

## **Journey of Herbert Smith Freehills Competition Law Moot 2016**

Team Members: Chiu Pok On Conrad Byron (PCLL), Leung Ka Wai (PCLL), Wong Wai Yee (PCLL), Chan Sze Hoi (LLB 4)

Coaches: Professor Thomas Cheng and Professor Kelvin Kwok



Our team and our dearest coach (left to right): Byron Chiu, Sunny Chan, Allison Wong, Kevin Leung and Professor Thomas Cheng

### **Before London**

The Team's story began with the Selection Round for the Competition Law Moot—which was held in around November 2015. Professor Thomas Cheng and Professor Kelvin Kwok asked interested students to prepare submissions based on previous year's Moot Questions. They selected the four of us. The Team, in Professor Kwok's words, 'have been extremely hard-working and conscientious from the outset!'

After the First Semester in December, the Team began to meet and discuss the Moot Problem. We met several times long before the deadline for written observations (early April). Shortly before the deadline, we had a hard time proofreading the contents and dealing with the formatting. We then waited for the results—in early May, we were notified that our Team could progress to the Oral Round in London.

After the Second Semester, we met frequently to prepare for the Oral Round. We also had practice sessions before barristers from DVC (Martin Kok, Christopher Chain and John Hui) and Temple Chambers (Abraham Chan) who have provided helpful comments. One day after the PCLL trial advocacy exam, the Team went to London on 15 June 2016.

### London—before moot (Day 1 and Day 2)

The Team arrived in London in the afternoon of 15 June 2016. We briefly prepared for the matches and got settled at the comfortable hotel. At night, we checked the list of judges—one would be Pablo Ibáñez Colomo, one of the most prominent scholars in EU competition law. Thus, on Day 2, we spent the morning finalizing the oral submissions in light of his writings. In the evening we attended the reception cocktail at Herbert Smith Freehills' office. The Team was greatly motivated by the cocktail to strive for excellence—the champion. We went through the submissions until around 2am.

### Preliminary round (Day 3)

In the preliminary round, each team played against two other teams in the same group (Group A for us), on Claimant side and Defendant side for once. The best two would proceed to the quarter-final. The venue was King's College London. Byron and Sunny (Claimant) faced the University of Maastricht (interestingly, the team consisted entirely of French exchange students), whilst Kevin and Allison (Defendant) faced Queen Mary University of London. We ranked the second in the preliminary round—and we knew we would play Defendant on the next day. After the preliminary round matches, we had some very intellectual time with Professor Cheng whose arguments had greatly assisted the Defendant side. We spent the rest of the day—until 3am next day—finalizing the Defendant's submissions.

### Successive rounds (Day 4)

Our opponent at the quarter-final in the morning was the University of Liege—which we barely won—it was such a tight match. We had 30 minutes before having the next match, the semi-final, in which we played the Claimant side. We were surprised at the [opponent\[SHC1\]](#)'s depth of research, but we managed to win. This match ended at around 2pm and the final would be at 4pm, to be held at the Competition Appeal Tribunal at Victoria House. After flipping coin, we chose the Claimant side against an earlier opponent—Queen Mary University. Everyone was excited.



Final's venue—Competition Appeal Tribunal

It was a nice match at the final—the video should be up on YouTube sometime later. It was really a strong panel of five judges: Dorothy Livingston, consultant at Herbert Smith Freehills; Alison Jones, Professor at King’s College London and writer of Jones and Sufrin on EU Competition Law; Bill Allan, Affiliated Lecturer at Cambridge University and former Member of the Competition Appeal Tribunal; Bill Kovacic, Visiting Professor at King’s College London and former Chairperson of the U.S Federal Trade Commission; and Mrs Justice Vivien Rose, Chairman of the Competition Appeal Tribunal and editor of Bellamy & Child: European Union Law of Competition (a leading EU competition law practitioner text). Judges intervened frequently with difficult questions, and our players demonstrated excellence in response. In particular, Byron handled questions from Bill Kovacic very well and remained humorous throughout. And Sunny has greatly engaged with the judges concerning complex competition law matters.



Judges at the final (from left to right): Bill Kovacic, Bill Allan, Vivien Rose, Dorothy Livingston and Alison Jones

And the Team made it—after some deliberation, the judges returned and announced Jaeger (our Moot Name) to be the winner—and revealed (if not already obvious from our appearance, accent and famous coach) that we came from HKU. We were also given the prize of Best Written Memoranda. As for the Best Advocate, there were some complications because of equal marks, but the prize finally went to Joe Ming San Lee, a former student of Professor Cheng at HKU, who went to King’s for LLM in competition law. The Team were delighted to meet him too.

We had a great time at the cocktail afterwards—we mingled with other teams and the judges. We met Joe Lee and the team from the National University of Singapore with whom we exchanged Facebook. We then went for a celebration dinner ourselves—during which we shared the happiness of winning and secrets during all these days. Professor Kwok was also excited about the winning—so was

everyone. Upon return to hotel, we still made jokes about the Moot—e.g. (although I expect no reader get the point) a Facebook user who never posts is a Non-Posting Entity (NPE and non-practising entity) and he ought to make a Friend (FRAND) offer to others.



Winning Team (i.e. 1<sup>st</sup> Place Oral Finals) and Best Written Memoranda

Day 5

Time flied and the Team broke up: to summer school in Europe, to family and friends in London, and to Hong Kong.

Day xxx

Time would fly and the Team would reunite in July and in the future.

*Written by Sunny Chan on 25 June 2016.*