

Exclusion of Floor Areas for Recreational Use

Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-42 advises in its paragraph 28 that certain recreational facilities for residential developments aimed to benefit the owners and residents generally may be considered for exclusion from gross floor area (GFA) calculations by modification of regulation 23(3)(a) of the Building (Planning) Regulations (B(P)R) on a case-by-case basis. With the exception of covered landscaped and play areas as described in paragraph 7 below, the granting of GFA concessions set out in this PNAP is also subject to compliance with the pre-requisites and the overall cap on GFA concessions stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

2. 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.

3. This practice note gives guidance on the requirements and conditions for considering and granting of exemption from GFA calculations under section 42 of the Buildings Ordinance.

Application

4. 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, allow the GFA of such facilities including all voids, plant rooms (including filtration plant room for swimming pool), covered walkways, covered courts, etc. serving solely for the recreational facilities to exceed the limitation in a sliding scale as stated in Table 1 below.

Total Domestic GFA	Max. % of total Domestic GFA/ Max. area for GFA concession (whichever is greater)
up to 25,000 m ²	5 %
>25,000 to 50,000 m ²	4.5 % / 1,250 m ²
>50,000 to 75,000 m ²	4.0 % / 2,250 m ²
>75,000 to 100,000 m ²	3.5 % / 3,000 m ²
>100,000 to 125,000 m ²	3.0 % / 3,500 m ²
>125,000 m ²	2.5 % / 3,750 m ²

Table 1 : Sliding scale of GFA concession for recreational facilities

5. This concession does not apply to substantially luxury clubs with restaurants and other facilities obviously meant for an exclusive membership and commercial takings rather than for the general benefit of owners and residents.

6. Commercial undertakings are not qualified for exclusion from GFA calculation. For the avoidance of doubt, a kitchen of reasonable size ancillary to the recreational activities at development sites without any commercial floor space may be considered for concession upon application.

7. Open-sided covered landscaped areas/children play areas provided under the footprint of the domestic tower would not be subject to the limitation in Table 1 above, but should be within 5% of the total domestic GFA, details as stated under PNAP APP-42 and subject to compliance with the pre-requisites stipulated in PNAP APP-151 on Building Design to Foster a Quality and Sustainable Built Environment.

8. As a pre-requisite for giving approval of plans, the developer or owner 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

9. 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 undertaking letter of the developer or owner 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.

10. 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, and information on GFA concession has been disseminated in the Approved Building Plans as stipulated in PNAP ADM-2. Developer or owner should also remind purchasers that the Building Authority will prosecute for contravention of the conditions of exemption.

Implementation

11. This practice note is applicable to all new building plans or major revision of building plans for development proposals submitted to the BA for approval on or after 1 April 2011. Subject to paragraph 12 below, this practice note is also applicable to building plans which have been previously disapproved and are resubmitted for approval on or after 1 April 2011.

/12.

12. For building plans which have been firstly submitted on or before 31 March 2011 and subsequently disapproved by the BA but not on ground relating to proof of ownership or realistic prospect of control of the land forming the site, the first resubmission of such plans to the BA on or after 1 April 2011, which is submitted within 6 months from the date of disapproval of the firstly submitted plans, would not be subject to the requirements of this practice note. For the avoidance of doubt, if such first resubmission of plans eventually has been disapproved by the BA, any further resubmission of the plans would be subject to the requirements of this practice note.

13. Subject to section 16(3)(d) of the BO, building plans approved by the BA prior to the implementation of this practice note should make reference to the “September 2000” version of this practice note (Appendix B).

(AU Choi-kai)
Building Authority

Ref. : BD GP/BORD/48 (II)

This PNAP is previously known as PNAP 229

First issue January 1999

Last revision September 2000 (AD/NB1)

This revision January 2011 (AD/NB1) (General revision)

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

<u>Facilities which are commonly accepted</u>	<u>Ancillary Facilities which may be accepted, depending on the size and relationship with main functions</u>
<p><u>Active facilities :</u></p> <p>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 Rock climbing room Dance / Yoga room</p> <p><u>Passive facilities :</u></p> <p>Sitting area/lounge Billiard room Sauna/Jacuzzi/Spa facilities Reading room/Study room/Library Function room Computer/video game room Music room/Karaoke room</p>	<p>Club house management office/ Club house reception counter Club house staff room Snack bar/mini-bar/pantry (total area not exceeding 10m²) First-aid room Kitchen (not exceeding 15 m²) for sites without any commercial floor space Changing room/shower facilities Lavatories/toilets Store rooms</p>

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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

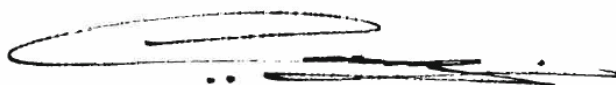
3. All applications for exclusion of floor areas for recreational use from GFA calculations must be accompanied by information substantiating the need for the areas with justification on overall size of the facilities, the headroom requirements and the mix of the various facilities as well as how the 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

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

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for Exclusion from GFA Calculations**

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This revision September 2000