

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1887/8 - 2014 නොවැම්බර් මස 03 වැනි සඳුදා - 2014.11.03

No. 1887/8 - MONDAY, NOVEMBER 03, 2014

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

STRATEGIC DEVELOPMENT PROJECTS ACT, No. 14 of 2008

Notification under Section 3(4)

BY virtue of the powers vested in me in terms of Section 3(4) of the Strategic Development Projects Act, No. 14 of 2008 as amended, I, Lakshman Yapa Abeywardena, being the Minister in charge of the subject of Investment Promotion, in consultation with the Minister in charge of the subject of Finance, do by this Notification.

1. The Notification identifying the project to undertake Re-Development and Mixed Development Project (“Project”) on a land in extent of eight (08) Acres located at Slave Island, Colombo 02 (“said area”) in the Western Province with an envisaged investment of United State Dollars Four Hundred and Twenty Nine decimal Five Million (US\$ 429.5 Mn) which includes foreign direct investment of United States Dollars One Hundred and Thirty Million (US \$ 130 Mn) as a Strategic Development Project for the purposes of the aforesaid Act, was published in the *Gazette Extraordinary* No.1872/9 dated 22nd July, 2014.

2. In terms of Sub-section (3) of Section (3) of the aforesaid Act, the approval of the Cabinet of Ministers has been obtained to declare the project to undertake Re-Development and Mixed Development Project on a land in extent of eight (08) Acres located at Slave Island, Colombo 02 in the Western Province with an envisaged investment of United State Dollars Four Hundred and Twenty Nine decimal Five Million (US\$ 429.5 Mn) which includes foreign direct investment of United States Dollars One Hundred and Thirty Million (US \$ 130 Mn) as a Strategic Development Project.

3. The above stated Strategic Development Project shall be called and known as the “project to undertake Re-Development and Mixed Development Project” and the Project Company to undertake the Project is M/s. One-Colombo Project (Private) Limited.

4. The Project Company shall implement and commence commercial operations in the said area within Eight (08) years (project implementation period) commencing from 13th May, 2014 the date on which the Project Agreement was signed between the Project company and the Board of Investment of Sri Lanka (Project Agreement).

5. The Exemptions from the enactments specified in the Schedule to this Order shall apply to the Project Company from the date of the Project Agreement subject to the limitations mentioned therein.



SCHEDULE

1) The Inland Revenue Act, No. 10 of 2006

(i) Corporate Income Tax

The provisions of the Inland Revenue Act, No. 10 of 2006 as amended relating to the imposition of income tax shall not apply for a period of Ten (10) years to the profit of the Project other than the sale of apartments and only a tax exemption period of Six (06) years for the income generated through sale of apartments.

The said tax exemption period shall commence from the year in which the Project Company makes its taxable profits or six (06) years after commencement of construction of the Project, whichever occurs earlier.

After the expiry of the tax exemption period, on the profit generated from activities other than the sale of apartments, fifty per cent (50%) of Corporate Tax shall be applicable for six (06) years.

For avoidance of doubt, after the expiration of the aforesaid tax exemption period and the concessionary period, income tax in respect of the profit and income of the Project Company shall be applicable in terms of the provisions of the Inland Revenue Act for the time being in force.

(ii) Tax on Dividends

Dividends distributed to the shareholders out of the exempted profit shall be exempted from the income tax during the said tax exemption period of Ten (10) years or Six (06) years as the case may be and one (01) year thereafter.

(iii) Withholding Tax

The Project Company shall be exempted from having to deduct and pay Withholding Tax with regard to the following;

- (a) on interest on foreign loans taken for capital expenditure and on technical fees paid to consultants,
- (b) on management fees and royalty payments provided however that total of such charges does not exceed three per centum (3%) of the gross operating revenue,
- (c) on marketing fees, provided however the total of such fees does not exceed one point five per centum (1.5%) of the gross operating revenue, and
- (d) on incentive management fees, provided however the total of such fees does not exceed ten per centum (10%) of the gross operating profit.

(iv) PAYE Tax

The expatriate staff of the Project Company shall be exempted from payment of Pay As You Earn Tax (PAYE) subject to a restriction that this concession shall apply to a maximum number of Fifteen (15) employees at any given time. Subject to such ceiling, this exemption is available for expatriate staff for a period of five (05) years during the project implementation period and thereafter commencing from the date of the Project Agreement signed between the Board of Investment of Sri Lanka and the Project Company. Provided however, no single employee shall be given this exemption for a period in excess of five (05) years. Further, the Project Company is required to gradually replace expatriate staff with local staff, on a best-efforts basis.

2) Value Added Tax (VAT) Act, No. 14 of 2002

All imports of project related goods and local purchases of project related goods or services required for the implementation of the project as approved by the Board of Investment of Sri Lanka, shall be exempted from the charge and payment of Value Added Tax (VAT), during the project implementation period of Eight (08) years. Any contractor or a sub-contractor who supplies to such contractor, to the Project, will be entitled to the deferment as permitted in the VAT Act.

SCHEDULE (*contd.*)

The Company shall be liable for the payment of VAT on value of supply as provided in the VAT Act, No. 14 of 2002 from the commencement of commercial operations.

3) Ports and Airports Development Levy (PAL) Act, No. 18 of 2011

The Company shall be exempted from the payment and charge of Ports and Airports Development Levy (PAL), on the project related goods as approved by the Board of Investment of Sri Lanka imported during the Project Implementation Period of Eight (08) years. This exemption shall be applicable on direct imports by the Project Company for the Project or on imports by a contractor or sub-contractor for the purposes of the Project, so long as the consignee of such goods is the Project Company, subject to the conditions referred to in item No.(5) below.

4) Construction Industry Guarantee Fund Levy

The Project Company/Contractors/sub-contractors shall be exempted from Construction Industry Guarantee Fund Levy imposed under the Finance Act, No. 5 of 2005 in relation to the Project.

5) Customs Duty on Importation of Project Related Items [Customs Ordinance – Chapter 235]

Exemption from Customs Duty will be applicable to all project related items in capital nature and any other project related items as approved by the Board of Investment of Sri Lanka imported in the name of the Project Company implementing the Project in relation to items so imported solely for the purpose of the Project whether directly imported by the Project Company or sourced through the contractors or sub-contractors to the contractors provided that the goods consigned in the name of the Project Company other than the items mentioned in the Negative List within the project implementation period of Eight (08) years. The Items in the Negative List will also be exempted from the Customs Duty provided such items are either not wholly produced in Sri Lanka or are unavailable in sufficient quality, quantity and time lines for the completion of the Project.

As such, in general, project related goods could be imported through a Contractor or a Sub-Contractor in respect of the project within the Project Implementation Period of Eight (08) years as provided above, only if the Project Company is named as the consignee of such goods. Hence, if such imports have been done along with any other imports, the Project Company shall be solely responsible to ensure that the concessions noted herein shall be available only to project related goods of the Project Company. If so, for any reason this condition has been violated, taxes and levies payable under laws and regulations prevailing at the time shall apply to all goods that do not form part of project related goods for the project and such taxes shall become payable forthwith. It is noted that any personal effects imported by the Project Company for the private/personal use of any employee, consultant or any other of the Project Company shall not be treated as project related goods. It is further noted that in view of the exemptions/concessions granted to the Project Company under the Strategic Development Projects Act, No. 14 of 2008, no tenant or any other party associating with the Project or the Project Company will be granted any exemption or concession in view of or consequent to such association.

LAKSHMAN YAPA ABEYWARDENA, MP
Minister of Investment Promotion.

Colombo,
23rd October, 2014.

11 - 495