



## **Tax Deduction for Loss of Cash and Treatment of Recoveries**

公司的钱财不见了能否扣税？



# Basis For Deductibility

The persons involved, that is the employee in the case of embezzlement or defalcation and the employee or third party in the case of a theft or robbery



The action taken against the person involved namely, police report, termination of service and recovery of loss



The loss incurred in the incident of the taxpayer's business and has to occur in the ordinary course of carrying on the business



The amount of loss should not be out of proportion to the reasonably expected risks of the business



# 扣税的前提

雇员涉及贪污或诈骗或是被第三方或雇员盗窃或抢劫

针对所涉人员采取行动，包括报警处理，终止服务和要求赔偿损失



损失必须与纳税人业务有关并且必须是营业过程中发生

损失的数额与合理预期的风险需成正比





# Deductibility of Loss of Cash

Loss of cash caused by theft, defalcation or embezzlement in the course of business may be ***allowed for deduction*** under following situation:

- Theft or embezzlement by **third party** if:
  - ❖ banking of cash takings is a necessary part of the operations of the business; any loss of cash caused by theft or robbery **while in transit** to the bank
  - ❖ an **agent** who is assigned to collect the cash embezzles the cash
- Theft or embezzlement by **employee** as:
  - ❖ it arises directly from the necessity of delegating certain duties of the business to employee





# 可扣税的现金损失

在生意的营运上被偷窃或挪用的公款而造成的现金损失是可以扣税的，如下：

- 公款被**第三方**偷窃或挪用
  - ❖ 提款和存款是生意上的运营模式，现金的损失是因为在**去或返回银行途中**时被盗窃或抢劫
  - ❖ **代理商**挪用指定收取的现金
- 公款被**员工**偷窃或挪用
  - ❖ 与委派给员工的职责有关





# Loss of Cash not Deductible

Loss of cash caused by theft, defalcation or embezzlement in the course of business **cannot be deducted** under following situation:

- The employee who is involved in the theft or embezzlement is a **relative** of the proprietor who proposes to **overlook** the theft and continues to employ the offender.
- Loss of cash or embezzlement by a sole proprietor, a partner, a director of a company or an administrator of a deceased person's estate or any person who is in **control** of the business operations.
- Loss of cash caused by theft, burglary or robbery which is **not incidental** to the business is not allowable as a deduction.





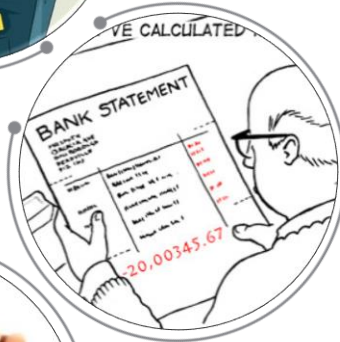
# 不可扣税的现金损失

在生意的营运上被偷窃或挪用的公款而造成的现金损失不可扣税，如下：

- 涉及盗窃或挪用公款的雇员是雇主的**亲戚**，雇主还继续被雇用该雇员并且**有意忽略**该雇员的行为
- 合伙人，公司董事，死者遗产管理人或任何拥有生意**控制权**的人挪用公款导致的现金损失。
- 与业务**无直接关系**的盗窃或抢劫而引起的现金损失



# Supporting Evidence



Police report

Bank statement

Responsibility of the staff involved

Letter of termination of employment

Minutes of board of directors' meeting

Proof of recovery action

Other relevant documents.





# 附属证据

警方报告

银行月结单

员工的工作范围与责任

终止雇用函

董事会会议记录

追讨损失的证明

其他相关文件



# Tax Treatment Of Recoveries

Recoveries are obtained through:



Insurance



Agreement of payment from the employee concerned



Legal action



Other recovery actions

The full amount of any recovery shall be treated as a gross income for the basis period for the year of assessment in which it is first receivable



# 损失补偿的税务处理

通过以下方式获的补偿:



保险



有关雇员的付款协议



诉讼



其他相关的补偿追讨

任何相关的补偿金应视为当年的收入当款项将会被收到



For more clarification, please contact us!  
欲了解更多详情，赶快与我们联系吧！

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# Reference

[http://phl.hasil.gov.my/pdf/pdfam/PR\\_No\\_4\\_2012.pdf](http://phl.hasil.gov.my/pdf/pdfam/PR_No_4_2012.pdf)

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