

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 active recreational facilities which are commonly accepted for exclusion from GFA calculations. The passive and ancillary facilities in the said Appendix may also be accepted provided their sizes are commensurate with the use appropriate to the development.

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 including their bona fide visitors. The substantiation should include a proposal on how the facilities would be supported and sustained financially. The Building Authority would not, however, expect that the gross floor area of such facilities to exceed 5% of the domestic gross floor area in normal circumstances. However, some active recreational facilities (e.g. indoor swimming pool and multi-purpose ball court) are very space consuming when these facilities are provided a more relaxed percentage may be allowed depending on the special circumstances of the case. For avoidance of doubt, while a kitchen of reasonable size ancillary to the recreational activities at development sites without any commercial floor space, in relatively remote areas may be considered upon application, commercial undertakings are not qualified for exclusion from gross floor area calculation. Open-sided covered landscaped areas/children play areas provided under the footprint of the domestic tower would not be subject to the 5% limitation.

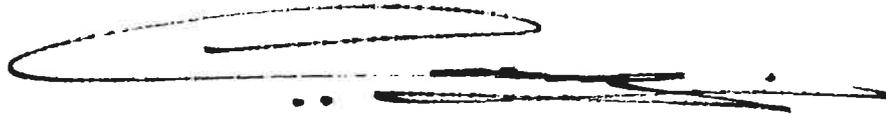
4. As a pre-requisite for giving approval of plans, the developer of a proposed development is required to submit a letter of undertaking designating the recreational facilities as a common area in a Deed of Mutual Covenant with details of the use and location clearly indicated and binding and enforceable 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

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 submission of application for occupation permit. A further condition will be imposed to the effect that the recreational area should be for the exclusive use of the owners and residents and their bona fide visitors 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 there is 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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Building Authority

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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**

<u>Facilities which are commonly accepted</u>	Ancillary Facilities which may be accepted, depending on the size and relationship with main functions
<p><u>Active facilities :</u></p> <ul style="list-style-type: none"> Swimming pool Multi-purpose ball court/Squash court Basketball court/Football court Tennis court/Badminton court Children play area Games room Indoor golf room Table-tennis room Fitness room Gymnasium Weight training/Aerobic/Exercise room Bowling alley Skating rink Volleyball court <p><u>Passive facilities :</u></p> <ul style="list-style-type: none"> Sitting area/lounge Billiard room Sauna/Spa facilities Reading room/Study room/Library Function room Computer/video game room Music room/Karaoke room 	<ul style="list-style-type: none"> Club house management office Club house staff room Snack bar and pantry First-aid room Pantry and mini-bar (not exceeding 10m²) Kitchen (not exceeding 15 m²) for sites without any commercial floor space.