



Shaphan Habib MARWAH
Barrister & Mediator

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Shaphan Marwah was called to the Bar in 2014. His diverse practice covers all areas of commercial law, dispute resolution and family and matrimonial work. He regularly acts as counsel and mediator.

His expert family practice covers both complex and high value matrimonial finance and disputes concerning children; he has co-authored leading practitioner's references, including Hong Kong Family Court Practice (2nd edition) and Hong Kong Family Court Tables.

Shaphan has a Master of Laws (with Distinction) in International Legal Studies and a Certificate in Arbitration & International Dispute Resolution from Georgetown University in Washington D.C.

Education

- Georgetown University, Washington D.C.: Master of Laws in International Legal Studies, Certificate in Arbitration and International Dispute Resolution (Distinction)
- Middle Temple, London: Hong Kong Middle Temple Society Scholarship for Advocacy Training
- University of Hong Kong, Hong Kong: Postgraduate Certificate in Laws
- BPP Law School, London: Graduate Diploma in Law (Commendation)
- London School of Economics (LSE): Bachelor of Science in Accounting and Finance (Honours)

Professional Appointments

- Executive Committee of the Hong Kong Family Law Association
- Member, the Hong Kong Collaborative Practice Group

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- Legal adviser to several charities

Family and Matrimonial Practice

Shaphan is ranked as one of Hong Kong's top counsel in family law by Doyle's Guide (2021).

His expert family practice covers both complex and high value matrimonial finance as well as disputes concerning children; he has co-authored leading practitioners' references, including Hong Kong Family Court Practice (2nd edition) and Hong Kong Family Court Tables.

Shaphan has appeared in the High Court and District Court in financial remedy proceedings involving third party claims, conduct arguments, unilateral assets, nuptial agreements, trust structures, enforcement and international issues.

He also acts in applications involving child custody and access arrangements, variation of access, permanent removal, international child abduction, non-removal orders, domestic violence orders, adoption, wardship and surrogacy.

An experienced mediator in family and children's matters, Shaphan also acts as an advocate in mediation and private Financial Dispute Resolution hearings (FDRs).

Shaphan's reported cases include:

- KCMA v ABC [2020] HKCFI 848 (litigation funding and trusts)
- FJ v DTD [2020] HKFC 50 (variation of custody)
- B, A v B, L [2019] 4 HKLRD 19 (leading appellate decision on permanent removal)
- BRS v LYY [2018] HKCFI 1524 (international child abduction matter)
- In the matter of G [2018] HKCFI 816 and on appeal in [2020] HKCA 307 (acted for the next friend in long running wardship proceedings)
- JMFC v DJH [2017] HKFC 128 (novel case concerning an application for permanent removal by a non-primary carer parent)
- Henderson v Henderson [2016] 6 HKC 382 (application to purge contempt)
- YPC v SSSL [2016] 1 HKC 257 (fair trial procedures for enforcement by judgment summons)

Commercial and Civil Practice

Shaphan's civil and commercial practice covers all areas of commercial litigation and advisory work, including:

- Asset tracing
- Complex commercial fraud
- Contractual disputes

- Cross-border disputes
- Employment matters
- Injunctions
- Insolvency
- Regulatory and disciplinary issues

Shaphan has also taught corporate law in the International and Commercial Law LLM program for the University of Greenwich.

Shaphan's reported cases include:

- Re Mahesh J Roy [2017] 5 HKLRD 830 (appeal on contempt from the Labour Tribunal)
- Re. Cars (Hong Kong) Limited [2016] HKCFI 1856 (trial on transfer and ownership of intellectual property)
- L.J. Smith, Inc. v Chancellor Precious Metals (VU) Ltd & Anor. [2014] HKCFI 2240 (leave to appeal a Mareva injunction in complex commercial fraud proceedings)

Shaphan has increasing expertise in representing parties in commercial arbitrations. He has a Master of Laws (with Distinction) in International Legal Studies and a Certificate in Arbitration & International Dispute Resolution from Georgetown University.

Mediation & ADR Practice

Shaphan is an experienced mediator. He completed mediation training with the Hong Kong Institute of Arbitrators and the Hong Kong Mediation Council.

Seminars

Alongside his teaching in commercial law, Shaphan is regularly invited to speak on all aspects of family law, including family court injunctions, domestic violence, child abuse and neglect, the Children Proceedings bill, expert evidence in children's cases and enforcement.

Publications

- Co-author, Duxbury etc.: Hong Kong Family Court Tables (2019 – present)
- Co-author, *Hong Kong Family Court Practice 2nd edition* (LexisNexis, 2015)
- Contributing editor, *The White Book* (Sweet & Maxwell, 2015 – present)
- Contributing editor, *Hong Kong Archbold* (Sweet & Maxwell, 2015 – present)