

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.

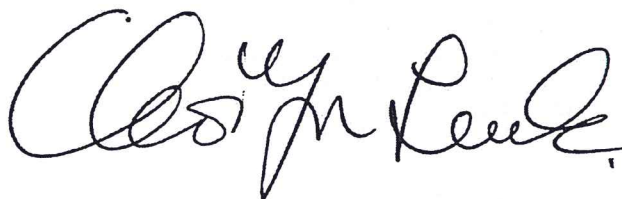
Exemption

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.

A handwritten signature in black ink, appearing to read 'Choi Yu-leuk', with a stylized, cursive script.

(CHOI Yu-leuk)
Building Authority

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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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