

Exclusive Use versus On-Title Car Parks

專用使用車位與登記於產權之上的車位

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CHAPTER 9 第9章

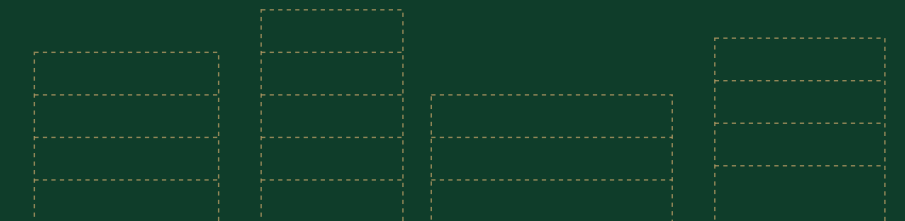
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Changing the arrangement later

嗣後變更安排

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2節 · 全書第32至33頁



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This chapter is extracted from the complete guide and is bound with the note to the reader, the author profile, the glossary of terms used in the guide and the partner's closing test so that it can be read alone. Page and figure numbers follow the complete guide.

A note to the reader

致讀者

This guide explains how car parking is held in a Queensland community titles scheme, and what turns on the difference. It is written for two readers at once: the owner or buyer who wants to know what they are getting, and the developer or adviser who has to choose a structure before the plan is registered. Chapters 1 to 7 are written for the first reader; chapters 8 and 9 are written for the second. Both should read chapter 5.

The English text and the Traditional Chinese text are set paragraph against paragraph and are intended to say the same thing. Where a translation and the English text differ, the English text prevails.

The law stated is the law of Queensland as at 10 September 2026. Statutory references are to the Body Corporate and Community Management Act 1997 (Qld) unless another Act is named. This guide is general information. It is not legal advice on any particular scheme, lot or transaction, and no car parking question should be resolved without reading the scheme's own documents.

本指南說明昆士蘭社區產權計劃中車位的持有方式，以及不同持有方式所產生的法律後果。本指南同時面向兩類讀者：希望確認自己究竟取得何種權利的業主或買方，以及必須在測量圖登記之前選定架構的開發商或其顧問。第一章至第七章為前者而寫；第八章及第九章為後者而寫。第五章兩類讀者均應閱讀。

英文本與繁體中文本逐段對照排版，兩者用意相同。若譯文與英文本有出入，以英文本為準。

本指南所述法律為截至2026年9月10日的昆士蘭法律。除另有指明外，法條援引均指《1997年業主法人團體及社區管理法》（昆士蘭）。本指南僅為一般性資訊，並非針對任何特定計劃、單元或交易的法律意見；任何車位問題，均須先閱讀該計劃本身的文件，方可作出判斷。

About the author

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Kevin Pai practises in property and commercial law in Brisbane, in a practice built around community titles schemes, development structuring, loans and secured transactions. He advises developers, bodies corporate, owners and lenders, and acts on Queensland schemes from two-lot duplexes to staged mixed use towers.

He writes this series in English and Traditional Chinese because a significant part of the Queensland strata market reads both, and because the questions that cause the most expensive mistakes are usually the ones nobody thought worth asking.

白宗翰於布里斯本執業，專攻不動產法與商務法，業務核心涵蓋社區產權計劃、開發架構、貸款及擔保交易。其為開發商、業主法人團體、業主及貸款人提供法律意見，承辦案件遍及昆士蘭各類計劃，自兩單元雙拼住宅至分期開發的混合用途大樓。

其以英文及繁體中文撰寫本系列，蓋昆士蘭區分所有權市場中有相當比例的參與者兼讀兩種語言；且釀成最昂貴錯誤者，往往正是無人認為值得一問的問題。



09

Changing the arrangement later

嗣後變更安排

- 9.1 Swaps and reallocations
互換與重新配置
- 9.2 Adding spaces, and converting between forms
增設車位及形式間的轉換

9.1

Swaps and reallocations

Where the by-law permits agreed allocations, two owners can exchange exclusive use spaces between themselves: they agree, the body corporate is notified, and the change is recorded. No general meeting is needed. Where it does not, the exchange requires a resolution without dissent and a new community management statement.

Swapping an on-title space is an altogether larger exercise, because land is moving. It means subdividing, transferring and amalgamating, with a surveyor, the registrar and duty all involved. The difference in cost between the two routes is not marginal, and it is entirely determined by a drafting decision made years earlier.

9.2

Adding spaces, and converting between forms

New spaces created out of common property — a widened aisle, a converted garden bed, a tandem space marked out behind an existing one — can be allocated by exclusive use by-law with a resolution without dissent, or dealt with by lease or licence within the module's limits. Either way the physical work is an improvement to common property and needs its own approval, and the development approval has to be checked first.

