the RMCD.

12. The TTx chargeable shall be due at the time when payment is received for the service relating to online booking accommodation premise provided to the tourist by the registered DPSP.

Example 4:

Joe Gorgon and his sister Memey Gorgon planned for a holiday in Penang on 1 October 2023. Through Boombastic.com, Joe Gorgon searched for an accommodation and booked a room for 1 night at My Penang Resort. He made a full payment including TTx to Boombastic.com on 10 September 2023. Therefore, the TTx is due on 10 September 2023.

Example 5:

Yeah Carey booked a room at Villapool Hotel through Masgogo.com. Yeah Carey made a full payment including TTx at Villapool Hotel upon checked in on 3 May 2023. Villapool Hotel reimbursed the TTx paid by Yeah Carey to Masgogo.com on 1 June 2023. Therefore, the TTx is due based on the time the TTx was received by Masgogo.com from the hotel which is on 1 June 2023.

13. Complimentary night stay offered by a registered DPSP to a tourist is subjected to TTx. For this complimentary night stay, the tax due is at the time when the service relating to online booking accommodation premise is made available by a registered DPSP.

14. Where any booking of accommodation premise is made by a tourist with a registered DPSP through an online booking service before the effective date 1st January 2023 and the tourist stays at such accommodation premise on or after the effective date, no TTx shall be charged to the tourist.

EXEMPTION FROM TOURISM TAX

15. The following type of tourists are exempted from paying the TTx charged by a registered DPSP:

- (a) a tourist who is a Malaysian citizen (holds MyKad card); and
- (b) a tourist who is a permanent resident of Malaysia (holds MyPR card).

REGISTRATION

16. Any person who is providing an online booking accommodation platform in which the accommodation premise in Malaysia is required to apply for registration to the Director General (DG) as prescribed under subsection 20C(1) or (3) of the Act as below:

- a) An application for registration by a new DPSP shall be made within thirty (30) days from the date the DPSP provides the online booking service.

Example 6:

Dagobi.com started providing digital platform services such as booking of accommodation premises in Malaysia on 1.4.2023. Dagobi.com is liable to be registered for TTx from 1.4.2023 to 30.4.2023. Hence, the effective date of registration for Dagobi.com will be on 1.5.2023.

- b) For a DPSP who provides services before coming into operation which is on 1st October 2022, the application for registration shall be made not later than three (3) months before the effective date for charging and levying of TTx which is on 1st January 2023.

Example 7:

TXY Booking Pvt. Ltd. which is located in New Zealand has provided online booking for accommodation premises in Malaysia since 2015. TXY Booking Pvt. Ltd. is liable to be registered for TTx from 1.10.2022 and start charging TTx with effect from 1.1.2023.

17. A DPSP shall apply for registration to the DG using Form TTx-01A through electronic services by logging in to www.myttx.customs.gov.my. Kindly refer to User Manual – Applicant Registration (TTx-01A) for further details.

18. Upon approval, the DG will notify DPSP in writing and assigns the DPSP with a TTx registration number.

19. If a DPSP fails to register within the stipulated time, DG has the power to register any DPSP who is not registered on the effective date with effect on the first day of the following month after information relating to the operation of a DPSP became known or is made known to the DG.

20. Any DPSP who has ceased to provide online booking accommodation premises in Malaysia or obtain any exemption from the Minister of Finance shall notify the DG in writing within thirty (30) days from the date of the cessation. DG may cancel the DPSP's registration from the date as DG may determine.

21. Any DPSP shall immediately notify the senior officer of customs in writing when there is any change in registration information–

- (a) in the name of the business;
- (b) in the address of any place of business;
- (c) in the status of the business;
- (d) of the authorized person or details of authorized person.

22. If the DPSP fails to notify the senior officer of customs on the changes, the DPSP will commits an offence.

INVOICES, RECORDS, RETURNS AND ASSESSMENT

Invoice, Receipt or Other Document

23. A registered DPSP is required to issue an invoice, receipt or other document in Bahasa or English via electronic or physical form to a tourist who made an online booking of the accommodation premises. Such document shall be issued within thirty days (30 days) from the date when the accommodation premise is made available (date of booking confirmed) or such extended period as may be approved by the DG.

Example 8:

Mosleem Khan made a booking at Pangkor Island Hotel through Hola.com for 1 night and subsequently the booking was confirmed on 1 May 2023. Hola.com shall issue invoice, receipt or any documents to Mosleem Khan before 31 May 2023.

