

### **Exclusion of Floor Areas for Recreational Use**

Practice Note for Authorized Persons and Registered Structural Engineers 116 advises in its para. 21 that certain recreational facilities aimed to benefit the residents and occupants generally may be considered for exclusion from gross floor area (GFA) calculations by modification of Building (Planning) Regulation 23(3)(a) on a case-by-case basis. Reference may be made to Appendix A for those recreational facilities which are commonly accepted for exclusion from GFA calculations.

2. This practice note gives guidance on the requirements and conditions for considering and granting of modification under Section 42 of the Buildings Ordinance.

#### **Application**

3. All applications for exclusion of floor areas for recreational use from GFA calculations must be accompanied by information substantiating the need for the areas with justification on overall size of the facilities, the headroom requirements and the mix of the various facilities as well as how the recreational facilities will be operated and controlled to ensure their exclusive use by the owners and residents. The substantiation should include a proposal on how the facilities would be supported and sustained financially. For avoidance of doubt, commercial areas (eg dining and catering facilities) are not qualified for exclusion from gross floor area calculation.

4. As a pre-requisite for giving approval of plans, the developer of a proposed development is required to submit a letter of undertaking designating the recreational facilities as a common area in a Deed of Mutual Covenant with details of the use and location clearly indicated and binding and enforceable terms and conditions included for the control, operation, financial support and maintenance of the facilities. Any subsequent amendments affecting the recreational facilities must be accompanied with a revised undertaking and layout plan.

#### **Exemption**

5. Exemption from GFA calculations will be effected by way of a modification of the relevant Building (Planning) Regulations. As a condition of the modification, the Building Authority will require the developer's undertaking to be registered in the Land Registry before the application for consent to the commencement of works is submitted. A further condition will be imposed to the

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effect that the recreational area should be for the exclusive use of the owners and residents only as indicated on the approved plans and such area shall not be used for any purpose or by any other persons without the prior consent of the Building Authority.

6. It is important for authorized persons to note that an occupation permit will not be issued unless evidence indicating that the relevant undertaking and layout plan are registered in the Land Registry. Developers should also remind purchasers that the Building Authority will prosecute for contravention of the conditions of exemption.



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Index under: Gross Floor Area Calculation  
Gross Floor Area Exclusion  
Recreational Facilities

**Recreational Facilities Commonly Accepted  
for Exclusion from GFA Calculations**

Swimming pool  
Squash court  
Basketball court  
Badminton court  
Football court  
Tennis court  
Volleyball court  
Children play area  
Games room  
Billiard room  
Computer golf room  
Table-tennis room  
Fitness room  
Gymnasium  
Weight training/Aerobic/Exercise room  
Bowling alley  
Jogging track  
Skating rink  
Changing room

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