Converting common property into a new lot is possible but substantial: a registered surveyor's plan, the body corporate's consent, a transfer, and a new community management statement adjusting the schedules. It is the right answer where a scheme genuinely wants tradeable parking, and the wrong answer where it simply wants to tidy up an allocation.

互換與重新配置

管理規約容許協議配置者，兩位業主得逕行互換其專用使用車位：雙方達成協議、通知業主人團體、登錄該項變更即可，無須召開股東會。規約未容許者，該互換則須經無異議決議並製作新的社區管理聲明。

互換登記於產權之上的車位，則屬規模大得多的作業，蓋所移動者為土地。此須經分割、移轉及合併，並涉及測量師、登記官及印花稅。兩種途徑的成本差距絕非些微，且完全取決於數年前所作的一項擬約決定。

增設車位及形式間的轉換

由共用部分新闢的車位——加寬的通道、改建的花圃、於既有車位後方劃設的縱列車位——得以無異議決議透過專用使用管理規約予以配置，或於施行細則所定範圍內以租賃或使用許可處理。無論採何種方式，其實體工程均屬對共用部分的改良，須另行取得核准，且應先行查核開發許可。

將共用部分轉為新單元雖屬可行，惟工程浩大：須有登記測量師的測量圖、業主人團體的同意、移轉文件，以及調整各附表的新社區管理聲明。計劃確有意設置可供交易之車位者，此為正確答案；僅欲整理既有配置者，則為錯誤答案。



10

Terms used in this guide

本指南所用名詞

10.1 Glossary
名詞對照

10.1

Glossary

名詞對照

ENGLISH AND TRADITIONAL CHINESE 英文與繁體中文對照

TERM
名詞WHAT IT MEANS HERE
本指南中的意義**Body corporate**
業主法人團體

The entity created on registration of the scheme, comprising all lot owners.

計劃登記時所成立之法人，由全體單元業主組成。

Common property
共用部分

Scheme land that is not part of any lot. Owned by the owners collectively.

不屬於任何單元之計劃土地，由全體業主共同所有。

Community management statement
社區管理聲明

The recorded document containing lot entitlements, by-laws and exclusive use allocations.

載有分攤權益、管理規約及專用使用配置之登錄文件。

Exclusive use by-law
專用使用管理規約

A by-law attaching to a lot a right of exclusive use over common property.

將共用部分之專用使用權附加於某一單元之管理規約。

Lot entitlement
分攤權益

The figures fixing a lot's share of levies (contribution) and of the scheme (interest).

確定某一單元管理費分攤（出資）及計劃權益（權益）比例之數值。

Resolution without dissent
無異議決議

A resolution on which no vote is cast against.

無任何反對票之決議。

Special resolution
特別決議

A resolution passed by the majority the regulation module prescribes, with no more than the permitted number of votes against.

依施行細則所定多數通過，且反對票不超過所允許數目之決議。

Building format plan
建築格式測量圖

A survey plan whose boundaries are the structural elements of a building.

以建築物結構構件為界線之測量圖。

Original owner
原始業主

The developer, in its capacity as the owner of the scheme land at registration.

開發商，以其於登記時計劃土地所有權人之身分而言。

Utility infrastructure
公用設施基礎設施

Cables, pipes, plant and similar equipment supplying a utility service to the scheme.

為計劃提供公用服務之電纜、管線、設備及類似設施。

Partner's closing test

合夥人最終測試

Six questions. If any of them cannot be answered from documents, the car park is not settled, whatever anybody has been told.

六個問題。其中任何一題若無法自文件中得到答案，則該車位之權屬即未確定，無論何人曾作何種說明。

1	Which of the four holdings is it, and which document says so?	屬於四種持有方式中的哪一種？何份文件如此記載？
2	If it is a separate lot, is that lot in the contract and in the transfer?	若為獨立單元，該單元是否已載於契約及移轉文件之中？
3	If it is exclusive use, do Schedule E and the exclusive use plan agree with each other?	若屬專用使用，附表E與專用使用圖二者是否一致？
4	Who maintains it, and does the by-law try to impose anything that cannot lawfully be imposed?	由何人維護？該管理規約是否試圖課予依法不得課予的義務？
5	What does the development approval require, and does the allocation respect it?	開發許可有何要求？該配置是否與之相符？
6	If the owner needed to move or swap this space, what exactly would it take?	業主若需移動或互換該車位，究竟須經何種程序？

This guide is general information about Queensland law as at 10 September 2026. It is not legal advice and cannot be relied on as advice about any particular scheme, lot or transaction. Schemes differ, and the answer for any given car space is found in that scheme's own survey plan, community management statement and by-laws.

本指南為截至2026年9月10日昆士蘭法律之一般性資訊，並非法律意見，亦不得作為就任何特定計劃、單元或交易之意見而予以信賴。各計劃情況互異；任何特定車位的答案，均應於該計劃自身的測量圖、社區管理聲明及管理規約中尋得。