Tom K. M. Fu

Partner

tom.fu@jsm.com

Hong Kong +852 2843 2520

Beijing +86 10 6599 9234

Overview

Tom Fu is a partner of JSM. He has extensive experience advising on issues arising from construction projects. Tom has been named Hall of Fame in China Real Estate and Construction (Foreign Firms) in *The Legal 500 Asia Pacific* (2023-2026) and he was a leading individual between 2020-2022. In 2023, he was awarded Real Estate and Construction Lawyer of the Year at *The Legal 500 China Awards*. Tom is also recognised as a Litigation Star in China and Hong Kong Construction by *Benchmark Litigation Asia Pacific* (2024-2026), and is named in the construction chapter of the *Who's Who Legal* list (2014-2015, 2020-2023) and the *Chambers Asia Pacific* and *Greater China Region* guide (2012-2026). He has been appointed by the China Association of International Engineering Consultants (CAIEC) as a member of its committee of experts in 2019. Tom has extensive experience handling cross-border disputes. He is listed in The Arbitration Powerlist: Hong Kong by T*he Legal 500* (2023). He is a fellow member of the Chartered Institute of Arbitrators (CIArb) and the Hong Kong Institute of Arbitrators (HKIArb), and is listed on various panels of arbitrators. He has also been appointed by the China International Council for the Promotion of Multinational Corporations (CICPMC) as a committee member of its international legal affairs Committee of Experts since 2010. Tom also frequently counsels MNCs on investigation work in China.

Tom advises on compliance and regulatory matters with a focus on the construction industry and also on environmental issues such as China RoHS, WEEE and carbon emissions trading. Tom is named as a Leading Environment Lawyer in *China by PLC Which Lawyer? Yearbook* (2009) and *PLC Cross-Border Finance Handbook* (2009/10), and nominated as a Recognised Environment Lawyer in *PLC Which Lawyer? Yearbook* (2008 & 2011). Tom was admitted in Hong Kong in 1999 and England & Wales in 2000. He speaks English, Cantonese and Mandarin.

Experience

Construction

- Advised on procurement models in the PRC, and on the drafting of contracts, bonds, warranties, tender documents and consultancy agreements for China construction projects such as the preparation of turnkey and EPC/EPCM contract documentation.
- Advised on tendering and registration requirements, and on claims arising out of defects, variations, delay, design responsibilities, and determination of construction contracts.
- Advised Swire Properties on the preparation of construction documentation and consultancy agreements for use in its multi-purpose development of 450,000 square meters in Guangzhou, and also advised on procurement methods, regulatory issues and issues arising out of novation of contract, performance bond and insurance.
- Advised Hang Lung Properties on the preparation of various project management and consultancy agreements for use in its landmark mega shopping mall project in Tianjin. The shopping mall covered an area of 153,000 square meters.
- Advised various NYSE, LSE, AIM and ASX listed entities on the preparation of contract documentation (based on FIDIC, HK and MOHURD forms) for the construction of their manufacturing/processing plants in China.

Dispute Resolution & Investigation

- Representing a national oil company in a major UNCITRAL ad hoc arbitration arising from an unconventional gas production sharing contract.
- Acting for a Chinese technology company in an UNCITRAL arbitration conducted under the auspices of the Hong Kong International Arbitration Centre.
- Acting for a Chinese conglomerate listed on the Shenzhen Stock Exchange in an arbitration based on the Administered Arbitration Rules of the Hong Kong International Arbitration Centre.
- Advised a PRC public authority in PRC Hydroelectric Dam & Power Plant Project in relation to claims to the tune of RMB 7 billion arising from the construction of a hydroelectric dam and power plant in the PRC.
- Advised a UK based developer on contractor's claims arising out of a hotel resort development in Sanya and handled the related CIETAC arbitration proceedings.
- Advised a HK based entity on contractor's claims arising out of its clubhouse project in Beijing and handled the related CIETAC arbitration proceedings.
- Advised a global energy group on issues arising out of the performance of various equipment purchase agreements and handled the related CIETAC arbitration proceedings.
- Advised a MNC on the handling of various investigations lodged by China Customs against its operations in China.

Compliance & Regulatory

- Advised a New York based leading financial information services, news and media company on issues arising out of carbon emissions trading in China, legal framework, implementation models, and the development of climate

exchanges in China, and also on issues arising out of PRC environmental rules and regulations including China RoHS and WEEE directives.

