

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester A 2017/18

Part I Course Overview

Course Title: Chinese and Comparative Competition Law

Course Code: LW6161C

Course Duration: One semester

Credit Units: 3

Level: P6

Medium of Instruction: English

Medium of Assessment: English

Prerequisites:
(Course Code and Title) Nil

Precursors:
(Course Code and Title) Nil

Equivalent Courses:
(Course Code and Title) LW6161E and LW5561 Competition Law

Exclusive Courses:
(Course Code and Title) LW6561C and LW6561E Competition Law

Part II Course Details

1. Abstract

This course aims to conduct systematic study of Chinese competition laws and regulations by using comparative approach. It will deal with mainly four aspects, i.e., monopoly agreement, abuse of dominant position, market concentration and administrative monopoly. Students are expected to understand the competition policies behind the relevant competition laws and regulations, as well as the importance of consumer protection.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Identify, analyse and critically explain the substantive laws and regulations concerning anti-monopoly and consumer protection in the PRC and in other jurisdiction.	25%	√		
2.	Assess and scrutinize conducts that must be tackled in line with relevant laws and regulations as well as underlying policies.	25%	√		
3.	Analyse, compare and critically evaluate: <ul style="list-style-type: none"> ❖ issues and concerns in the field of anti-monopoly law ❖ the operation of the substantive anti-monopoly rules ❖ the objectives of anti-monopoly and consumer protection law and the practical implications of the rules in the commercial/social context 	25%		√	
4.	Apply the principles of anti-monopoly and consumer protection law to solve legal problems by: <ul style="list-style-type: none"> ❖ researching on issues of anti-monopoly law ❖ analysing and resolving problems concerning issues of anti-monopoly law ❖ communicating their solutions coherently and accurately 	25%			√
		100%			

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 self-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.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.				Hours/week (if applicable)
		1	2	3	4	
	<ul style="list-style-type: none"> Students will acquire knowledge of the substantive anti-monopoly rules and policies. Preparation outside the class. <p><i>Seminars by the instructor</i></p> <ul style="list-style-type: none"> Students will be given guidance on their reading and research for their seminars and presentations. Students will, by responding to questions and performing exercises, develop their analytical and critical capabilities discuss important issues of liability pertaining to topics covered in the syllabus. <p><i>Seminars</i></p> <ul style="list-style-type: none"> Instructor will introduce students to issues, concerns and aspects of the operation of the substantive rules applicable to anti-monopoly and consumer protection laws. Instructor will show how legal problems are solved by applying principles and rules and compare international legal principles related to anti-monopoly and consumer protection law. <p>Preparation for seminars</p> <ul style="list-style-type: none"> Students will research issues of anti-monopoly law. <p>Presentations</p> <ul style="list-style-type: none"> If class size is allowed, students will give presentations on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of anti-monopoly and consumer protection law and provide a comparative aspect. 	√	√	√	√	3

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.				Weighting	Remarks
	1	2	3	4		
Continuous Assessment: 40%						
Coursework and presentation will test students' ability to research, analyse and critically evaluate some issues and problems in the field		√	√		40%	
Examination 60% (duration: 3 hours)						
					100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

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.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
1. Coursework and/or presentation	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.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
2. Examination	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.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

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

1.2 Detailed Syllabus

1. A general introduction to the interaction between the legal structure and economic realities;
2. A further introduction to the nature of monopoly and the distinction between monopoly and monopolizing conduct;
3. A detailed discussion and evaluation of monopoly agreement;
4. A detailed discussion and evaluation of abuse of dominant market position;
5. A detailed discussion and evaluation of market concentration;
6. A detailed discussion and evaluation of administrative monopoly;
7. A detailed discussion and evaluation of specific issues such as per se violation and rule of reason, and extraterritorial jurisdiction.

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Major Readings

Antitrust Law and Practice in China and Hong Kong
GU, Minkang
Wolters Kluwer Hong Kong Limited (2016)

Other Readings

1. **Competition law in China: laws, regulations, and cases / Peter J. Wang, Sébastien J. Evrard, Yizhe Wang, Peter J., author.**
Oxford, United Kingdom : Oxford University Press, 2014.
2. **Competition law and financial services / David Harrison.**
Harrison, D. M. (David M.), 1955- author.
Milton Park, Abingdon, Oxon; New York, NY: Routledge, 2014.
3. **Landmark cases in competition law: around the world in fourteen stories / edited by Barry Rodger.**
Alphen aan den Rijn, the Netherlands: Kluwer Law International, c2013.

4. **EU and US competition law, divided in unity? The rule on restrictive agreements and vertical intra**
Nagy, Csongor István, 1979-
Farnham, Surrey ; Burlington, VT : Ashgate, c2013.
5. **Competition law and intellectual property: a European perspective / edited by Giandonato Caggiano,**
Alphen aan den Rijn: Wolters Kluwer Law & Business; Frederick, MD: Sold and distributed in North, Central and South America by Aspen Publishers, Inc., c2012.
6. **Competition law in China / Xiaoye Wang [and] Jessica Su.**
Alphen aan den Rijn, The Netherlands: Kluwer Law International; Frederick, MD: Sold and distributed in North, Central, and South America by Aspen Publishers, c2012.
7. **Competition law in the BRICS countries / edited by Adrian Emch, Jose Regazzini, Vassily Rudomino.**
Alphen Aan Den Rijn: Wolters Kluwer Law & Business; Frederick, MD: Sold and distributed in North, Central and South America by Aspen Publishers, Inc., c2012.
8. **Market power in EU antitrust law / Luis Ortiz Blanco; translated by Andrew Read.**
Ortiz Blanco, Luis.
Oxford; Portland, Or. : Hart, 2012.
9. **Research handbook on the economics of antitrust law / edited by Einer Elhauge.**
Cheltenham: Edward Elgar, c2012.
10. **ASEAN competition law / general editors, Robert Ian McEwin, Kala Anandarajah.**
Singapore: LexisNexis, 2011.
11. **Antitrust law and economics / edited by Keith N. Hylton.**
Cheltenham, UK; Northampton, MA: Edward Elgar Publishing, 2010.
12. **European antitrust law: prohibitions, merger control and procedures / Lorenzo Federico Pace.**
Pace, Lorenzo Federico.
Cheltenham, U.K: Edward Elgar, c2007.