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Hong Kong: Global Competition Law Forum Asia

27th June 2014, Hyatt Regency HK

Chairperson: David Stallibrass, Kluwer Law Author
and Senior Research Fellow, Shanghai Jiaotong University

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SPEAKERS



David Stallibrass
Kluwer Law Author
and Senior Research Fellow,
Shanghai Jiaotong University.
Chairperson



Rose Webb
Senior Executive Director,
Competition Commission,
Hong Kong
Keynote Speaker



Stephen Mavroghenis
Head, Shearman & Sterling
and Co-head of the Global
Antitrust Group, Shearman &
Sterling Brussels



Ragnath Kesavan
Commissioner,
Malaysia Competition
Commission;
Barrister-at-law,
Gray's Inn



Sharon Pang
Principal
Charles River Associates
Washington D.C.



Clara Ingen-Housz
Head of the Linklaters Asia
Antitrust Practice



Herbert Fung
Director
(Business and Economics),
Competition Commission of
Singapore (CCS)



Zhan Hao
Managing Partner
Anjie Law Firm
China



Sanghoon Shin
Partner (Senior Foreign
Legal Advisor) Antitrust
& Competition Law
Bae, Kim & Lee



Christopher To
Executive Director
Hong Kong
Construction Industry
Council



HMBC Rikrik Rizkiyana
Assegaf Hamzah and Partners
Indonesia



Miguel Rato
Partner
Shearman & Sterling
Brussels



Eva Crook-Santner
Senior Associate
Baker & McKenzie
Hong Kong



Jonty Lim
Director
Legal Counsel
KPMG China



Stephen Crosswell
Head of Antitrust
Practice, Clifford
Chance, Hong Kong
**Moderator –
1st Grand Panel**



Belinda Lee
Partner
Latham Watkins



Nathan Bush
Partner
O'Melveny & Myers
**Moderator –
2nd Grand Panel**



Raymond Goh
Vice President
Legal
Barclays Bank PLC

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SCHEDULE

9:00am - 9:15am	Chairman's Opening Address – David Stallibrass
9:15am - 9:45am	Hong Kong Competition Law Update 2014 Keynote Speaker: Rose Webb, Senior Executive Director, Competition Commission, Hong Kong
9:45am - 10:15am	HK and China Competition Law Developments – Guiding International Companies Through HK Law. Section 1 – Eva Crook-Santner, Baker Mckenzie
10:15am - 10:45am	Software Products – IP and Anti Trust Law Issues Section 2 – Miguel Rato, Partner, Shearman & Sterling, Brussels
10:45am - 11:20am	Networking & Morning Refreshment
11:20am - 11:45am	Merger Review in Asian Competition Regimes Nathan Bush, Partner, O'Melveny & Myers
11:45am - 12:15pm	When U.S. Antitrust Laws and International Comity Collide Section 4 – Belinda Lee, Partner, Latham Watkins

Hyatt Regency HK

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12:15pm - 12:45pm	Pricing Issues across Asia Section 5 – Clara Ingen-Housz, Head of the Linklaters Asia Antitrust Practice
12:45pm - 2:00pm	Lunch
2:00pm - 2:40pm	1st Grand Panel – Compliance Issues, Choosing External Competition Lawyers, Inhouse Counsel Objectives, What practitioners can offer! Inhouse counsel and Practitioners Give Their Expert Views Moderator: Stephen Crosswell, Head of Antitrust Practice, Clifford Chance, Hong Kong Panellists: - Raymond Goh, Vice President, Legal, Barclays Bank PLC - Belinda Lee, Partner, Latham Watkins - Jonty Lim, Director, Legal Counsel, KPMG China - Sharon Pang, Principal, Charles River Associates
2:40pm - 3:10pm	Cartels – Problems and Issues China, Europe and US Section 6 – Stephen Mavroghenis, Head of Shearman & Sterling and Co-head of the Global Antitrust Group, Shearman & Sterling Brussels
3:10pm - 3:30pm	Assessing Substantive Market Power in Antitrust Analysis from an Economist’s Perspective Sharon Pang, Principal, Charles River Associates
3:30pm - 3:50pm	Short Break & Afternoon Refreshment
3:50pm - 4:15pm	Competition Law in Construction – HK and Asia Christopher To, Executive Director Hong Kong Construction Industry Council
4:15pm - 5:00pm	Regional Updates and Enforcement - Panel Discussion and Closing Remarks Moderator: Nathan Bush, Partner, O'Melveny & Myers Panelists: - Herbert Fung, Director, Competition Commission of Singapore - Zhan Hao, Managing Partner, Anjie Law, China - Sanghoon Shin, Partner, BKL, Korea - HMBC Rikrik Rizkiyana, Assegaf Hamzah and Partners, Indonesia - Rangunath Kesavan, Commissioner, Malaysia Competition Commission; Barrister-at-law, Gray's Inn, Malaysia
5:10pm	Networking Cocktail

basis

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Networking Lunch and refreshments included through-out the day

