

LW6161E: COMPARATIVE COMPETITION LAW: CHINA, HKSAR AND THE US

Effective Term

Semester B 2024/25

Part I Course Overview

Course Title

Comparative Competition Law: China, HKSAR and the US

Subject Code

LW - Law

Course Number

6161E

Academic Unit

School of Law (FL)

College/School

School of Law (FL)

Course Duration

One Semester

Credit Units

3

Level

P5, P6 - Postgraduate Degree

Medium of Instruction

English

Medium of Assessment

English

Prerequisites

Nil

Precursors

Nil

Equivalent Courses

LW6161C and LW5561 Competition Law

Exclusive Courses

LW6561C and LW6561E Competition Law; LW5664 European Competition Law and Policy

Part II Course Details

Abstract

This course aims to conduct a systematic study of competition laws and regulations by using a comparative approach, comparing the relevant laws of China, Hong Kong Special Administrative Region, and the United States. It will deal with mainly three aspects, i.e., monopoly agreement, abuse of dominant position and market concentration. Students are expected to understand the competition policies behind the relevant competition laws and regulations, as well as the importance of consumer protection.

Course Intended Learning Outcomes (CILOs)

CILOs		Weighting (if app.)	DEC-A1	DEC-A2	DEC-A3
1	Identify, analyse and critically explain the substantive laws and regulations concerning anti-monopoly in China, HKSAR and the United States.	25	x		
2	Assess and scrutinize conducts that must be tackled in line with relevant laws and regulations as well as underlying policies.	25	x		
3	Analyse, compare and critically evaluate: - issues and concerns in the field of anti-monopoly law - the operation of the substantive anti-monopoly rules - the objectives of anti-monopoly law and the practical implications of the rules in the commercial/social context	25		x	
4	Apply the principles of anti-monopoly law to solve legal problems by: - researching on issues of anti-monopoly law - analysing and resolving problems concerning issues of anti-monopoly law - communicating their solutions coherently and accurately	25			x

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to real-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

Learning and Teaching Activities (LTAs)

LTAs		Brief Description	CILO No.	Hours/week (if applicable)
1	Lecture	Students will engage in formal lectures to gain knowledge about: - issues, concerns and aspects of the operation of the substantive rules applicable to anti-monopoly. - how legal problems are solved by applying principles and rules and comparing international legal principles related to anti-monopoly. Students will, by responding to questions and commenting on their classmates' presentations, develop their analytical and critical capabilities to discuss important issues of liability pertaining to topics covered in the syllabus.	1, 2, 3, 4	3

Assessment Tasks / Activities (ATs)

ATs		CILO No.	Weighting (%)	Remarks (e.g. Parameter for GenAI use)
1	Participation During lectures, students will be encouraged to participate in the discussion by expressing their views on the issues covered in the syllabus and commenting on their classmates' presentations. Students have to demonstrate their understanding of the concepts of competition law.	1, 2, 3, 4	10	The use of Generative AI tools is not allowed.

2	Presentation Students are expected to work in groups and give a presentation in lectures. Students will be encouraged to conduct innovative research for the presentations. The presentation aims to assess students' ability to apply the concepts learned to critically analyse and evaluate competition law literature.	1, 2, 3, 4	40	The use of Generative AI tools is not allowed.
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Continuous Assessment (%)

50

Examination (%)

50

Examination Duration (Hours)

2

Additional Information for ATs

Examination: Students will need to show their understanding and mastery of the foundational concepts of competition law, and their interaction inter se. The use of Generative AI tools is not allowed.

Applicable to students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

Applicable to students admitted from Semester A 2022/23 in Summer Term 2024

Students must obtain a minimum mark of 50% in both coursework and examination and an overall mark of 50% in order to pass the course.

Assessment Rubrics (AR)**Assessment Task**

Participation and presentation (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and to discuss questions.
- Ability to engage in analysis and to offer innovative solutions.

Excellent

(A+, A, A-) Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.

Good

(B+, B, B-) Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.

Fair

(C+, C, C-) Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.

Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Examination (for students admitted before Semester A 2022/23 and in Semester A 2024/25 & thereafter)

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- Demonstration of understanding of principles, theories and concepts.
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Marginal

(D) Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.

Failure

(F) Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Assessment Task

Participation and presentation (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and to discuss questions.
- Ability to engage in analysis and to offer innovative solutions.

Excellent

(A+, A, A-) Significant

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Assessment Task

Examination (for students admitted from Semester A 2022/23 to Summer Term 2024)

Criterion

- Demonstration of understanding of principles, theories and concepts.
- Demonstration of ability to identify issues.
- Application of knowledge to specific problems and to discuss questions.
- Ability to engage in analysis and to offer innovative solutions.

Excellent

(A+, A, A-) Significant

Good

(B+, B) Significant

Marginal

(B-, C+, C) Moderate

Failure

(F) Inadequate

Part III Other Information

Keyword Syllabus

Legal structure and economic realities; elementary regulation; monopoly and market performance; monopoly agreement; market concentration; abuse of dominant position; administrative monopoly; anti-monopoly law in China, HKSAR and the US.

Detailed Syllabus

- Week 1. Competition economics
- Week 2. Competition economics (cont'd)
- Week 3. Introduction to competition law
- Week 4. Anticompetitive agreements (Horizontal)
- Week 5. Anticompetitive agreements (Vertical)
- Week 6. Leniency program
- Week 7. Market definition & market power
- Week 8. Monopolization
- Week 9. (reading week)
- Week 10. Private antitrust enforcement
- Week 11. Mergers & big techs
- Week 12. Other selected topic(s) relating to antitrust
- Week 13. Review section

Reading List

Compulsory Readings

Title	
1	Nil

Additional Readings

Title	
1	Major Reading
2	Xiaoye Wang, Competition Law in China (Wolters Kluwer, 3rd Edition)
3	Other Readings
4	Thomas Cheng & Kelvin Kwok, Hong Kong Competition Law - Comparative and Theoretical Perspectives (Cambridge, 2021)
5	Angela Zhang, Chinese Antitrust Exceptionalism (Oxford, 2021)
6	Wendy Ng, The Political Economy of Competition Law in China (Cambridge, 2018)
7	Sandra M. Colino, Competition Law of the EU and the UK (Oxford, 8th edition)
8	Herbert Hovenkmap Principles of Antitrust (West Academic, 2nd edition)