

E-seminar:

Programme Code: ESEMTF202012

Taxation of termination payments and tax litigations

About the topic

On 14 November 2019, the Court of Final Appeal (CFA) handed down its decision on the case of Commissioner of Inland Revenue v Poon Cho-ming, John FACV No.1 of 2019, upholding the Court of Appeal's decision, dismissing the Commissioner's appeal, ultimately deciding in favour of the taxpayer and concluding that a Payment in Lieu of Bonus and Share Option Gain arising from a Separation Agreement should not be subject to Salaries Tax.

The decision brings further clarity to the taxation of termination payments and affirms the principles established in Fuchs case, i.e., that a payment made in return for acting or being an employee is taxable, whereas a payment that is "for something else" is not. The long running nature of this case, differing views and sizeable body of case law on the taxation of termination payments demonstrate that it can often be difficult to apply the principles and there is often a fine distinction between what is taxable as oppose to non-taxable. Taxpayer's success in tax litigation is often dependent on a robust technical position together with a good and coordinated tax litigation preparedness strategy.

The speakers will re-visit the case and share their experience in supporting taxpayers salaries tax litigations by going through the long tax dispute process.

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About the event

Available period	19 Jun 2020 – 18 Jun 2021
Format	E-seminar
Fee	<ul style="list-style-type: none"> Taxation Faculty member: HK\$120 HKICPA member or student; and IA/ HKIAAT's member or student: HK\$150 Non-member: HK\$330 <p><i>Not a faculty member? Click here to join.</i></p>
Language	English
HKICPA CPD credit	1.5 hours (subject to actual attendance)
Rating	Advanced level*
Competency	Taxation*
Application deadline	Online registration by 18 Jun 2021 (offline registration by 15 Jun 2021)

Speakers

David Siew

Partner, People Services, KPMG

Chiu Wong

Senior Manager, People Services, KPMG

Chair

Eric Chiang

Deputy Director, Advocacy & Practice Development, HKICPA

* Please refer [here](#) for descriptions of the various ratings.



About the speakers

David Siew

Partner, People Services, KPMG

David has over ten years of experience in Hong Kong and US individual income tax matters. As a tax advisory specialist, David has worked on numerous local and regional projects, working with clients to analyse and structure remuneration benefits and policies. He has worked extensively with financial services clients, advising them on the provision of deferred compensation, equity compensation and other fringe benefits.

David has also assisted in a number of clients to liaise with the Inland Revenue Department and formulate written arguments to mitigate employer and/or employee exposure.

David holds a Bachelor of Computing (Hons) with the Imperial College London. He has also contributed to several publications and has spoken at various external events, including taxation seminars for HK professionals. He is a member of the Association of Chartered Certified Accountants.

Chiu Wong

Senior Manager, People Services, KPMG

Chiu has over 20 years of experience dealing accounting, finance and taxation issues in Hong Kong and China. Chiu plays an important role in People Services Practice, building a reputation with clients and colleagues for his technical knowledge on mobility related issues. He has advised companies and senior executives on a wide range of issues from business traveler risks, incentive compensation management, global mobility policies and cross border taxation.

Chiu has also gained valuable industry experience having worked in-house with a number of companies in Hong Kong on a finance role. This has resulted in a deeper understanding of the commercial outcomes of what clients want in addition to simply providing technically sound advice.

Chiu is passionate about advancing the field of tax. He has been guest speaker at a number of external seminars and also delivered lectures to students in various local institutions, including the Hong Kong Polytechnic University and the City University of Macau. Chiu is now an internal instructor of People Services training sessions.

Chiu holds a master degree in Science in Financial Management with the London University and also a bachelor degree in Accountancy.