

City University of Hong Kong

Course Syllabus

**offered by School of Law
with effect from Semester B 2023/24**

Part I Course Overview

Course Title:	<u>Comparative Competition Law: China, HKSAR and the US</u>
Course Code:	<u>LW6161E</u>
Course Duration:	<u>One semester</u>
Credit Units:	<u>3</u>
Level:	<u>P6</u>
Medium of Instruction:	<u>English</u>
Medium of Assessment:	<u>English</u>
Prerequisites: <i>(Course Code and Title)</i>	<u>Nil</u>
Precursors: <i>(Course Code and Title)</i>	<u>Nil</u>
Equivalent Courses: <i>(Course Code and Title)</i>	<u>LW6161C and LW5561 Competition Law</u>
Exclusive Courses: <i>(Course Code and Title)</i>	<u>LW6561C and LW6561E Competition Law</u>

Part II Course Details

1. 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.

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 in China, HKSAR and the United States.	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 law and the practical implications of the rules in the commercial/social context 	25%		√	
4.	Apply the principles of anti-monopoly 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	
	<p>Seminars:</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. Instructor will show how legal problems are solved by applying principles and rules and compare international legal principles related to anti-monopoly. Students will be given guidance on their reading and research for their seminars and presentations. 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. <p>Presentations:</p> <ul style="list-style-type: none"> Students will give presentations on selected topics in which they will scrutinise, analyse and evaluate issues and concerns in the field of anti-monopoly 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: 50%						
<p><i>Participation</i></p> <p>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'</p>	√	√	√	√	10%	The use of Generative AI tools is not allowed.

presentations. Students have to demonstrate their understanding of the concepts of competition law.						
<i>Presentations</i> Students are expected to work in groups and give presentations in lectures. Students will be encouraged to conduct innovative research for the presentations. These presentations aim to assess students' ability to apply the concepts learned to critically analyse and evaluate competition law literature.	√	√	√	√	40%	The use of Generative AI tools is not allowed.
Examination 50% (duration: 2 hours)						
Students will need to show their understanding and mastery of the foundational concepts of competition law, and their interaction <i>inter se</i> .	√	√	√	√	50%	The use of Generative AI tools is not allowed.
					100%	

Applicable to students admitted in Semester A 2022/23 and thereafter

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.

Applicable to students admitted before Semester A 2022/23

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.)

Applicable to students admitted in Semester A 2022/23 and thereafter

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B)	Marginal (B-, C+, C)	Failure (F)
Participation and presentation	<ul style="list-style-type: none">- 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.	High	Significant	Moderate	Inadequate
Examination	<ul style="list-style-type: none">- 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.	High	Significant	Moderate	Inadequate

Applicable to students admitted before Semester A 2022/23

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Participation and presentation	<ul style="list-style-type: none"> - 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.
Examination	<ul style="list-style-type: none"> - Demonstration of understanding of principles, theories and concepts. - Demonstration of ability to identify issues. - Application of 	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the	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.

	knowledge to specific problems and to discuss questions. - Ability to engage in analysis and to offer innovative solutions.	knowledge base.	literature.	material.		
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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; anti-monopoly law in China, HKSAR and the US.

1.2 Detailed Syllabus

- Week 1. Introduction to competition law
- Week 2. Competition Economics
- Week 3. Competition Economics (cont'd)
- Week 4. Anticompetitive agreements (Horizontal)
- Week 5. Anticompetitive agreements (Vertical)
- Week 6. Leniency program
- Week 7. Market Power
- Week 8. Monopolies
- Week 9. (reading week)
- Week 10. Private antitrust enforcement
- Week 11. Mergers & big techs
- Week 12. Empirical research & antitrust
- Week 13. Review section

2. Reading List

2.1 Recommended Readings

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

Major Readings

Xiaoye Wang, *Competition Law in China* (Wolters Kluwer, 3rd Edition)

Other Readings

1. Thomas Cheng & Kelvin Kwok, *Hong Kong Competition Law—Comparative and Theoretical Perspectives* (Cambridge, 2021)
2. Angela Zhang, *Chinese Antitrust Exceptionalism* (Oxford, 2021)
3. Wendy Ng, *The Political Economy of Competition Law in China* (Cambridge, 2018)
4. Sandra M. Colino, *Competition Law of the EU and the UK* (Oxford, 8th edition)
5. Herbert Hovenkmap, *Principles of Antitrust* (West Academic, 2nd edition)