24. The DPSP shall state the amount of TTx payable separately from any other charges imposed on the tourist.

Example 9:

Pak Sahok is an Indonesian citizen, booked a room for 1 night at Furqan Hotel in Sabah via Harryharem.com. The room charge was RM180.00 per night and RM10 for TTx. Harryharem.com issued a receipt to show the amount of TTx separately as follows:

Charges	Amount (RM)
<i>One Room</i>	<i>180.00</i>
<i>TTx rate (RM10/per room per night)</i>	<i>10.00</i>
<i>Total Amount Payable</i>	<i>190.00</i>

25. An invoice, receipt or other document shall contain the following particulars:

- (a) invoice, receipt or other document serial number;
- (b) date of the invoice, receipt or other document;
- (c) name, address and registration number of the DPSP; and
- (d) number of nights for each accommodation provided.

26. Any person other than the registered DPSP and registered operator who issues any invoice, receipt or other document showing an amount which purports to be a TTx is subjected to an offence under Section 20F (3) Tourism Tax 2017.

Credit Note and Debit Note

27. If there is a change (reduce or increase) to the amount of TTx paid or to be paid, due to change in the rate of TTx or due to any adjustment made in the course of business, a registered DPSP is required to issue a credit note (CN) or a debit note (DN).

28. A credit note or a debit note shall contain the following particulars:

- (a) serial number of the credit note or debit note;
- (b) date of issuance of the credit note or debit note;

- (c) name, address and tourism tax registration number of the DPSP
- (d) serial number and date of the original invoice or receipt;
- (e) reason for the issuance of the credit note or debit note;
- (f) number of nights for each accommodation provided; and
- (g) rate and amount of tourism tax chargeable.

29. If a registered DPSP issues a credit note or a debit note due to a change in the rate of TTx or to any adjustment made in the course of business, the DPSP has to account for TTx to the RMCD and has to make an adjustment in the return for the taxable period in which the credit notes or debit note was issued.

30. In the case where a credit notes or a debit note was issued in the same taxable period as the issuance of the related invoice but the TTx is not yet accounted to the RMCD, no adjustment is required in the relevant return.

31. A registered DPSP shall issue supporting documents such as voucher payment as a proof that he has issued a credit note and refunded the amount of TTx to the tourist.

32. If a credit note was issued under Section 24 of the Tourism Tax Act 2017, for example, due to cancellation of an accommodation, the registered DPSP must make an application to the DG to obtain an approval to deduct from his return the amount of TTx that the DPSP had refunded to the tourist. Such deduction must be made in the TTx return for the taxable period in which the credit note was issued within one year from the date the TTx was refunded to the tourist.

Record Keeping

33. A DPSP is required to keep full, true and up to date records of all transactions which affect or may affect his liability to collect TTx in such books of account or other records as the DG may direct.

34. All records shall be kept for a period of seven (7) years from the latest date to which the records relate and shall be made available for inspections by the RMCD.

35. If records are kept electronically in readable form, such records shall be kept in such manner as to enable the records to be readily accessible and convertible into writing. A DPSP may be subjected to an offence or a fine not exceeding RM30,000 or to imprisonment for a term not exceeding one (1) year or to both for failure to keep records.

Taxable Period

36. The taxable period for a registered DPSP shall be a period of three months ending on the last day of any month of any Gregorian calendar year. However, a registered DPSP may request in writing to the DG for an approval to use a varied taxable period. Example of standard taxable period are as follows:

