Accountable and Non-accountable Gross Floor Area (GFA) under Lease

This practice note is issued to inform Authorized Persons (APs), Surveyors and Registered Structural Engineers (RSEs) of the Lands Department’s (LandsD) practice in treating certain areas as non-accountable GFA under leases.

2. Generally, any building or buildings erected or to be erected within a lot must be measured for GFA unless exempted by the lease. The lease may contain provisions that certain areas/facilities are or are not to be accountable for GFA. If a right is reserved in the lease for the Director of Lands (the Director) to exempt certain areas/facilities from GFA calculation at her discretion, LandsD are usually prepared to follow the Building Authority’s (BA’s) ruling whilst the Director reserves her right and absolute discretion to do otherwise in individual cases. It should be recognised that BA is vested with the statutory power to enforce the Buildings Ordinance whereas LandsD exercise the rights of a lessor/landlord under the government lease for the lot in question.

3. Pursuant to the above principle, some of the elements in a building for which exemption from GFA may be given are set out in paragraphs 4-16 below.

Electrical and mechanical provisions

4. For the purposes of GFA calculation, areas occupied solely by machinery or equipment for any lift, air-conditioning or heating system or any similar services may be exempted from GFA calculation and the BA’s ruling would usually be followed.
Staircases, lift shafts and lobbies serving non-accountable GFA

5. Staircases, lift shafts and lobbies serving non-accountable GFA such as basement or underground car parking and/or mechanical floors, etc may be exempted from GFA calculation provided that they are physically separated from and do not provide access to the GFA accountable floors and their design and disposition are acceptable to the Director. If these features serve the basement or underground car parking floor(s) as well as other floors, only the portion of these features at the basement or underground car parking floor(s) may be exempted from GFA calculation and the BA’s ruling would usually be followed. Any entrance lift lobby and/or lift shaft at and above ground which serve the development as well as the basement or underground car parking floor(s) will be included in GFA calculation.

Staircases, lift shafts and lobbies passing through non-domestic GFA accountable areas leading to domestic towers

6. Staircases, lift shafts and lobbies at various levels of a composite development solely serving the upper floor domestic development will be accountable for domestic GFA irrespective of other non-domestic uses at the corresponding levels. If these features also serve other non-domestic GFA accountable areas, then they can be calculated for either domestic or non-domestic GFA.

Headroom (floor-to-floor height) of atrium

7. Generally, floor areas/spaces with excessive headroom will be double counted for GFA. However, high ceilings for certain facilities such as shopping arcades, banking halls, sporting halls and main entrance lobbies to hotels, etc may be accepted provided that the proposed headroom is approved by the BA.

Flat roofs

8. Balconies are GFA accountable under the lease. However, flat roofs in the form of building set back may be non-accountable for GFA. The BA’s ruling would usually be followed.
Open-sided covered landscape area in residential development

9. The BA's ruling would usually be followed to exempt open-sided covered landscape area in residential (excluding single residence) development or residential portion of a composite development from GFA calculation provided that the design, disposition and height of the landscape area are acceptable to the Director.

Watchmen and/or Caretakers' Office

10. The lease condition to permit provision of watchmen and/or caretakers' office and to exempt such facilities from GFA calculation in residential development or residential portion of a composite development was included in many existing leases. The same provision will be incorporated, where appropriate, in the conditions of sale for sites to be disposed of by public auction or tender but the amount of GFA exemption would be different. APs, Surveyors and RSEs should examine the lease conditions carefully.

11. For existing leases which do not contain a lease condition permitting provision of watchmen and/or caretakers' office, a modification of the lease conditions is required before any such areas can be exempted from GFA calculation.

Extra parking spaces, loading and unloading areas and undesignated areas in car parking floors

12. Generally, parking/loading and unloading spaces in excess of the minimum parking requirements or the specific rate(s) (including the flexibility provisions) as stipulated in the lease conditions and undesignated areas in car parking floors will be accountable for GFA. However, the Director may at her absolute discretion exempt certain extra/undesignated spaces arising from design constraints from GFA calculation on condition that the areas are designated as common areas.
Covered walkways and passageways linking residential blocks at ground floor or podium level

13. Covered walkways connecting residential blocks at ground floor or podium level may be excluded from GFA calculation provided that they are open-sided and their location, alignment and width are to the satisfaction of the Director.

Covered walkways and passageways within podium development

14. In addition to covered walkways and passageways mentioned in para. 13 above, the Director is prepared to exempt covered walkways and passageways within podium structures as required under the lease conditions from GFA calculation where provision for such exemption is contained in the lease conditions provided that they are provided in full compliance with all relevant lease requirements and to the satisfaction of the Director.

15. However, covered walkway fronting shopping units, even if open-sided, is accountable for GFA unless the lease specifies otherwise.

Light wells and similar enclosed open areas

16. The Director may follow the ruling of the BA.

Appeal and reconsideration of previous decisions

17. Without prejudice to the Government’s rights under the relevant government lease and its rights as lessor/landlord, the Director may at her discretion consider appeal against decision on GFA exemption. The Applicant should give reasons in support of the appeal. The Director’s decision on the appeal shall be final and binding.

18. It must be noted that nothing in this practice note shall in any way fetter or affect the rights of the Government, the Director of Lands and their officers under the relevant government lease or their rights as lessor/landlord, who are exercising such rights in the capacity of a lessor/landlord and who hereby reserve all such rights, and that nothing in this practice note including
any words and expressions used shall in any way affect the interpretation of the terms and conditions of the relevant government lease.

19. LAO Practice Note No. APSRSE 1/98 is hereby superseded.

(Miss Annie TAM)
Director of Lands
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