- Advised MNCs on environmental and safety issues arising out of their manufacturing facilities in various industrial parks in southern China.
- Advised Towngas in the underwater pipeline project which lies between Tai Po, Hong Kong and Shenzhen, China. Advised on environmental aspects including water pollution, preservation of the ecological environment, and applied for injunctive relief against obstructions to the construction works, engagement of consultants and provided advice on construction claims.
- Advised a leading building material supplier in Hong Kong on their quarrying rights in Zhuhai.
- Advised NGOs on their reforestation and air quality improvement initiatives in China.
- Advised SOEs on issues arising out of the performance of various carbon emission reductions purchase agreements (ERPAs).
- Advised a leading Australian bank on issues arising out of an ERPA for use in a CDM project in Gansu.

Recognition

- Highly Recommended – Construction, Hong Kong – *Lexology Index: Construction* (2026)
- Litigation Star – Construction, Hong Kong – *Benchmark Litigation Asia-Pacific* (2024-2026)
- Litigation Star – Construction, China – *Benchmark Litigation Asia-Pacific* (2024)
- Real Estate and Construction Lawyer of the Year – *The Legal 500 China Awards* (2023)
- Listed in The Arbitration Powerlist: Hong Kong – *The Legal 500* (2023)

- Top 100 Elite Lawyers (Foreign Firms) for China-related business – *China Business Law Journal*'s A-List (2020)
- Recommended – Leading Construction & Infrastructure Litigation Lawyers, Hong Kong – *Doyle's Guide* (2020, 2022)
- Hall of Fame – Real Estate and Construction: Foreign Firms, China – *The Legal 500 Asia Pacific* (2023-2026)
- Leading Partner – Construction, Hong Kong – *The Legal 500 Asia Pacific (2026)*
- Leading Individual – Real Estate and Construction: Foreign Firms, China – *The Legal 500 Asia Pacific* (2020-2022)
- Leading Individual – Construction (International Firms), China – *Chambers Greater China Region* (2022-2026)
- Leading Individual – Construction (International Firms), China – *Chambers Asia Pacific* (2019-2021)
- Band One – Construction: China-based (International Firms), China – *Chambers Asia Pacific* (2015-2018)
- Named in the Construction chapter of the *Who's Who Legal* list (2014-2015, 2020-2023) and the *Chambers Asia Pacific* (2012-2014)
- Recommended Lawyer – Real Estate and Construction: Foreign Firms, China – *The Legal 500 Asia Pacific* (2019)
- Leading Environment Lawyer – *PLC Cross-Border Finance Handbook* (2009/10)

- Leading Environment Lawyer – *China by PLC Which Lawyer? Yearbook* (2009)
- Recognised Environment Lawyer – *PLC Which Lawyer? Yearbook* (2008 & 2011)
- "He is an old China hand, and with his experience he is able to provide practical solutions to legal problems." – *Chambers Asia Pacific* (2020)
- "conscientious, diligent and intelligent." and "a 'genius' linguist who can work fluently in English, Mandarin and Cantonese." – *GAR 100 13th edition* (2020)
- "Tom Fu capably handles construction arbitrations, most notably for energy and resources clients. Peers note that he has 'been in the market a long time' and call him a 'very diligent person working with PRC contractors.' " – *Chambers Asia Pacific* (2019)
- "'He is a very sharp lawyer who is capable of handling matters in Mandarin and English' says one source." – *Chambers Asia Pacific* (2015)

Qualifications

Education

- The University of Hong Kong, LLB

Admissions

- England and Wales
- Hong Kong

Languages

- Cantonese
- English
- Mandarin

Professional & community involvement

- Committee Co-Chair, Law Committee, The American Chamber of Commerce in Hong Kong (since 2026)
- Director, Hong Kong Solicitors Indemnity Fund Limited (Since 12 May 2026)
- Arbitrator, Asia Pacific International Arbitration Chamber (APIAC) (5 June 2026 – 5 June 2029)
- Associate Governor & Club Secretary, The Hong Kong Foreign Correspondents' Club (FCC) (Since 2026)

- Panel Arbitrator, American Arbitration Association (AAA) International Centre for Dispute Resolution (ICDR) (Since June 2025)