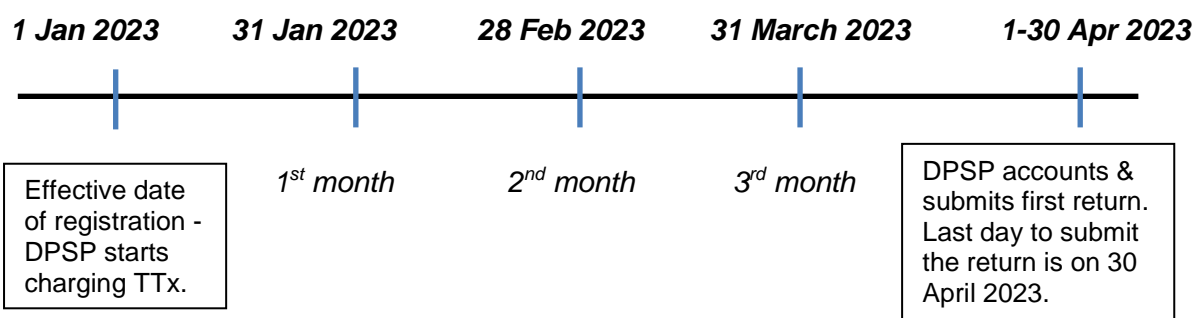
Details	Registration Effective Date	First Assigned Taxable Period	Subsequent Taxable Period (Every quarterly)
Date	1 January 2023	Jan – Mar 2023	Apr – June 2023 July – Sept 2023 Oct – Dec 2023
	1 Feb 2023	Feb – Apr 2023	May – July 2023 Aug – Oct 2023 Nov 2023 – Jan 2024
	1 March 2023	Mar - May 2023	June – Aug 2023 Sept – Nov 2023 Dec 2023 – Feb 2024

Table 1

37. A registered DPSP is required to account for the TTx in the TTx-03A form and furnish such return to the DG according to the stipulated taxable period.

Example 10:

Illustration on first submission of TTx return (TTx-03A form) for a registered DPSP having a 3 monthly taxable period;



38. A registered DPSP may apply for a varied taxable period to the DG via MyTTx. After obtaining an approval, the new taxable period will take effect on the approved taxable period.

Example 11:

Visit.com applied for registration on 3rd October 2022. The effective date to start charging the TTx will be on 1st November 2022. Visit.com first taxable period will be on 1st November 2022 until 31st January 2023. Visit.com would like to manage his taxable period according to its financial year which ends on 31st December 2022. Accordingly, Visit.com have to make an application to the DG to change his taxable period according to its financial year end. Upon obtaining an approval, a new taxable period will be assigned to him as follows:

Registration Effective date	Applied for new taxable period on	Taxable period	Due Date to submit Return & Payment
1 Nov 2022	10 Nov 2022 (Financial Year End is on 31 Dec 2022)	New Varied Taxable Period: 1 Nov - 31 Dec 2022	31 Jan 2023
		Subsequent Taxable Period: Jan – Mar 2023 April – June 2023 July – Sept 2023	➤ Subsequent Taxable Period: 30 Apr 2023 31 July 2023 30 Oct 2023

Table 2

ACCOUNTING FOR TTx

Tourism Tax Return and Payment

39. Every registered DPSP shall account for his TTx collections in a return according to the taxable period given. The return shall be furnished to the DG in a prescribed manner not later than the last day of the month following the DPSP’s taxable period.

40. A registered DPSP shall furnish a nil return if there is no TTx to be paid to the RMCD.

41. Submission of returns and payments of tourism tax or penalty payable shall be made through electronic banking within the ordinary hours from 7.30 a.m. to 11.30 p.m. on any day of the week. If the return and payment is received beyond the ordinary hours, it shall be deemed to be received on the next following day.

42. The last day for submission of return and payment of TTx falls on the last day of the following month after the prescribed taxable period in respect of holiday.

43. Any registered DPSP who ceased to be registered, shall furnish a return in the last taxable period not later than thirty days after such cessation

44. If the registered DPSP cease to be registered under the Tourism Tax Act 2017, the registered DPSP has to make an adjustment in the TTx return for the last taxable period during which he was still a registered DPSP.

Correction of errors

45. If a DPSP makes an error in any return furnished under the Act, the DPSP may correct such error as below:

- a. If the correction is related to the current return where it is still in the submission period, the correction must be made in the current return and submitted again in the same period.

Example 12:

Amendments in related Return (Current)

<i>Taxable period</i>	<i>1 Jan 2023 – 31 Mar 2023</i>
<i>Due date of return submission</i>	<i>30 Apr 2023</i>
<i>Return submission</i>	<i>20 Apr 2023</i>
<i>Correction on current return</i>	<i>28 Apr 2023</i>

- b. If the correction is related to a previous return that has been submitted, the correction must be made in the previous return.

