

MICHAEL TAM

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PRACTICE AREAS

MICHAEL SPECIALISES IN ADVISING ON DEVELOPMENT OF ENERGY, INFRASTRUCTURE AND REAL ESTATE PROJECTS IN CHINA AND INTERNATIONALLY.

REPRESENTATIVE MATTERS AND CASES

POWER

- Cambodia 2x660MW power project: Advising a major Indonesian mine company on its proposed joint venture with a PRC generation company on the project financing and development of a mine mouth 2x660MW coal fired power project in Cambodia.
- Papua New Guinea 180MW power project: Advising a consortium of power generation company and EPC contractor on the greenfield construction and operation of a 180MW hydro electricity plant in Papua New Guinea.
- Indonesian 3x660MW power project: Advising a major Indonesian mine company on its proposed joint venture with a PRC generation company on the project financing and development of a mine mouth 3x660MW coal fired power project in Sumatra, Indonesia.
- Mozambique power project: Advising an AIM listed company on its proposed joint venture with a PRC generation company on the project financing and development of a mine mouth 2x660MW coal fired power project in Mozambique.
- Liaoning wind farms: Advised China Light & Power on the establishment of a joint venture company with China Wind Power Group Limited and the acquisition of two wind farm projects in the Liaoning province of the PRC.
- Daya Bay nuclear power plant management restructuring and offtake arrangements: Advised China Light & Power on the establishment of Daya Bay Nuclear

Management Company (DNMC) and on the management restructuring of DNMC and renegotiation of tariff and offtake arrangements in 2009 to comply with the Scheme of Control.

- Inner Mongolia wind farm: Advised Arcapita on its acquisition of wind farm assets in the PRC.
- Shajiao C power plant: Advised Mirant Asia Pacific on the disposal of its investment in the Shajiao C power plant in the PRC.
- Guohua Phase 2 investment project: Advised China Light & Power on its acquisition of a 2x800MW power plant in the Liaoning Province of the PRC and a 2x330MW power plant in Inner Mongolia.
- Guizhou power plant project: Advised China Light & Power on the greenfield construction and financing of a 2x300MW coal-fired power plant project in the Guizhou province of PRC.
- Taishan power project: Advised Marubeni Corporation as the foreign sponsor and equipment supplier on its bid for the greenfield construction of a 2x660MW power plant project, including drafting and conducting negotiations on the power purchase agreement and operation and management agreement. Advised the foreign sponsors on the turnkey construction contract and evaluation of bids submitted by equipment suppliers.
- Shandong Zhonghua power project: Advised China Light & Power on the greenfield development and project financing of the 3,000MW Shiheng II, Heze and Liaoneng coal fired power projects in Shandong province of China. The project was one of the first coal fired BOT projects in China with a combined generation capacity of 3,000MW.
- Shenmu power project: Advised China Light & Power on its acquisition of a 2x100MW power plant project in the Shenmu.
- Shengli thermal power project: Advised Cathay International Limited on the greenfield construction of a 2x350MW power plant in Shengli.
- Henan power project: Advised Banco Santander on the refinancing of the 2x125MW Henan power project.
- Zhongshan power project: Advised Cathay International Limited on the refinancing its 2x125MW Zhongshan power project.
- Jinzhou power plant project: Advised the project company on the refinancing of the 6x220MW Jinzhou power plant.

- Sale of electricity to the Guangdong grid: Advised China Light & Power on its long term power supply arrangement to the Guangdong power grid.

OIL, GAS AND PETROCHEMICAL

- Dapeng LNG terminal project: Advised Hong Kong Electric on the greenfield development of Dapeng LNG terminal project, which is the first foreign-invested LNG terminal project in the PRC.
- Yamal LNG terminal project: Advised China Environmental Energy on the establishment of a joint venture with Gazprombank and Gunvor to facilitate the acquisition by CNPC from Novatek of a 20% interest in the Yamal LNG terminal project in Russia.
- CNOOC tolling arrangement: Advised Hong Kong Electric on its phase 2 gas tolling arrangement with CNOOC facilitated through the Dapeng LNG terminal facilities.
- Dapeng LNG supply dispute: Advising Hong Kong Electric on ongoing disputes between upstream suppliers and Dapeng LNG terminal company on long term supply of LNG to Dapeng LNG terminal.
- Chevron LPG terminal project in Shantou: Advised Chevron on its disposal of a LPG terminal project with LPG storage and cargo terminal assets in Shantou.
- Chevron gas station joint venture in Guangzhou: Advised Chevron on the restructuring of its gas station assets in Guangzhou and potential investment by CITIC Resource.
- Sasol coal to petroleum projects: Advised Sasol on its proposed establishment of coal to petroleum projects in China and injection of relevant proprietary liquefaction technologies.
- Nansha integrated petrochemical and refinery project: Advised Dow Chemical on the US\$10 billion integrated petrochemical and refinery project in Nansha, Guangdong PRC.
- Liquidated gas distribution network in Guangzhou: Advised ICBC Shenzhen as lender to a sino-foreign joint venture company to finance the construction of a liquidated gas distribution network in the southern part of the PRC.
- Oil rig refinancing: Advised Schahin Oil and Gas on the refinancing of two oil rigs under construction by the Yantai Shipyard in the PRC.

