
INFORMATION NOTE

Supplementary information on legal aid systems in selected places (as at 22 March 2010)

1. Background

1.1 The Panel on Administration of Justice and Legal Services has requested the Research and Library Services Division to provide supplementary information to the research report entitled "Legal aid systems in selected places" (RP01/08-09), in relation to the following aspects:

- (a) income level;
- (b) number of legal aid applications received and granted; and
- (c) updated figures of legal aid expenditure.

1.2 This information note provides information on the gross domestic product (GDP) per capita, the median household income, the number of legal aid applications, as well as legal aid expenditure per capita and per granted application in Hong Kong and the three selected places, i.e. England and Wales of the United Kingdom (UK), the Province of Ontario (Ontario) of Canada, and the State of New South Wales (NSW) of Australia.

2. Gross domestic product per capita

2.1 Table 1 shows the per capita GDP in the selected places and Hong Kong during the years 2005-2008. Since relevant statistics in England and Wales are not available, data of the UK is used instead. In addition, the per capita GDP figures in the UK and Ontario below are calculated by dividing the amount of GDP by the number of population in the respective years owing to the unavailability of the per capita data.

Table 1 – Per capita GDP in the selected places and Hong Kong

	Hong Kong	United Kingdom	Ontario of Canada	New South Wales of Australia
2005	HK\$202,928	£20,793 (HK\$261,888)	CAN\$42,850 (HK\$316,576)	AUS\$48,495 (HK\$340,483)
2006	HK\$215,158	£21,818 (HK\$274,798)	CAN\$44,198 (HK\$326,535)	AUS\$48,927 (HK\$343,516)
2007	HK\$233,245	£22,969 (HK\$289,295)	CAN\$45,723 (HK\$337,802)	AUS\$49,783 (HK\$349,526)
2008	HK\$240,327	£23,507 (HK\$296,071)	CAN\$45,472 (HK\$335,947)	Not available

3. Median/average household income

3.1 Statistics on the household income in the selected places and Hong Kong during the years 2005-2007 are shown in Table 2. It is worth noting that as the income measures in these places are expressed in different statistics, a direct comparison is not feasible. Since relevant statistics in England and Wales are not available, data of the UK is used in Table 2.

Table 2 – Median/average household income in the selected places and Hong Kong

	Hong Kong	United Kingdom	Ontario of Canada	New South Wales of Australia
	Median monthly household income	Average disposable household income per year	Median family after-tax income per year	Median equivalised disposable household income per week
Definition of statistical measure	Monthly household income refers to the total cash income (including earnings from all jobs and other cash incomes) received in the previous month by members of the household.	Disposable income is equal to gross income (sum of cash benefits and original income) minus income tax, employees' National Insurance contributions and Council tax.	After-tax income is total income (income from all sources), which includes government transfers, less income tax. It may also be called income after tax.	Disposable income is derived by deducting estimates of personal income tax and Medicare levy from gross income (sum of income from all sources). Equivalised disposable income is calculated by adjusting disposable income by the application of an equivalence scale, which can reflect the requirement for a larger household to have a higher level of income to achieve the same standard of living as a smaller household.

Table 2 – Median/average household income in the selected places and Hong Kong (cont'd)

	Hong Kong	United Kingdom	Ontario of Canada	New South Wales of Australia
2005	HK\$16,000	£26,039 (HK\$327,961)	CAN\$63,600 (HK\$469,877)	AUS\$565 (HK\$3,967)
in HK\$ per year	HK\$192,000	HK\$327,961	HK\$469,877	HK\$206,284
2006	HK\$17,000	£27,370 (HK\$344,725)	CAN\$63,800 (HK\$471,354)	Not available
in HK\$ per year	HK\$204,000	HK\$344,725	HK\$471,354	Not available
2007	HK\$17,500	£27,769 (HK\$349,751)	CAN\$65,900 (HK\$486,869)	AUS\$676 (HK\$4,746)
in HK\$ per year	HK\$210,000	HK\$349,751	HK\$486,869	HK\$246,792

4. Number of legal aid applications

4.1 Table 3 shows the number of legal aid applications and the grant rate in the selected places and Hong Kong during the years 2005-2009. Civil legal aid granted in England and Wales include "investigative help", a preparatory step before the grant of full representation, which is not reported in the legal aid statistics in Hong Kong and other selected places. While appeal cases are not included in the dataset of England and Wales, those of Hong Kong, Ontario and NSW are comprised of both trial and appeal cases. It should be noted that in Hong Kong, legal aid will be granted for criminal trial applications if it is in the interest of justice to do so, while for criminal appeals it is when there are reasonable grounds. Because of this difference in the grant criteria, the grant rate for criminal appeal applications is lower. Table 4 provides a breakdown of trial and appeal cases for criminal legal aid applications in Hong Kong.

Table 3 – Legal aid applications in the selected places and Hong Kong

		Hong Kong ⁽¹⁾	England and Wales	Ontario of Canada ⁽²⁾	New South Wales of Australia
2005-2006					
Received	Civil	16,806	194,795	262,152	19,314
	Criminal	4,162	589,643	85,535	45,836
	Total	21,126	784,438	347,687	65,150
Granted	Civil	8,656	155,065	62,510	14,369
	Criminal	2,666	582,794	66,380	42,553
	Total	11,407	737,859	128,890	56,922
Grant rate	Civil	51.5%	79.6%	23.8%	74.4%
	Criminal	64.1%	98.8%	77.6%	92.8%
	Total	54.0%	94.1%	37.1%	87.4%

Notes: (1) Figures in Hong Kong are in calendar year, i.e. figures in the years 2005 to 2008 respectively.