Example 13:

Amendments in related Return (Previous)

<i>Current taxable period</i>	<i>1 Jan 2024 – 31 Mar 2024</i>
<i>Date error detected for invoice dated 1 Nov 2023</i>	<i>8 Feb 2024</i>
<i>Taxable period to be amended</i>	<i>1 Oct 2023 – 31 Dec 2023</i>

Manner of Furnishing Return

46. A registered DPSP shall furnish a return and account for the TTx using the TTx-03A form through MyTTx Portal (<https://www.myttx.customs.gov.my/>).

47. The return shall be furnished to the DG according to the taxable period given with accurate, correct and complete information before the due date of submission.

48. The return is considered submitted when the furnishing of the return through electronic service is received electronically by the DG.

49. If there is any error occurs in the TTx return declaration, a registered DPSP may make an amendment to the relevant TTx return.

50. Kindly refer to Guide on Registration, Return & Payment for Registered DPSP for further details.

51. Any registered DPSP who fails to furnish a return commits an offence under Section 201 (5) Tourism Tax Act 2017.

Manner of Making Payment

52. A registered DPSP is required to make payment to the DG on the amount of TTx due and payable not later than the last day of the month following the related taxable period as prescribed under Section 201 TTx Act 2017.

53. Any payment of TTx, penalty, or any other money payable under the TTx Act 2017 shall be made to the DG through electronic banking as below:
- a) Telegraphic Transfer (TT) or
 - b) Financial Process Exchange (FPX) – this method will require a DPSP to have a bank account in Malaysia.
54. A registered DPSP is required to submit any amendment in TTx-03A or TTx-03A form before making any payment.
55. Payment of TTx, penalty or any other money by a registered DPSP shall be deemed to be made when the payment is received by the DG and credited to the RMCD's bank account.
56. Any amount of TTx, penalty or any other money can only be in the form of **Ringgit Malaysia (MYR)** and the **amount** shall be the same amount declared in the TTx-03A form or other bills issued by RMCD (e.g. Bill of Demand).
57. Any bank's fees or charges related to the payment transaction, shall be borne by the registered DPSP.
58. Any registered DPSP who fails to pay the amount of TTx due and payable commits an offence under Section 20i (6) Tourism Tax Act 2017.
59. Please refer to Guide on Registration, Return & Payment for Registered DPSP for further details.
60. Where any tax due and payable is not paid wholly or partly by any person after the last day on which it is due and payable and no prosecution is instituted, the person shall pay:
- i. a penalty of ten percent on the amount of TTx remain unpaid for the first thirty-day period;
 - ii. an additional penalty of ten percent on the amount of TTx remain unpaid for the second thirty-day period;
 - iii. an additional penalty of ten percent on the amount of TTx remain unpaid for the third thirty-day period; and
 - iv. Maximum penalty of thirty percent on the amount of TTx remain unpaid after 61 days and above.

Period of late payment of tax		Rate of Penalty
1 to 30 days from the 1st day after due date		10%
31 to 60 days from the 1st day after due date		10% + 10% = 20%
61 to 90 days and above from the 1st day after due date		10% + 10% + 10% = 30% (maximum)

61. An example of penalty calculation is as follows:

Example 14:

JooryTravel.com is a DPSP who apply for registration on 3 Dec 2022. The effective date to charge TTx will be on 1 Jan 2023. JooryTravel.com is required to submit the first return for the taxable period of January – March 2023 and makes payment of TTx before 30 April 2023. However, JooryTravel.com makes the full payment of TTx on 15 July 2023 which is exceeding the due date.

The calculation of penalty due is as follow:

Taxable Period	Date	Tourism Tax			Penalty Rate %	Penalty (RM)
		Tax Due (RM)	Tax Paid (RM)	Balance (RM)		
<i>(Last day of making payment 30.04.2023)</i>	30.04.2023	10,000	0	10,000	0	0
	1.05.2023-30.05.2023	10,000	0	10,000	10% x RM10,000	1,000
	31.05.2023-29.06.2023	10,000	0	10,000	10% x RM10,000	1,000
	30.06.2023-29.07.2023	10,000	10,000	0	10% x RM10,000	1,000
Total Penalty						3,000
<i>Note: Penalty is imposed on remaining balance payable</i>						

Table 3

Based on the calculation made by JooryTravel.com, the amount of TTx to be accounted to the RMCD is RM10,000. However, on 1 May 2023, JooryTravel.com cannot make any payment for the amount of tax due and payable. Hence, JooryTravel.com shall pay a 10% (RM1,000) penalty for the late payment.