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SPEAKER PROFILES

Clara Ingen-Housz, Head of the Linklaters Asia Antitrust Practice

Clara is the head of the Linklaters Asia antitrust practice, based in Hong Kong. She specialises in advising multinational companies on Asian competition law issues, and Asian companies on global antitrust matters. Her experience of close to 15 years spans three continents. In Europe, Clara was a member of the Competition Department of the Legal Service at the European Commission, advising and litigating on behalf of the EU Commission on merger, cartel and abuse cases in a wide range of industries. In the United States, Clara practised for close to ten years at top-tier New York firms, focusing on US merger control and private antitrust litigation. Since moving to Hong Kong in 2010, Clara has developed a strong regional competition practice with specific expertise in China and Hong Kong. She is connected to the regulators across the region and has been involved in transactions and investigations in a number of jurisdictions, including China, Singapore, Vietnam, Indonesia, Korea, Taiwan and Australia. She has significant experience in multijurisdictional merger filings, anti-competitive agreements, dominant firm analysis, distribution network structuring and compliance. She also has a broad array of industry knowledge, including in the pharmaceutical, energy/natural resources, airline, retail and IT sectors.

Nathan G Bush, Partner, O'Melveny & Myers LLP

Nathan G. Bush ("Nate") is a partner in the Beijing and Singapore offices of O'Melveny & Myers LLP. Nate's practice focuses on regulatory investigations, commercial disputes, and litigation concerning antitrust and competition, fraud and corruption, and international trade. In the competition field, Nate represents clients in connection with U.S. antitrust matters, and provides strategic counseling regarding merger notifications, compliance strategies, and enforcement risks under Asian competition regimes. He frequently publishes and speaks on competition and trade policy in Asia, and authored the China chapter of the ABA treatise on COMPETITION LAWS OUTSIDE THE UNITED STATES. He is active in the American Chamber of Commerce in China, serving as Legal Committee Chairman in 2008 and as General Counsel from 2009 through 2011. Nate is a graduate of the Harvard Law School and the University of Virginia, and he clerked for the Honorable Leonie Brinkema, U.S. District Court, Eastern District of Virginia.

Rose Webb, Senior Executive Director, Competition Commission, Hong Kong

Ms. Rose Webb was appointed to the position of Senior Executive Director of the Competition Commission (CC) in April 2014. Immediately prior to her appointment to CC, Ms. Webb was Executive General Manager, Mergers and Adjudication at the Australian Competition and Consumer Commission (ACCC). She previously held the position of General Manager, Enforcement Co-ordination at the ACCC. Throughout her career Ms. Webb has worked in the Australian public sector with wide exposure at Australian federal government departments and regulatory authorities such as the ACCC and the Australian Securities and Investments Commission (ASIC). She has degrees in Economics and Law from the Australian National University and a Masters of Law from Sydney University.

Eva Crook-Santner, Senior Associate, Baker & McKenzie Hong Kong

Eva Crook-Santner is a senior associate in Baker & McKenzie's Hong Kong office specializing in Hong Kong and PRC competition law. Prior to relocating to Hong Kong, she spent several years in Baker & McKenzie's London office, working on various competition law matters. She has also worked as a competition lawyer in Brussels, including a secondment to DG Competition, European Commission.

Eva advises on a wide range of Hong Kong, PRC and EU competition law issues. These include merger control, competition investigations, distribution systems, abuse of dominance, joint ventures, issues relating to intellectual property and competition law and general competition compliance. In regard to Hong Kong Eva has actively been assisting a number of companies in regard to compliance with the new legislation.

Eva received a M.A. degree from the University of Oxford continuing on to BPP Law School. More recently she completed a Graduate Diploma in Competition Law at the University of London, King's College.

David Stallibrass, Kluwer Law Author and Senior Research Fellow, Shanghai Jiaotong University

David is a Senior Research Fellow at the Koguan Law School of Shanghai Jiaotong University and is a director at Fingleton Associates in the UK. He provided expert testimony in the dispute between Tencent QQ and Qihoo 360 at the Guangdong High Court and has advised on numerous projects for both public and private clients in China. David is also the director of the UK governments capacity building program for PRC anti-monopoly issues.

