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**Preface**

Producing pieces of writing is part of the routine work of a legal practitioner. However, it takes the application of the proverbial pen to paper for this legal practitioner to come to recognize the significantly different approach of academic legal writing, especially the crafting of a book for advancing knowledge in the law.

The premise of this book is that the courts of the Hong Kong Special Administrative Region (HKSAR)—according to the Basic Law of the HKSAR—have independent judicial power and the power to interpret the Basic Law. Working on the basis of the common law-based legal system maintained in the new order under the Basic Law, the HKSAR courts have interpreted the Basic Law as the HKSAR's constitution. Using the traction provided by the constitutionalization of the Basic Law, they have made and filled for themselves the role of a constitutional check on the executive and legislative branches of government to ensure that they act in accordance with the Basic Law, with the constitutional jurisdiction to invalidate executive decisions and legislation found to be inconsistent with the Basic Law.

Using a chronological narrative of the jurisprudence of the courts of the HKSAR, this book examines the exercise of judicial power in the HKSAR along three trajectories. The first tracks the challenges, put forward mainly by Mainland Chinese scholarship, to the legality and legitimacy of the constitutional jurisdiction of the courts of the HKSAR to review HKSAR legislation. This book examines and rebuts the arguments set out in this scholarship, while acknowledging that the HKSAR courts are vulnerable to the exercise of the power of interpretation by the Standing Committee of the National People's Congress (NPCSC) of certain provisions of the Basic Law touching upon the review of legislation and the adjudication of cases.

The second trajectory concerns the relationship between the HKSAR courts and the co-ordinate branches of government of the HKSAR: the executive authorities and the legislature. It is argued here the HKSAR courts have calibrated and tempered this review of legislation, including the countering of justification with deference and the innovation in remedies, to palliate the effect of judicial scrutiny.

The third trajectory is where the exercise of judicial power in the HKSAR impinges upon a national law element under the Basic Law, usually where the