

For discussion on  
4 July 2012

**LEGISLATIVE COUNCIL  
PANEL ON ENVIRONMENTAL AFFAIRS**

**Review of the Second Technical Memorandum  
for Allocation of Emission Allowances for Power Plants**

**PURPOSE**

This paper seeks Members' views on the proposal to reduce the emission allowances for power plants for the emission years starting from 1 January 2017 by way of issuing a new Technical Memorandum (TM) under section 26G of the Air Pollution Control Ordinance (Cap. 311) (APCO).

**BACKGROUND**

2. APCO empowers the Administration to set emission caps for power plants for improving air quality in Hong Kong. Section 26G of the APCO provides for the Secretary for the Environment (the Secretary) to allocate emission allowances for three specified pollutants, i.e., sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) and respirable suspended particulates (RSP), for electricity power plants by way of a TM.

3. Two TMs were issued in 2008 and 2010 respectively. The First TM sets the emission allowances for the emission years between 2010 and 2014 while the Second TM tightens the emission allowances starting from 1 January 2015. The emission allowances in the second TM were determined with due regard to maximising the use of existing gas-fired generation units and prioritizing the use of coal-fired generation units equipped with advanced emission control devices. The specific emission allowances under the Second TM are as follows:

Table 1: Emission Allowances for Existing Electricity Works from 2015 onwards  
(Tonnes Per Year)

	Sulphur dioxide	Nitrogen oxides <sup>[@]</sup>	Respirable suspended particulates
<b>The Hongkong Electric Company Limited (HEC)</b>			
Lamma Power Station and Lamma Power Station Extension (mixed fuel)	6 780	10 020	300
<b>The CLP Power Hong Kong Limited (CLP)</b>			
Black Point Power Station (gas-fired)	1 440	4 140	110
Castle Peak Power Station (coal-fired)	4 260	13 390	420
Penny's Bay Gas Turbine Power Station (oil -fired) <sup>[#]</sup>	2	2	1
Total of CLP Power Stations	5 702	17 532	531

<sup>[@]</sup> Expressed as nitrogen dioxide

<sup>[#]</sup> As the Penny's Bay Gas Turbine Power Station is for emergency and peak-logging purposes, the projected SO<sub>2</sub>, NO<sub>x</sub> and RSP emissions for the purposes are one to two tonnes.

The TM also allows the allocation of not more than 1% of the total emission allowances for the power sector in respect of each of the specified pollutants for new electricity works.

4. Section 2.5 of the Second TM requires the Secretary to review the emission allowances not less than once every two years after its commencement. If the new emission allowances for the emission years starting from 1 January 2017 are promulgated by a new TM within 2012, the new emission allowances will take effect from 2017 at the earliest pursuant to section 26G(4) of the APCO.

## THE REVIEW

5. Under Section 26G(2) of the APCO, the Secretary, in making the emission allocations, shall:

- (a) have regard to the best practicable means (BPM) for preventing the emission of that type of pollutant;
- (b) have as his purpose the attainment and maintenance of any relevant air quality objective (AQO); and
- (c) have regard to whether the emission of that type of pollutant would be, or be likely to be, prejudicial to health.

6. When determining the emission allowances under the new TM, we have made reference to a number of considerations, including-

- (a) the Administration announced in January 2012 the proposed adoption of the new AQOs, which are benchmarked against the World Health Organisation's Air Quality Guidelines and Interim Targets, for better protection of public health. Among the 22 control measures proposed for achieving the new AQOs, raising the use of natural gas in the fuel mix of local electricity generation to 50% and prioritizing the use of coal-fired generation units equipped with advanced emission control equipment are key measures for the power sector;
- (b) the BPM for power plants to reduce emissions by upkeeping the performance of the existing emission control equipment and/or retrofitting additional control equipment;
- (c) the feasibility for power plants to increase the use of cleaner fuels such as natural gas and low emission coals;
- (d) the projected electricity demand; and
- (e) the generation of renewable energy (RE) and waste-to-energy (WTE).

7. Our assessment is that if both power companies could continue their efforts to use low emission coals as far as possible and upkeep the performance of their emission control devices, it should be possible to

tighten the emission caps stipulated in the Second TM further.