30 days later on 31 May 2023, JooryTravel.com still failed to make any payment to the RMCD. A further 10% (RM1,000) penalty is imposed at a value of RM10,000.

Subsequently, after 30 days, that is on 30 June 2023, JooryTravel.com still failed to make any payment to the RMCD. Thus, a final penalty of 10% (RM1,000) was imposed on the tax due (RM10,000). Hence, the total amount of penalty due became RM3,000 (RM1,000 + RM1,000 + RM1,000).

Example 15:

Ishaqitravel.com, a registered DPSP failed to pay TTx of RM15,000 for the taxable period of 1 April 2023 to 30 June 2023. Ishaqitravel.com later made payment of RM10,000 on 15 September 2023 and settled the remaining balance of TTx on 7 December 2023. The calculation of penalty imposed on the late settlement of the outstanding TTx would be as below:

Taxable Period	Date	Tourism Tax			Penalty Rate %	Penalty (RM)
		Tax Due (RM)	Tax Paid (RM)	Balance (RM)		
1.4.2023 – 30.06.2023 (Last day of making payment 31.7.2023)	31.7.2023	15,000	0	15,000	0	0
	1.08.2023-30.08.2023	15,000	0	15,000	10% x RM15,000	1,500
	31.08.2023-29.09.2023	15,000	10,000 (15.09.2023)	5,000	10% x RM15,000	1,500
	30.09.2023-29.10.2023	5,000	0	5,000	10% x RM5,000	500
	30.10.2023-28.11.2023	5,000	0	5,000	0	0
	29.11.2023-28.12.2023	5,000	5,000 (07.12.2023)	0	0	0
Total Penalty						3,500
Note: Penalty is imposed on the remaining TTx unpaid on each thirty-day period after the due date.						

Table 4

Based on the above table, the amount of TTx to be accounted by Ishaqitravel.com to the RMCD is RM15,000. However, on 1 August 2023, Ishaqitravel.com failed to pay the amount of tax due and payable. Hence, Ishaqitravel.com shall pay a 10% (RM1,500) penalty for the late payment.

However, after 30 days, that is on 31 August 2023, a further 10% (RM1,500) penalty is imposed on the balance of RM15,000 even though Ishaqitravel.com made part payment of RM10,000 on 15 September 2023.

After 30 days, that is on 30 September 2023, the remaining balance of TTx became RM5,000. However, Ishaqitravel.com still failed to make payment for the remaining balance of TTx to the RMCD. Thus, a final penalty of 10% (RM500) will be imposed on the remaining tax due (RM5,000).

Subsequently, on 7 December 2023, Ishaqitravel.com made full payment for the remaining balance (RM5,000) to the RMCD but the total amount of penalty has arisen to RM3,500 (RM1,500 + RM1,500 + RM500).

REMISSION, REFUND AND RECOVERY

Remission

62. Remission from the payment of tourism tax is under the power of the Minister as provided under section 21(1) of the TTA 2017.

63. Remission from the payment of penalties, surcharges or other money is under the power of the DG as provided under section 21(2) of the TTA 2017.

64. If a person who has been granted remission under section 21 of the TTA 2017 has paid any TTx, penalty, surcharge or other money in connection with the remission, a claim may be made in form TTx-04A via online within one (1) year from the date of remission approval.

65. Please refer to User Manual - PPPD Remission for further details on remission application via online at www.myttx.customs.gov.my

Refund of TTx, etc., overpaid or erroneously paid

66. Claim for refund of tourism tax, penalties, surcharges or other money that is overpaid or wrongly paid can be applied within six (6) years from the time the overpayment or wrongful payment occurred in accordance with section 22 of the TTA 2017. The claim application must be submitted via online to the DG in form TTx-04A and supported by such evidence as required by the DG.

67. The DG may reduce or disallow any refund claimed under this section if the refund would unjustly enrich the claimant.

Deduction from Return of Refunded Tourism Tax

68. Section 24 of the TTxA 2017 provides that a DPSP can apply to the DG to deduct from his return the amount of TTx paid but subsequently refunded to the tourist within one year or such extended period after the refund is made, by reason of: –

- a) cancellation of accommodation; or
- b) other reason approved by the DG.