- Member, Appointment Advisory Board, Hong Kong International Arbitration Centre (HKIAC) (17 January 2026 – 16 January 2029)
- Arbitrator, International Arbitration Court at the Polish-Kazakh Chamber of Commerce and Industry (Since 2025)
- Arbitrator, Qingdao Arbitration Commission (Since 2025)
- Arbitrator, Dubai International Arbitration Centre (10 November 2024 – 9 November 2026)
- Panel Arbitrator, Asian-African Legal Consultative Organization (AALCO) Hong Kong Regional Arbitration Centre (5 June 2024 – 31 December 2026)
- Committee Member, Building-Project and Maintenance Committee, The Foreign Correspondents' Club in Hong Kong (since 2022)
- Committee Member, Constitutional Committee, The Foreign Correspondents' Club in Hong Kong (since 2023)
- Committee Member, China Business Committee and Law Committee, The American Chamber of Commerce in Hong Kong (since 2023)
- Committee Member, China Committee, The British Chamber of Commerce in Hong Kong (since 2023)
- Director, eBRAM International Online Dispute Resolution Centre Limited (Since 2023)
- Member, Silicon Valley Arbitration and Mediation Center (SVAMC) (since 2023)
- Panel Arbitrator, eBRAM International Online Dispute Resolution Centre Limited (since 2023)
- Panel of APEC Neutrals, eBRAM International Online Dispute Resolution Centre Limited (since 2023)
- Panel Arbitrator, Xi'an Arbitration Commission (since 2023)
- Council Member, Legal Aid Services Council (1 September 2022 to 31 August 2028)
- Fellow, Hong Kong Institute of Construction Adjudicators
- Board Member, Higher Rights Assessment Board (2 July 2022 – 1 July 2028)
- Council Member, The Law Society of Hong Kong (since 2021)
- Part-time Researcher, China Arbitration Institute, China University of Political Science and Law (since 2021)
- Arbitrator, Shanghai International Arbitration Center (2021-2026)
- Arbitrator, China International Economic and Trade Arbitration Commission (CIETAC) (since 2021 – 30 April 2031)
- Arbitrator, Guangzhou Arbitration Commission (since 2021)
- Arbitrator, Jiujiang Arbitration Commission (since 2020)
- Panel Arbitrator, Hainan International Arbitration Court (since 2020)
- Panel Arbitrator, Enshi Arbitration Commission (since 2020)
- Panel Arbitrator, Yichun Arbitration Commission (since 2020)
- Panel Arbitrator, Shenyang Arbitration Commission (since 2020)

- COVID-19 Scheme Panel Arbitrator, eBRAM International Online Dispute Resolution Centre Limited (since 2020)
- Panel Arbitrator, Korean Commercial Arbitration Board (1 June 2020 – 31 May 2023)
- Panel Arbitrator, International commercial arbitration court at the Ukrainian Chamber of Commerce and Industry (since 2019)
- Panel Arbitrator, Astana International Financial Centre (since 2019)
- Member, Committee of Experts, China Association of International Engineering Consultants (September 2018-31 December 2020)
- Member of the Appeal Board on Closure Orders (Immediate Health Hazard), Government of the Hong Kong Special Administrative Region (15 November 2017-14 November 2026)
- Member of the Torture Claims Appeal Board/Adjudicator of the Non-refoulement Claims Petition Office, Government of the Hong Kong Special Administrative Region (1 February 2017 to 31 August 2023)
- Fellow, Chartered Institute of Arbitrators (CIArb) (since 2019)
- Panel Arbitrator, Tashkent International Arbitration Centre (TIAC) (since 2019)
- Panel Arbitrator, Russian Arbitration Center (since 2019)
- Listed Arbitrator, Hong Kong International Arbitration Centre (HKIAC) (since 2019)
- Fellow, Hong Kong Institute of Arbitrators (HKIArb) (since 2018)
- Panel Arbitrator, Beijing Arbitration Commission/Beijing International Arbitration Court (BAC/BIAC) (since 2015)
- Panel Arbitrator, Chinese Arbitration Association, Taipei (CAA) (since 2014)
- Committee Member, International Legal Affairs Committee of Experts, China International Council for the Promotion of Multinational Corporations (since 2010)
- Committee Member, Real Estate Group, Hong Kong Chamber of Commerce China (2009-2010)
- Panel Member, Appeal Panel (Housing), Office of Transport and Housing, Government of the Hong Kong Special Administrative Region (1 April 2012-31 March 2016)
- Adjudicator, Registration of Persons Tribunal, Security Bureau, Government of the Hong Kong Special Administrative Region (1 July 2010-30 June 2016)
- Panel Member, Panel of Film Censorship Advisers, Television and Entertainment Licensing Authority, Government of the Hong Kong Special Administrative Region (2008)

Related content

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