8. For RE and WTE, other than the Lamma Winds and thin film photovoltaic solar system for the HEC and the landfill gas utilization plant of the South East New Territories Landfill to the grid of the CLP, there will be WTE facilities (e.g. the sludge treatment facility at Tuen Mun) for operation in late 2013. Since the power sector could reduce its electricity generation by tapping into these sources, we consider it appropriate for the new TM to cater for it. The electricity to be tapped from RE and WTE will be taken as for displacing the electricity generation from the coal-fired generation units in view of our established policy to encourage maximising the use of natural gas for electricity generation and that the natural gas-fired generation units need to be fully operated under the "take-or-pay" natural gas supply contracts. As such, the emissions to be avoided for each unit of electricity tapped from RE and WTE would be equal to the unit emissions from all coal-fired generation units of respective power companies. We would deduct such emissions to be avoided by the electricity intake of RE and WTE (i.e., 2 GWh and 21 GWh for HEC and CLP respectively) from the emission allowance allocations according to these unit emission factors for coal-fired generation units and the reduced electricity generation figures.

9. The generation of RE and WTE could be affected by exogenous factors, e.g. changes in weather patterns and the heat contents of the refuse or sludge respectively. We hence consider it necessary to establish a mechanism in the TM for ascertaining the emission allowances according to the actual intake of the electricity generated from WTE and RE based on the unit emission factors mentioned in paragraph 8 above.

10. Taking all the above factors into consideration, we expect that the emissions of the existing power plants from 2017 and onwards could further be reduced as in Table 2 below. To put these figures into perspective, we have also presented the reduction from the Second TM for reference.

Table 2: Projected Emissions for Existing Electricity Works in 2017 (tonnes per year) with Additional Emission Reduction Measures

		<b>Sulphur dioxide</b>	<b>Nitrogen oxides</b> <sup>[@]</sup>	<b>Respirable suspended particulates</b>
HEC	Lamma Power Station and Lamma Power Station Extension (mixed fuel)	5 200 [-23%]	9 450 [-6%]	250 [-17%]
CLP	Black Point Power Station (gas-fired)	1 440	4 140	110
	Castle Peak Power Station (coal-fired)	3 757 [-12%]	12 358 [-8%]	389 [-7%]
	Penny's Bay Gas Turbine Power Station (oil -fired)	2	2	1
	Total of CLP's Stations	5 199 [-9%]	16 500 [-6%]	500 [-6%]

[@] Expressed as nitrogen dioxide

Note: The figures in square brackets are the percent reduction comparing with the emission allowances stipulated in the Second TM.

## PROPOSED EMISSION CAPS FOR NEW TM

### *Emission Allowances for Existing Electricity Works*

11. Based on the latest review, we propose to promulgate a new TM to allocate the emission allowances from 2017 onwards to each of the existing power plants by the following method :

Emission allowances to be allocated and ascertained
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Emission allowances that are required with the use of BPM (i.e., those presented in Table 2 above)
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*plus/minus*

Emission allowances to be added / deducted due to deviation of the actual intake of RE and WTE from the anticipated intake (i.e., 2 GWh and 21 GWh for HEC and CLP, respectively) in accordance with the unit emission factors of coal-fired generation units
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12. The specific formulae for allocating the emission allowances to the four existing electricity works are presented below.

Table 3(a): Lamma Power Station and Lamma Power Station Extension

	<b>Quantity of Emission Allowance for 2017 and thereafter</b>
SO <sub>2</sub>	$5\,200 + (2 - A) \times 0.614$
NO <sub>x</sub> <sup>[@]</sup>	$9\,450 + (2 - A) \times 0.941$
RSP	$250 + (2 - A) \times 0.027$

Table 3(b): Black Point Power Station

	<b>Quantity of Emission Allowance for 2017 and thereafter</b>
SO <sub>2</sub>	1 440
NO <sub>x</sub> <sup>[@]</sup>	4 140
RSP	110

Table 3(c): Castle Peak Power Station

	<b>Quantity of Emission Allowance for 2017 and thereafter</b>
SO <sub>2</sub>	$3\,757 + (21 - B) \times 0.367$
NO <sub>x</sub> <sup>[@]</sup>	$12\,358 + (21 - B) \times 1.208$
RSP	$389 + (21 - B) \times 0.038$

Table 3(d): Penny Bay's Gas Turbine Power Station

	<b>Quantity of Emission Allowance for 2017 and thereafter</b>
SO <sub>2</sub>	2
NO <sub>x</sub> <sup>[@]</sup>	2
RSP	1

<sup>[@]</sup> Expressed as nitrogen dioxide

where -

A is the aggregate of total net sent-out electricity output (in GWh) from individual RE and WTE to the electricity grid of

Lamma Power Station and Lamma Power Station Extension in the emission year; and

- B is the aggregate of total net sent-out electricity output (in GWh) from individual RE and WTE to the electricity grid of Castle Peak Power Station in the emission year.

