
INFORMATION NOTE

Supplementary information on legal aid systems in selected places

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.

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

| | | Hong Kong | England and Wales | Ontario of Canada ⁽¹⁾ | New South Wales of Australia |
|------------------|----------|-----------|-------------------|----------------------------------|------------------------------|
| 2005-2006 | | | | | |
| Received | Civil | 16,806 | 194,795 | 262,152 | 19,314 |
| | Criminal | 4,320 | 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 | 2,751 | 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 | 63.7% | 98.8% | 77.6% | 92.8% |
| | Total | 54.0% | 94.1% | 37.1% | 87.4% |

Note: (1) 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 | England and Wales | Ontario of Canada ⁽¹⁾ | 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% |

Note: (1) 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 | England and Wales | Ontario of Canada ⁽¹⁾ | 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% |

Note: (1) 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 | England and Wales | Ontario of Canada | New South Wales of Australia |
|------------------|----------|-----------|-------------------|-------------------|------------------------------|
| 2008-2009 | | | | | |
| Received | Civil | 15,314 | 183,026 | Not available | 23,511 |
| | Criminal | 3,413 | 601,661 | | 30,275 |
| | Total | 18,727 | 784,687 | | 53,786 |
| Granted | Civil | 7,513 | 145,286 | Not available | 16,589 |
| | Criminal | 2,235 | 563,260 | | 27,520 |
| | Total | 9,748 | 708,546 | | 44,109 |
| Grant rate | Civil | 49.1% | 79.4% | Not available | 70.6% |
| | Criminal | 65.5% | 93.6% | | 90.9% |
| | Total | 52.1% | 90.3% | | 82.0% |

5. Legal aid expenditure

5.1 Tables 4 and 5 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 4 – 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 5 – 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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