Before moving to China, David was a Director at the UK Office of Fair Trading. David was responsible for competition enforcement and consumer protection in the professional services industry. David holds an undergraduate degree from Oxford, a masters degree from the London School of Economics and has over 12 years experience as a practicing economist.

Cathy Palmer, Partner, Hong Kong, Latham & Watkins

Catherine E. Palmer, a partner in the Hong Kong office of Latham & Watkins, is a member of the White Collar Defense and Government Investigations Practice and the Antitrust and Competition Practice. Ms. Palmer is the former Co-chair of the White Collar Defense and Government Investigations Practice and the former Vice Chair of the global Litigation Department.

Ms. Palmer focuses her practice on the representation of multinational companies involved in criminal or regulatory investigations throughout the world, with an emphasis on global antitrust cartel investigations and global corruption/bribery investigations. As part of her practice, Ms. Palmer has interacted with regulators throughout the world on behalf of clients, including regulators in the US, the EU, the UK, Singapore, Japan, Korea and Australia.

Previously, Ms. Palmer served in the US Department of Justice where she held various roles, including Special Assistant to the US Attorney General; Chief of the Criminal Division; and Assistant United States Attorney, in the US Attorney's Office, Eastern District of New York.

Herbert Fung, Director (Business and Economics), Competition Commission of Singapore (CCS)

Herbert Fung is Director (Business and Economics) at the Competition Commission of Singapore (CCS), where he supervised a range of cases including SISTIC's abuse of dominance, the Singapore Medical Association Guidelines of Fees, the undertakings by Coca-Cola and the alliance between Qantas and Emirates Airlines. Prior to joining CCS in 2008, he was Senior Economic Advisor at the Office of Telecommunications Authority in Hong Kong, and before that, Associate (Equity Research) at Credit Suisse. Herbert graduated with a dual-degree in economics and statistics from the University of Chicago, and holds a post-graduate diploma in EU Competition Law from King's College London.

Zhan Hao, Managing Partner, Anjie Law Firm, China

His representative experience includes: merger antitrust filing in MOFCOM, defense of investigation on monopoly agreements (cartels) and abuse of dominance, antitrust private litigation, antitrust compliance, antitrust analysis from economic perspective, anti-unfair competition.

Providing merger filings for American, German, Australian, Canadian, Japanese, Korean, Indian and Chinese enterprises in a broad range of sectors, including machinery, IT, mining, food, pharmacy, energy, financing, telecommunicating etc; Making strategic analysis for enterprises

with respect to Chinese governments' policies towards cartels, concentration, abuse of dominant position, administrative monopoly; Defending of enterprises against antitrust investigations; Antitrust-filing for Chinese enterprises for their M&A in EU countries, America, Australia, Japan, Canada and South Korea: Helping foreign companies with security review in their merger in China; Representing clients in antitrust private litigation; Compiling antitrust compliance brochure or antitrust guidelines for multinational and state-owned enterprises; Offering antitrust analysis for domestic clients from economic perspective; Dr. Zhan is listed as Professional Antitrust Lawyer by a number of ranking institutions as Chambers & Partners, PLC. He was invited to deliver a series of lectures on PRC insurance law and PRC Anti-monopoly Law (AML) via the training website (<http://training.mofcom.gov.cn>). Currently, AnJie Antitrust and Competition Department is one of the biggest antitrust team in China.

Sanghoon Shin, Partner (Senior Foreign Legal Advisor) Antitrust & Competition Law New York Bar Association

Mr. Sanghoon SHIN, admitted to New York Bar, is a foreign legal advisor of Bae, Kim & Lee LLC. He passed the 40th higher civil service examination and began to work with the Fair Trade Commission (FTC) as a public official in February 1998. He worked at the FTC (in International Cooperation Division, Mergers and Acquisitions Team, and Institutional Improvement Planning Task Force), planning and implementing various cases/policies related to fair trade until April 2007. Since joining Bae, Kim & Lee LLC in April 2007, he has advised on various fair trade cases, such as mergers and acquisitions, cartels, unfair trade practices, abuse of dominant market position, and unfair supports. In particular, he has focused on providing foreign companies with legal services related to fair trade. He served as a legal advisor (on fair contents trade) to Korea Creative Content Agency. He enjoys contributing to fair trade journals including Competition Journal, and often gives lectures on fair trade companies, law schools and academia.

Stephen Mavroghenis, Head, Shearman & Sterling and Co-head of the Global Antitrust Group, Shearman & Sterling Brussels

Stephen Mavroghenis is head of Shearman & Sterling's Brussels office and co-head of the Global Antitrust Group. His practice focuses on competition law and policy.