### ***Emission Allowances for New Electricity Works***

13. Similar to the First and Second TM, we would provide an allocation of not more than 1% of the total emission allowances of the power sector in respect of each of the specified pollutants for any possible new electricity works<sup>1</sup> so as to ensure that they will not be debarred from starting their business even with the use of the most advanced emission reduction technology. We also propose to introduce the same mechanism outlined in para. 8 and 9 above to cater for the possible intake of RE and WTE by new electricity works. Accordingly, the formulae for allocating and ascertaining the emission allowances in respect of each of the specified pollutants for possible new electricity works, with respect to the same reference installed capacity adopted in both First and Second TM, i.e., 300 MW, for emission years starting from 1 January 2017 would be as follow:

Table 4: New Electricity Works

	<b>Quantity of Emission Allowance for 2017 and thereafter</b>
SO <sub>2</sub>	$90 \times (C/300) \times (D/12) - E \times 0.047$
NO <sub>x</sub> <sup>[@]</sup>	$230 \times (C/300) \times (D/12) - E \times 0.120$
RSP	$7 \times (C/300) \times (D/12) - E \times 0.004$

<sup>[@]</sup> Expressed as nitrogen dioxide

where –

- C is the total installed capacity (in MW) of the New Electricity Works;  
or 300 (i.e., reference installed capacity), whichever is smaller;
- D is the total number of months in the emission year after the commencement of operation of the New Electricity Works and part of a month is taken as a full month in the

<sup>1</sup> "New electricity works" refers to new entrant comes into the electricity generation industry after the commencement of the proposed TM.

- determination; and
- E is the aggregate of total net sent-out electricity output (in GWh) from individual RE and WTE to the electricity grid of the New Electricity Works in the emission year.

### ***Frequency of Review***

14. We also propose to maintain the current practice to review the TM at a frequency of no less than once every two years to enable timely revision of the emission allowances.

### ***Commencement Date of New Emission Caps***

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15. A copy of the draft Third TM is at **Annex**. If the proposed new Third TM commences before the end of 2012, the new emission allowances would take effect starting from 1 January 2017, having regard to the statutory requirement in section 26G(4) of the APCO that an allocation of emission allowances made by the TM in relation to an emission year (other than an allocation made under the First TM) could only take effect at least four years after the commencement of the TM making the allocation.

## **ENVIRONMENTAL BENEFITS**

16. As compared with the current emission allowances for 2015 under the Second TM, the proposed Third TM will see a tightening of 17% for SO<sub>2</sub>, 6% for NO<sub>x</sub> and 10% for RSP. The reduction will help improve local air quality given that emissions from the power sector account for 50%, 25% and 16% respectively of the territory-wide emissions of these pollutants in 2010.

## **TARIFF IMPLICATIONS**

17. Achieving the proposed 2017 emission caps does not involve new capital investment by power companies. As for fuel cost, while the Third TM will not have any major impact on the fuel mix of power companies, actual fuel cost would be subject to international market price. The power companies will present their tariff assessment to the Administration in



accordance with the prevailing regulatory mechanism under the Scheme of Control Agreement.

## **CONSULTATION**

18. The two power companies have been consulted on the proposal. Both of them consider that the proposed new emission allowances are extremely challenging and the compliance with these tightened requirements could be adversely affected should there be significant deviations from the assumptions made in determining the new emission allowances. CLP is committed to working closely with the Administration to support the new emissions allowances while maintaining the reliable supply of electricity to customers. HEC considers that meeting the proposed reduced emission allowances from 2017 onwards is very challenging. It stresses the need for a long-term policy on increase of the use of natural gas for electricity generation as gas suppliers have no flexibility for any ad hoc natural gas supply. Both companies also indicated that the achievement of the new emission targets is based on the stable supply of low emission coals with consistent properties which could not be assured in the very volatile fuel market, sufficient supply of natural gas, the consistently high performance of their emission reduction devices during the relevant period and no exceptional increase in electricity demand.