(2) The legal aid statistics contain data from both Legal Aid Ontario and legal aid clinics which are independent, non-profit organizations funded by the legal aid plan. Legal aid services provided by these clinics are primarily in "other" civil matters, particularly in the area of poverty law.

Table 3 – Legal aid applications in the selected places and Hong Kong (cont'd)

		Hong Kong ⁽¹⁾	England and Wales	Ontario of Canada ⁽²⁾	New South Wales of Australia
2006-2007					
Received	Civil	17,422	189,455	251,706	20,080
	Criminal	3,779	539,472	86,282	49,188
	Total	21,201	728,927	337,988	69,268
Granted	Civil	9,356	151,247	66,733	15,410
	Criminal	2,357	533,564	62,270	45,939
	Total	11,713	684,811	129,003	61,349
Grant rate	Civil	53.7%	79.8%	26.5%	76.7%
	Criminal	62.4%	98.9%	72.2%	93.4%
	Total	55.2%	93.9%	38.2%	88.6%

Notes: (1) Figures in Hong Kong are in calendar year, i.e. figures in the years 2005 to 2008 respectively.

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Table 3 – Legal aid applications in the selected places and Hong Kong (cont'd)

		Hong Kong ⁽¹⁾	England and Wales	Ontario of Canada ⁽²⁾	New South Wales of Australia
2007-2008					
Received	Civil	15,598	172,420	248,005	21,289
	Criminal	3,765	573,036	84,832	52,605
	Total	19,363	745,456	332,837	73,894
Granted	Civil	7,937	137,963	61,714	16,129
	Criminal	2,507	532,060	65,250	49,330
	Total	10,444	670,023	126,964	65,459
Grant rate	Civil	50.9%	80.0%	24.9%	75.8%
	Criminal	66.6%	92.8%	76.9%	93.8%
	Total	53.9%	89.9%	38.1%	88.6%

Notes: (1) Figures in Hong Kong are in calendar year, i.e. figures in the years 2005 to 2008 respectively.

(2) The legal aid statistics contain data from both Legal Aid Ontario and legal aid clinics which are independent, non-profit organizations funded by the legal aid plan. Legal aid services provided by these clinics are primarily in "other" civil matters, particularly in the area of poverty law.

Table 3 – Legal aid applications in the selected places and Hong Kong (cont'd)

		Hong Kong ⁽¹⁾	England and Wales	Ontario of Canada ⁽²⁾	New South Wales of Australia
2008-2009					
Received	Civil	15,314	183,026	259,645	23,511
	Criminal	3,413	601,661	88,239	30,275
	Total	18,727	784,687	347,884	53,786
Granted	Civil	7,513	145,286	68,255	16,589
	Criminal	2,235	563,260	69,142	27,520
	Total	9,748	708,546	137,397	44,109
Grant rate	Civil	49.1%	79.4%	26.3%	70.6%
	Criminal	65.5%	93.6%	78.4%	90.9%
	Total	52.1%	90.3%	39.5%	82.0%

Notes: (1) Figures in Hong Kong are in calendar year, i.e. figures in the years 2005 to 2008 respectively.

(2) The legal aid statistics contain data from both Legal Aid Ontario and legal aid clinics which are independent, non-profit organizations funded by the legal aid plan. Legal aid services provided by these clinics are primarily in "other" civil matters, particularly in the area of poverty law.

Table 4 – Criminal legal aid applications in Hong Kong

	Trials and others⁽¹⁾	Appeals	Total
2005			
Received	2,466	1,696	4,162
Granted	2,362	304	2,666
Grant rate	95.8%	17.9%	64.1%
2006			
Received	2,092	1,687	3,779
Granted	2,006	351	2,357
Grant rate	95.9%	20.8%	62.4%
2007			
Received	2,249	1,516	3,765
Granted	2,157	350	2,507
Grant rate	95.9%	23.1%	66.6%
2008			
Received	2,060	1,353	3,413
Granted	1,965	270	2,235
Grant rate	95.4%	20.0%	65.5%

Note: (1) "Others" include committal proceedings, bail and miscellaneous applications.

5. Legal aid expenditure

5.1 Tables 5 and 6 show the amount of legal aid expenditure per capita and per granted application in the selected places and Hong Kong in the year 2007-2008 for comparison. Two alternative methods are used in calculating the legal aid expenditure: including and excluding the administrative or employment costs of legal aid provision. It should be noted that both scope and coverage of the legal aid systems in Hong Kong and the selected places may vary.

Table 5 – Legal aid expenditure per capita in the selected places and Hong Kong (2007-2008)

	Hong Kong	England and Wales	Ontario of Canada⁽¹⁾	New South Wales of Australia
Population (in million)	7.0	54.1	12.9	6.9
Including administrative or employment costs	HK\$92.4	£36.5 (HK\$460)	CAN\$25.8 (HK\$190.6)	AUS\$29.6 (HK\$207.8)
Excluding administrative or employment costs	HK\$61.2	£35.4 (HK\$445.9)	CAN\$19.5 (HK\$144.1)	AUS\$19.0 (HK\$133.4)

Note: (1) Expenditure of legal aid clinics is included.

Table 6 – Legal aid expenditure per granted application in the selected places and Hong Kong (2007-2008)

	Hong Kong	England and Wales	Ontario of Canada⁽¹⁾	New South Wales of Australia
Number of granted applications	10,444	670,023	126,964	65,308
Including administrative or employment costs	HK\$61,930	£2,951 (HK\$37,168)	CAN\$2,621 (HK\$19,367)	AUS\$3,124 (HK\$21,934)
Excluding administrative or employment costs	HK\$41,000	£2,858 (HK\$35,997)	CAN\$1,982 (HK\$14,646)	AUS\$2,004 (HK\$14,070)

Note: (1) Expenditure of legal aid clinics is included.

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