INFRASTRUCTURE

- Djibouti 48 sq km free trade zone project: Advising China Merchants Holding International on the greenfield development and concessions for a 48 sq km free trade zone project in Djibouti and supporting infrastructure packages.
- Djibouti toll road project: Advising China Merchants on the refurbishment and construction of the 242km toll road project in Djibouti.
- Dapeng LNG terminal project: Advised Hong Kong Electric on the greenfield development of Dapeng LNG terminal project, which is the first foreign-invested LNG terminal project in the PRC.
- Wuhan port terminal project: Advised Hongkong Land on its acquisition and subsequent disposal of port terminal assets in Wuhan and Zhejiang.
- Shenzhen and Gaolan port terminal projects: Advised Hutchison Whampoa on its acquisition of port terminal assets in Guangdong.
- Water treatment and sewage projects: Advised Cathay International Limited on the construction, operation and offtake of a group of 16 water plants with a total designed daily treatment capacity of 2.344 megatonnes per day.
- Guangqing and Zhaoqing expressway project: Advised Cathay International Limited on the construction of the highway projects, including drafting and conducting negotiations on construction contracts and ancillary agreements.

RETAIL COMMERCIAL REAL ESTATE

- Hongkong Land Beijing retail commercial complex in Wangfujing - Advising a leading international developer, Hongkong Land, a member of the Jardines Group, on the RMB 60 billion greenfield construction, development and financing of a 30-hectares integrated retail complex and 80 room Mandarin Oriental hotel in the Wangujing district of Beijing, China. The project is Hongkong Land's flagship commercial development project in China.
- Citibank NA: Advising Citibank on completion risk management, fit-out, migration and occupancy of a built to specification 24 floors office tower in Manila to be constructed by a Dubai-Philippines development consortium with option to purchase. Upon completion, the building shall become the headquarters of Citibank in Manila.
- Citibank NA: Advising Citibank on construction completion risk management, fit-out, migration and occupancy of 12 floors of office and retail banking spaces of an under construction Grade A office tower in South Jakarta Indonesia.

- Citibank NA: Advising Citibank on construction completion risk management and commercial and retail occupancy of 13 floors of office space and retail banking space on a Grade A office tower under construction by a Hongkong based developer in Jakarta, Indonesia.
- Hongkong Land Beijing commercial district office development: Advised Hong Kong Land in the joint venture development of a grade A office tower in the Chaoyang district of Beijing, China.
- Alibaba No.9 Exhibition Hall Design and Construction: Advised a New York Architect Ralph Appelbaum Associates on its design and construction of Alibaba's HQ's No.9 Exhibition Hall in Hangzhou, China.
- Acquisition of retail commercial and residential complexes – Advised Macquarie Real Estate and Infrastructure Fund on its acquisition of mixed use retail commercial shopping centres in Chengdu, Chongqing, Shenzhen and Shenyang.
- Home Depot retail commercial: Advised Home Depot on its entry into the Chinese retail market through acquisition of the Home Way home improvement chain stores with 13 stores in the Tianjin area of China.

MINING

- Indonesian copper and gold mine: Advising an Indonesian mining company in the USD10 billion acquisition of a 33% stake in a copper and gold mine in Sumatra, Indonesia.
- Guxian coal mining joint venture; Advised Anglo-America on its acquisition of a 49% interest in the greenfield development of a coal mining project in the Guxian province of the PRC.
- Xiwan coal mining joint venture: Advised Anglo-America on a sino-foreign joint venture mining project in the Xiwan province of the PRC.

GENERAL CORPORATE

- CITIC Securities: Advised CITIC Securities on its joint venture with Sichuan Expressway on the setting up of a financial leasing company in Shenzhen, China.
- Commercial vehicle joint venture: Advised AB Volvo on the merger of its commercial vehicle division in China with the commercial vehicle division of Dongfeng Motors. The transaction involved the de-merger of more than 300 existing

joint venture companies between Dongfeng Motors and Nissan Motors to spin off assets for the formation of a new commercial vehicle division but did not proceed to completion for commercial reasons.

- Heavy machinery joint venture: Advised Volvo China on the restructuring of its sino-foreign heavy machinery joint venture in Lingong, China.
- Citibank's acquisition of Guangdong Development Bank: Advised on PRC compliance issues associated with Citibank's USD3 billion acquisition of Guangdong Development Bank.
- Private equity investment in a machinery joint venture: Advised Goldman Sachs on its acquisition of a 20% equity interest in a machinery joint venture company.
- Indium trading: Advised Goldman Sachs on the establishment of a joint venture company to engage in the trading of indium ingots.
- Cotton trading: Advised Macquarie Bank on cotton trading arrangements within a bonded warehouse area in China.
- Trade financing: Advised Standard Chartered Bank on back-to-back consumer financing arrangements with Macquarie Bank.

PUBLICATION AND LEGAL RANKINGS

- Co-author of **Understanding Power Purchase Agreement** published by the US Department of Commerce and the African Development Bank.

[http://cldp.doc.gov/sites/default/files/Understanding Power Purchase Agreements.pdf](http://cldp.doc.gov/sites/default/files/Understanding_Power_Purchase_Agreements.pdf)

- **Legal 500 Real Estate 2016**

The 'meticulous and commercially sensible' Michael Tam is 'very knowledgeable on the Greater China market and superb on technical issues'. Tam is advising Hongkong Land on the Wangfujing commercial retail development in downtown Beijing.

See more at: <http://www.legal500.com/c/hong-kong/real-estate#sthash.vR545335.dpuf>

- **Who's Who Legal 2015 in Real Estate (Asia Pacific)**

OTHER INFORMATION

Education

- University of New South Wales – Bachelor of Law
- University of New South Wales – Bachelor of Engineering

Professional Qualification

- Hong Kong SAR
- New South Wales, Australia
- England and Wales

Professional Background

Prior to joining Fangda Partners in 2016, Mr. Tam was the founding partner of Michael Tam & Co in association with Berwin Leighton Paisner (HK) from 2011 to 2015. He worked with Linklaters from 2000 to 2011 and Clifford Chance from 1997 to 2000. He has constantly been ranked as a leading lawyer by *Legal 500* and *Who's Who Legal*.

Language

- English, Cantonese and Mandarin