19. We consider that compliance with the proposed emission caps is feasible as natural gas supplies are being sourced from the Mainland for the maximum utilization of existing gas-fired generation units. Both power companies should prioritize the loading schedule to maximize the use of their coal-fired generation units with better environmental performance, carry out proper maintenance of their plants and ensure the appropriate sourcing of low emission coals. In determining the emission caps for both companies, we have made reference to the best available electricity demand forecast and per GWh emission figures of the generation plants of both companies with due consideration of the actual emission performances. In addition, a lead time of at least four years will be provided to the power companies in accordance with section 26G(4) of the APCO to gear themselves up before the proposed emission caps take effect. We are

therefore of the view that both power companies can comply with the proposed requirements.

## **WAY FORWARD**

20. Subject to Members' views, we plan to submit the new Third TM to the Legislative Council under section 37B(1) of the APCO for negative vetting at the beginning of the next legislative session. Our target is that the new Third TM shall commence before the end of 2012, thus providing at least four years' lead time for the revised emission allowances in respect of the specified pollutants in relation to the emission years from 1 January 2017 to take effect.

## **ADVICE SOUGHT**

21. Members are invited to comment on the proposal to promulgate a new Third TM for revising the emission allowances for power plants from 1 January 2017 onwards as set out in para. 11 to 15 above.

***Environmental Protection Department***  
***June 2012***

**THIRD TECHNICAL MEMORANDUM  
FOR ALLOCATION OF EMISSION ALLOWANCES  
IN RESPECT OF SPECIFIED LICENCES**

[                      ]  
SECRETARY FOR THE ENVIRONMENT

This Technical Memorandum is published under Section 37B(1) of the Air Pollution Control Ordinance (Cap. 311) and shall commence to have effect in accordance with Section 37C of that Ordinance.

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# **THIRD TECHNICAL MEMORANDUM FOR ALLOCATION OF EMISSION ALLOWANCES IN RESPECT OF SPECIFIED LICENCES**

## **1. PRELIMINARY**

### *1.1 Citation and Commencement*

This Technical Memorandum is the third technical memorandum issued pursuant to Section 26G of the Ordinance and may be cited as the "Third Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences". This Technical Memorandum shall come into operation in accordance with Section 37C of the Ordinance.

### *1.2 Application and Scope*

This Technical Memorandum sets out the quantity of emission allowances for each type of specified pollutant allocated in respect of each specified licence and the allocation principles and determination method of the quantity of emission allowances to be allocated for each and every emission year from 1 January 2017. The allocation of emission allowances set out or determined under the Second Technical Memorandum for each and every emission year from 1 January 2017 is superseded by this Technical Memorandum.

### *1.3 Interpretation*

In this Technical Memorandum, unless the context otherwise requires, the following definitions apply-

"Authority" (監督) has the same meaning as in the Ordinance.

"Electricity Works" (電力工程) means the process of Electricity Works specified in item 7 of Schedule 1 to the Ordinance.

"Emission allowance" (排放限額) has the same meaning as in the Ordinance.

"Emission year" (排放年度) has the same meaning as in the Ordinance.

"Existing Electricity Works" (現有電力工程) means the Electricity Works conducted in any of the following power stations in respect of which a valid specified licence is in force on the commencement date of this Technical

## Memorandum-

- (a) Lamma Power Station and Lamma Power Station Extension at Lot 1934 and Lot 2200, DD 3, Po Lo Tsui, Lamma Island;
- (b) Black Point Power Station at Yung Long Road, Lung Kwu Tan, Tuen Mun, New Territories;
- (c) Castle Peak Power Station at Lung Yiu Street, Tuen Mun, New Territories; and
- (d) Penny's Bay Gas Turbine Power Station at Lot 23, DD 256, Penny's Bay, Lantau Island, New Territories.

"New Electricity Works" (新電力工程) means any Electricity Works, other than the Existing Electricity Works, which comes into existence after the commencement of this Technical Memorandum.

"Ordinance" (條例) means the Air Pollution Control Ordinance (Cap. 311).

"Electricity generation for local consumption" (供本港使用電力) means the gross electricity generation of the Electricity Works concerned minus the electricity sales for export outside the Hong Kong Special Administrative Region irrespective of whether the export sales are directly conducted by the subject specified licence holder or indirectly dealt with by other dealers.

"Renewable Energy System" (可再生能源系統) means an electricity generation system employing solar, wind, biomass, hydro, tidal, wave, geothermal or energy from waste (including landfill gas or sewage gas) that provides electricity to the grid.