Stephen's practice focuses on EU and UK competition law, in addition to EU regulatory and intellectual property law. Stephen has extensive experience in the aviation, chemicals, energy, high-tech and information technology, pharmaceuticals and medical devices, manufacturing, and media and entertainment industries. He regularly appears in proceedings before the European Commission and the European Courts in Luxembourg. He also appears before the national competition authorities of several member states. Stephen regularly advises multinational corporations on international mergers, acquisitions, joint ventures and corporate takeovers and defends clients against allegations of cartel participation and abuses of dominance, including issues relating to refusals to deal/license, intellectual property rights, rebates, predatory and excessive pricing. Stephen also regularly counsels clients on a broad variety of business practices including licensing and supply agreements, distribution, agency and the establishment and maintenance of compliance programs.

Stephen has published widely on competition issues and is a contributor to multiple legal publications, and is a frequent speaker on competition law and policy.

Miguel Rato, Partner, Shearman & Sterling Brussels

Miguel Rato is a partner in the firm's Brussels office where his practice focuses on EU competition law. He advises clients on a wide array of contentious and non-contentious EU competition law issues, with a particular focus on unilateral conduct matters, transactions, and IP licensing in high-tech industries. His experience also encompasses EU merger control and State aid investigations.

Miguel has been involved in some of the leading competition cases in high-tech industries and at the intersection of IP and competition law, including the European Commission's five-year Article 102 investigation into Qualcomm (which garnered the Legal Business award for Competition Team of the Year 2010) and the European Commission's investigation of Microsoft's conduct regarding the Internet Explorer browser.

Christopher To, Executive Director, Hong Kong Construction Industry Council

Christopher To is the Executive Director Construction Industry Council, a statutory body in Hong Kong tasked among other functions to advise and make recommendations to the Government on strategic matters, major policies and legislative proposals, that may affect or are connected with the construction industry, and on matters of concern to the construction industry. As former Secretary-General of the Hong Kong International Arbitration Centre, he managed to elevate Hong Kong's status as the regional dispute resolution hub of Asia by increasing the number of international dispute cases being referred to Hong Kong for amiable resolution as well as creating the Asian Domain Name Dispute Resolution Centre, a body that has gain international prominence within the dot.com community as a reliable, trustworthy, independent and reputable entity that manages domain name disputes. In recognition of his outstanding leadership and his contribution to the community, in 2001 he was honored as the youngest Director of the Year in Hong Kong and in 2007 he was honored as a Young Global Leader by the World Economic Forum. Christopher holds qualifications in computing, engineering and law. He is a recognized authority on alternative dispute resolution techniques and is a sought-after speaker/moderator at international forums. He holds Adjunct Professorships from leading Universities and is on the board of various organisations ranging from education to research and development.

HMBC Rikrik Rizkiyana, Assegaf Hamzah and Partners, Indonesia

Prior to joining Assegaf Hamzah and Partners, Rikrik was co-founder of boutique competition firm Rizkiyana & Iswanto, one of only two antitrust practices in Indonesia listed by Global Competition Review as being in the "Elite" category. Amongst his experiences, he assisted Ministry of Trade and Industry to prepare the White Paper for the Trade Act, which later evolved into current Competition and Consumer Protection Acts. Further, he served as a consultant to the World Bank in assisting the Indonesia Competition Authority (KPPU) and later as the KPPU's Deputy Director of Law Enforcement. His writings have appeared in such respected publications as ABA Handbooks, European Lawyers Series, and Asia-Pacific Antitrust Review. And not only engaged in the ABA Antitrust Law Sections, Rikrik also involved in Indonesian Competition and Consumer Law Community the ASEAN Competition Institute, and the University of Indonesia's Institute of Competition Studies.

Ragunath Kesavan, Commissioner, Malaysia Competition Commission; Barrister-at-law, Gray's Inn

Ragunath Kesavan was admitted to the High Court of Malaya as an Advocate and Solicitor in 1991. He is also a Barrister-at-law of Gray's Inn and was called to the Bar of England & Wales in 1990. Ragunath Kesavan graduated with a BSc degree in Genetics from University of Malaya in 1985, LLB from University of Wales Aberystwyth in 1989 and LLM from University of Malaya in 1995. He was awarded the Calcott Pryce Award in Public International Law in his LLB finals and graduated with a 2.1 degree.