COMPLIANCE AND ENFORCEMENT

69. Any registered DPSP who fails to comply with any provision under the Tourism Tax Act 2017 commits an offence and subject to penalty. A penalty will be imposed on the following scenarios:

- a) Fail to apply for registration;
- b) Late or fail to file for TTx return;
- c) Submit an incorrect TTx return;
- d) Late or fail to pay TTx due and payable;
- e) Fail to issue invoice or any documents as required by the TTx legislations;
- f) Fail to keep records;
- g) Refuse to permit any senior officer of Customs access to any place or premise; or
- h) Any other offences as prescribed under the Act.

COMPOUNDABLE OFFENCES

70. Section 56 of the Tourism Tax Act 2017 provides that the DG may compound with an amount not exceeding fifty percent (50%) of the maximum value of the court fine for the following offences:

NO.	SECTION	OFFENCE	MAXIMUM FINE	MAXIMUM COMPOUND
1	20C (4)	A DPSP who fails to register under section 20c(1) and (3)	RM30,000	RM15,000
2	20F (3)	Each DPSP must issue invoices, receipts or other documents to tourists in the national language or in the English language to a tourist within thirty days from the date the accommodation premises is made available through service relating to online booking accommodation premises or such extended period as may be approved by the DG and shall state the amount of tourism tax payable separately from any other charges imposed on the tourist.	RM30,000	RM15,000
3	20I (5)	Any DPSP who fails to submit return of theTTx under section 20I(1) within the prescribed period.	RM30,000	RM15,000
4	20I (6)	Any DPSP who fails to pay the TTx under section 20I(2) within the prescribed period.	RM30,000	RM15,000
5	20J (4)	Any person who fails to comply with the record keeping requirements under section 20J(1).	RM30,000	RM15,000
6	33(4)	Any person who refuses to allow a senior customs officer to enter any place or premises.	RM30,000	RM15,000
7	40	Any person who makes an incorrect statement or gives	RM30,000	RM15,000

		incorrect information.		
8	41(2)	Any person who is not eligible to collect but collects tourism tax.	RM30,000	RM15,000
9	42(1)	Any person who intends to evade or assist others to evade tourism tax.	RM30,000	RM15,000
10	43(1)	Any person who refuses to provide information to Customs officers.	RM30,000	RM15,000
11	44	Any person who attempts to commit an offence or abets the commission of an offence.	Punished according to the punishment provided for the offence	50% of the fine amount allocated for the offence
12	45	Offences that not expressly provided for.	RM30,000	RM15,000
13	60(4)	Any person who fails to comply with a requirement to provide information, books, data, documents or other records under section 60.	RM30,000	RM15,000
14	68(3)	Any liquidator who fails to give notice of winding up under section 68(1).	RM30,000	RM15,000
15	69(3)	Any recipient appointed by the DPSP fails to give notice to the DG regarding the appointment as recipient and the separation of the amount of money from the disposal of assets.	RM30,000	RM15,000

FREQUENTLY ASKED QUESTION

Q1: Mr. Fattah makes an accommodation booking at Hotel Sri Malaya via Izzy.com who is registered under TTx. Does Izzy.com has to collect TTx from Mr. Fayyadh?

A1: Yes, Izzy.com is required to charge and collect TTx from Mr.Fattah.

Q2: Miss Anne makes an accommodation booking via Penempahan.com but opts to pay later at FarEast Hotel in Pulau Langkawi. FarEast Hotel will collect the room charges from Miss Anne directly. Who should be liable to collect the TTx?

A2: Penempahan.com is liable to charge and collect the Tourism Tax and then account and make payment of the TTx to the RMCD.

Q3: Who is liable to charge and collect the TTx on additional stay period for a tourist who booked an accommodation through a registered DPSP and subsequently extended his stay directly with the accommodation premise operator?

A3: The accommodation premise operator is liable to charge and collect the TTx on the additional stay period. The DPSP is not liable to charge and collect the TTx for the additional stay period unless the additional stay period is booked using its online platform services.

Q4: When should the TTx be charged on the tourist by a registered DPSP?

A4: A registered DPSP should charge the TTx upon booking of an accommodation premise by a tourist via its digital platform services.

Q5: When should a registered DPSP accounts for the TTx to the RMCD?

A5: A registered DPSP should account for the TTx to RMCD in relevant taxable period according to the time a payment is received.