"Second Technical Memorandum" (第二份技術備忘錄) means the "Second Technical Memorandum for Allocation of Emission Allowances in Respect of Specified Licences" published in the Gazette under Section 37B(1) of the Ordinance on 15 October 2010 as amended by the resolution of Legislative Council published in the Gazette on 10 December 2010, which came into operation in accordance with Section 37C of the Ordinance.

"Secretary" (局長) has the same meaning as in the Ordinance.

"Specified licence" (指明牌照) has the same meaning as in the Ordinance.

"Specified licence holder" (指明牌照持有人) has the same meaning as in the Ordinance.

"Specified pollutant" (指明污染物) has the same meaning as in the

Ordinance.

## 2. ALLOCATION OF EMISSION ALLOWANCES

2.1 The quantity of emission allowances for each type of specified pollutant allocated to each specified licence of Existing Electricity Works for each and every emission year from 1 January 2017 shall be determined by the formulae in the respective tables as follows-

(a) Lamma Power Station and Lamma Power Station Extension

	2017 and thereafter
Sulphur dioxide	$5\,200 + (2 - A) \times 0.614$
Nitrogen oxides <sup>(i)</sup>	$9\,450 + (2 - A) \times 0.941$
Respirable suspended particulates	$250 + (2 - A) \times 0.027$

(b) Black Point Power Station

	2017 and thereafter
Sulphur dioxide	1 440
Nitrogen oxides <sup>(i)</sup>	4 140
Respirable suspended particulates	110

(c) Castle Peak Power Station

	2017 and thereafter
Sulphur dioxide	$3\,757 + (21 - B) \times 0.367$
Nitrogen oxides <sup>(i)</sup>	$12\,358 + (21 - B) \times 1.208$
Respirable suspended particulates	$389 + (21 - B) \times 0.038$

(d) Penny's Bay Gas Turbine Power Station

	2017 and thereafter
Sulphur dioxide	2
Nitrogen oxides <sup>(i)</sup>	2
Respirable suspended particulates	1

<sup>(i)</sup> Expressed as nitrogen dioxide

where –

- A is the aggregate of total net sent-out electricity output (in GWh) from the Renewable Energy Systems to the electricity grid of Lamma Power Station and Lamma Power Station Extension in the emission year; and
- B is the aggregate of total net sent-out electricity output (in GWh) from the Renewable Energy Systems to the electricity grid of Castle Peak Power Station in the emission year.

2.2 The quantity of emission allowances for each type of specified pollutant allocated to each specified licence of New Electricity Works for each and every emission year from 1 January 2017 shall be determined by the formulae as follows-

	2017 and thereafter
Sulphur dioxide	$90 \times (C/300) \times (D/12) - E \times 0.047$
Nitrogen oxides <sup>(ii)</sup>	$230 \times (C/300) \times (D/12) - E \times 0.120$
Respirable suspended particulates	$7 \times (C/300) \times (D/12) - E \times 0.004$

<sup>(ii)</sup> Expressed as nitrogen dioxide

where –

- C is the total installed capacity (in MW) of the New Electricity Works; or 300, whichever is smaller;
- D is the total number of months in the emission year after the commencement of operation of the New Electricity Works and part of a month is taken as a full month in the determination; and
- E is the aggregate of total net sent-out electricity output (in GWh) from the Renewable Energy Systems to the electricity grid of the New Electricity Works in the emission year.

2.3 The Authority shall make the allocation of emission allowances for each type of specified pollutant in relation to each specified licence in respect of electricity generation for local consumption.

2.4 For the purposes of determination of the quantity of emission allowances referred in sections 2.1 and 2.2, the aggregate of the total net sent-out electricity output from the Renewable Energy Systems in the emission year is to be rounded up to the next whole number.

2.5 The quantity of emission allowances determined in this Technical Memorandum for allocation to a specified licence shall be rounded up to the next whole number.



2.6 Unless otherwise provided or required in the Ordinance or its subsidiary legislation, the Authority shall allocate to each specified licence the respective quantity of emission allowances set out or determined in accordance with this Technical Memorandum for each and every emission year from 1 January 2017.

2.7 The Secretary shall review the quantity of emission allowances for each type of specified pollutant for each specified licence set out or determined in accordance with this Technical Memorandum not less than once every two years after the commencement of this Technical Memorandum.