He was elected President of the Malaysian Bar for 2 terms from 2009 to 2011. In his tenure as the President, amongst the numerous rule of law initiatives the Malaysian Bar had successfully pushed for was the formation and the implementation of the National Legal Aid Foundation, an initiative which now provides legal aid throughout Malaysia. He is currently the Chair of the Malaysian Bar's Professional Indemnity Insurance Committee, a position he has held for 7 years. He was appointed to the Panel of Arbitrators for the Kuala Lumpur Regional Centre for Arbitration in 2010 and also appointed to the Panel of Adjudicators of the Kuala Lumpur Regional Centre for Arbitration.

Ragunath Kesavan is currently serving a second term as a member of the Malaysian Competition Commission to which he was appointed in 2011.

Sharon Pang, Principal, Charles River Associates, Washington D.C.

Dr. Sharon Pang is a Principal in the Competition Practice of Charles River Associates. Based in Washington D.C., she has almost 20 years of experience advising client attorneys and corporations in antitrust litigation matters spanning a wide range of industries. She has assessed antitrust liability and calculated damages, submitted written declarations to U.S. federal courts in support of legal motions, prepared economic expert reports, and provided recommendations to client attorneys in the deposition of opposing experts. Dr. Pang has also advised client attorneys in connection with merger review and investigation by US antitrust agencies and the European Commission. Prior to joining Charles River Associates, Dr. Pang was a client specialist at the antitrust department of Skadden, Arps, Slate, Meagher and Flom LLP, and a faculty member at Cornell University's Johnson Graduate School of Business. Dr. Pang received a Ph.D. and an M.A. in Economics from the University of California at Los Angeles, and a B.A. in Economics from Pacific Lutheran University in the State of Washington.

Jonty Lim, Director, Legal Counsel, KPMG China

Jonty is a member of KPMG's Transactions & Restructuring Services team in Hong Kong. Jonty has over 10 years of experience in Hong Kong, Singapore and New York dealing with the flow and proprietary books of leading financial institutions and has also advised on a spectrum of capital markets transactions. He is also a member of the Firm's Economics and Regulation team in the competition economics arena.

Jonty has previously practiced with Shearman & Sterling in New York and Herbert Smith in Hong Kong. He began his career as a law academic at the School of Business, Hong Kong University of Science & Technology. He is currently a part time law lecturer at the City University of Hong Kong and also teaches at the HKICPA's Professional Diploma in Insolvency program.

Belinda Lee, Partner, Latham Watkins

Belinda has extensive experience representing Japanese, Taiwanese and other Asian companies in international antitrust cases, and has a particular expertise in U.S. antitrust class actions. She is currently the lead Defense Counsel in the Optical Disk Drive Antitrust Litigation, and is on the editorial board of ABA's Antitrust magazine. She is at the forefront of the latest issues in U.S. antitrust law, and would be able to talk about antitrust civil cases and class actions in the US, including the Motorola case in the 7th Circuit and the Vitamin C cases pending in the 2nd Circuit, both of which predominantly involve Asian companies.

Stephen Crosswell, Head of Antitrust Practice, Clifford Chance, Hong Kong

Stephen heads Clifford Chance's antitrust practice in Hong Kong and has over 18 years of experience, advising leading companies in the region on antitrust strategy, compliance and disputes. Stephen works across a broad range of sectors and has advised on some of the most significant antitrust litigation and compliance matters in the region, including in Hong Kong, South East Asia, Australia and New Zealand. Stephen is also instrumental in policy formulation, advising on antitrust policy negotiations with governments to implement general and sector specific antitrust regulatory frameworks, including market liberalisation strategies.

Stephen is co-author of the leading Sweet & Maxwell text Competition Law in China and Hong Kong (published 2009) and author of the Hong Kong chapter of the Oxford University Press Handbook of Antitrust & Competition Law (published 2014). He has been named by Chambers Asia, Chambers Global and IFLR as a leading antitrust practitioner and has been ranked in Chambers Asia and Legal 500 for his telecoms and media regulatory work.

Raymond Goh, Vice President, Legal, Barclays Bank PLC

Raymond is a Vice President in the Legal department of Barclays Bank PLC where he focuses on capital markets transactions (DCM, ECM and M&A advisory), strategic initiatives and principal investments in Asia. Prior to joining Barclays, he was in private practice with one of the Magic Circle law firms and has worked in New York (United Nations), Hong Kong, Beijing, Shanghai and Singapore. His past experience includes several landmark transactions in China which were awarded the Restructuring Deal of the Year, M&A Deal of the Year and China Deal of the Year by various international legal publications. Raymond graduated from Columbia Law School and the University of Exeter Law School, and is fluent in English and Chinese.

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