Q6: Item 3 of Tourism Tax (Exemption) Order 2017 provides exemption from registered under TTx to certain accommodation premise operators such as operator of a *homestay / kampungstay* operator and accommodation operator with 4 rooms or less. How do registered DPSP identify accommodation operators who are not registered and whether TTx need to be charged on booking of accommodation premises provided by non TTx registered operators via digital platform?

- A6:** All registered DPSPs are required to charge TTx on all booking of accommodation premises regardless of whether the booking was made for accommodation premises provided by registered operators or non-registered operators.
- Q7:** **A tourist booked a 3 bedrooms Paddock Service Apartment through an online platform. Will the TTx be imposed on a single apartment unit or on each of the room?**
- A7:** If the serviced apartment with 3 bedrooms is advertised as a unit, then the Tourism Tax of RM10/room/night will be imposed on the apartment unit only. However, if the reservation via a registered DPSP is made on room basis, then TTx shall be imposed on the booked room.
- Q8:** **John makes an accommodation booking through an online platform and provides inaccurate information which resulted in TTx not been collected. Who will be responsible for the TTx on this scenario?**
- A8:** If due diligence has been taken to obtain the information required from such tourist, the registered DPSP will not be responsible for any inaccurate information provided by the tourist, even though it resulted in under-collection of TTx. However, the registered operator who provides the accommodation premise need to verify tourist's identification and relevant information to ensure that he pays the required TTx.
- Q9:** **Does it compulsory for a DPSP to collect private data such as passport no. or ID no. to determine the nationality of a traveler?**
- A9:** Yes. A registered DPSP should collect necessary data to determine the nationality of a traveler and keep proper record as required under the Tourism Tax Act 2017.
- Q10:** **Hotel Libur is registered as an accommodation premise operator under Tourism Tax Act 2017 and has its own booking platform to facilitate guests to book accommodation rooms through online. The platform is applicable only for online booking of Hotel Libur's accommodation rooms. In such a case, does Hotel Libur need to be registered as a registered DPSP under Tourism Tax Act 2017?**
- A10:** No. Hotel Libur does not need to be registered as a registered DPSP since Hotel Libur's booking platform is only applicable for its accommodation premise and not for other accommodation premise providers.

Q11: Suasana Hotel has its own online booking platform to facilitate tourists to book for their accommodation rooms and other accommodation premises (not in the same group). In such a case, does Suasana Hotel need to be registered as a registered DPSP under Tourism Tax Act 2017?

A11: Yes. Suasana Hotel need to be registered as a registered DPSP since Suasana Hotel's online booking platform is applicable for its own and other accommodation providers.

Q12: If a tourist cancels his booking after making a payment, can a credit note be issued to enable a refund of TTx to the tourist?

A12: Yes. A registered DPSP may make an adjustment on the cancellation of booking by issuing a credit note to enable a refund of TTx being made to the tourist. If the DPSP has remitted the amount of TTx to RMCD, DPSP shall declare the amount of credit note in the TTx return for the taxable period in which the credit note was issued.

Q13: If a booking of accommodation premise is made via online through a digital platform service provider by a foreign tourist before the effective date on 1 January 2023 but for a stay at the accommodation premise after the effective date, does it attract TTx?

A13: No, TTx shall not be charged by a DPSP on such tourist.

Q14: Can the amount of tourism tax be combined with other charges in an invoice?

A14: The amount of tourism tax shall be shown on the invoice separately from any other charges imposed to the tourist.

Q15: If tourist book any unit of accommodation through platform in which the charge for the accommodation is advertised by hours, should the tourism tax be imposed?

A15: Yes, the unit of the accommodation is subject to tourism tax if the stay goes beyond the night.

Q16: Is the accommodation fee subject to the tourism tax if a tourist books a unit through a platform where the rate is published by the hour?

A16: Yes, if the visitor stays beyond the night, the lodging unit is liable to tourism tax.

INQUIRY

Please contact the following for any inquiry on this guide:

- (i) Royal Malaysian Customs Department
Internal Tax Division, Special Branch,
Level 6, Tower A, Suasana PjH,
Jalan Tun Abdul Razak, Presint 2,
62100 Putrajaya.

FURTHER ASSISTANCE AND INFORMATION ON TTx

Further information relating to this guide can be obtained from:

- (i) Website : www.myttx.customs.gov.my
- (ii) Customs Call Centre :
 - Tel : 03-7806 7200 / 1-300-888-500
 - Fax : 03-7806 7599
 - Email: ccc@customs.gov.my