

Queensland Strata Property Guide

昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

CHAPTER 5 第5章

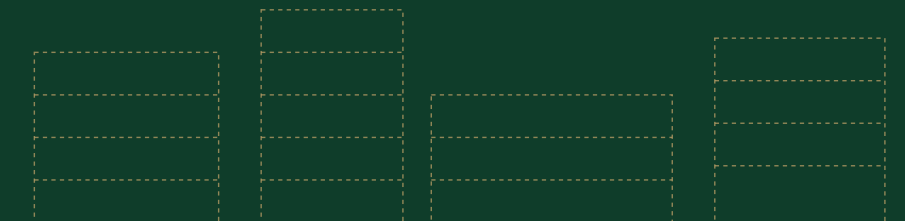
05

Volumetric Subdivision and Building Management Statements

空間體積式分割及建築管理聲明

22 sections · pages 44–66 of the complete guide

22節 · 全書第44至66頁



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STANDALONE CHAPTER EDITION

獨立章節版 · 可與全書其他章節合併閱讀

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This chapter is extracted from the complete guide and is bound with the guide's reader note, core terminology, author profile and important notice so that it can be read alone. Page and figure numbers follow the complete guide.

Reader note

讀者須知

IMPORTANT 重要提示

This guide is general educational information, not legal, financial, tax, building or investment advice. Property and body corporate outcomes turn on the contract, title, survey plan, community management statement, applicable regulation module and current law. Obtain independent Queensland legal advice before signing, waiving a condition, settling, or buying management rights.

本指南僅提供一般教育資訊，並非法律、財務、稅務、建築或投資意見。物業及業主人團體的法律結果，取決於契約、產權、測量圖則、社區管理聲明、適用的規管模組及現行法例。簽署契約、放棄條件、辦理交割或購買管理權前，應取得獨立的昆士蘭法律意見。

The guide uses “strata” as a convenient Australian umbrella expression. Queensland legislation generally uses “community titles scheme” and “body corporate”; New South Wales uses “strata scheme” and “owners corporation”. State and territory statutes are not interchangeable.

本指南以「分層產權」作為澳洲制度的概括用語。昆士蘭法例一般使用「社區產權項目」及「業主人團體」；新南威爾斯州則使用「分層產權項目」及「業主立案法團」。各州及領地的法例不可互換適用。

Traditional Chinese terms follow the supplied Australian Strata Titles Glossary. They are practical explanations rather than official translations. Where a translation differs from the English text, the English text governs.

繁體中文用語依照所提供的《澳洲分層產權術語表》。中文屬實務解釋，並非官方譯文。如譯文與英文有異，概以英文為準。

Editorial method

編寫方法

The English narrative uses a proposition–operation–consequence method. Each subject first identifies the legal structure, then explains how it operates and finally states the practical result for an owner, buyer, body corporate, manager or adviser. The wording and analysis in this guide remain original.

英文正文採用「法律命題—運作方式—實務結果」的編寫方法。每一主題先確定法律架構，再說明其運作方式，最後指出對業主、買方、業主人團體、管理人或顧問的實際影響。本指南的文字及分析均為原創。

- Define the statutory object before discussing its commercial effect.
- 先界定法定對象，再討論其商業效果。
- Keep title, governance, management and contractual rights analytically separate.
- 分開分析產權、治理、管理及契約權利。
- Use legislative history and worked examples to explain why the present rule exists.
- 以立法沿革及實例說明現行規則的由來。

- State the jurisdictional qualification and practical consequence, rather than relying on labels.

- 明確指出司法管轄區限制及實務後果，而不依賴名稱標籤。

Core terminology

核心術語

CORE TERMS

核心術語

Strata title 分層產權

Separate ownership of a lot plus shared interests and obligations.
單元之獨立所有權，並附帶共有權益與共同義務。

Body corporate 業主法人團體

The statutory collective body comprising all lot owners.
由所有單元業主組成的法定集體組織。

Common property 公共財產／共有財產

Shared land and infrastructure outside individual lots, subject to the plan.
位於個別單元範圍以外、依圖則界定的共用土地及基礎設施。

Volumetric subdivision 空間體積式分割

Three-dimensional division of land into separately titled spatial lots.
將土地以三維空間方式分割為可獨立登記的空間地塊。

By-laws 管理規約

Scheme rules regulating use and enjoyment of lots and common property.
規管單元及共有財產使用與享用的項目規則。

Sinking fund 儲備基金／維修基金

Fund for forecast capital expenditure and major replacement work.
用於預計資本開支及主要更換工程的基金。

Committee 委員會

Elected body that administers the scheme between general meetings; its authorised decision is a decision of the body corporate.
由業主選出、在兩次業主大會之間管理項目的機關；其獲授權的決定即屬業主法人團體的決定。

CORE TERMS

核心術語

Community titles scheme 社區產權項目

Queensland's main statutory scheme structure.
昆士蘭主要的法定社區產權項目架構。

Lot 單元／地塊

The separately owned property shown on the registered plan.
註冊圖則所示並由個別業主持有的獨立產權部分。

Community Management Statement (CMS) 社區管理聲明

Recorded document containing scheme identification, entitlements, by-laws and module.
載有項目識別資料、權益表、管理規約及適用規規模組的註冊文件。

Building Management Statement (BMS) 建築管理聲明

Registered reciprocal rights and obligations coordinating shared building interfaces.
以註冊互惠權利及義務協調共用建築界面的文件。

Levy 管理費

An owner's contribution to body corporate expenditure.
業主為支付業主法人團體開支而繳付的管理費。

Management rights 管理權

A combined caretaking and authorised letting business connected with a scheme.
與項目相關的管理維護服務及獲授權出租業務的組合。

General meeting 全體業主大會

Meeting of all owners at which reserved and restricted issues are decided by the prescribed resolution.
全體業主參與的會議，保留及受限制事項須在此以規定決議決定。

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Kevin Pai is a Partner of Bugden Allen Group Legal. His work focuses on strata and community title development, complex and mixed-use titling, project restructuring, body corporate governance and management rights. He has particular experience with Queensland's historical and site-specific regimes and advises developers, bodies corporate, managers, investors and overseas participants on transactions, governance and disputes.

白宗翰是Bugden Allen Group Legal合夥人。他專注於分層及社區產權發展、複雜及混合用途產權架構、問題項目重組、業主人團體治理及管理權，並對昆士蘭歷史及特定地點制度具有專門經驗。他為開發商、業主人團體、管理人、投資者及海外參與者就交易、治理及爭議提供意見。

Kevin is an honours law graduate of the University of Queensland, a member of the Australian College of Strata Lawyers, the Urban Development Institute of Australia (Queensland) and Strata Community Association (Queensland). His practice connects development structuring with the long-term operational consequences of the title, governance and management documents.

白宗翰以榮譽成績畢業於昆士蘭大學法律系，並為澳洲分層產權律師學院、澳洲城市發展學會（昆士蘭）及昆士蘭分層社區協會成員。他的執業把發展架構與產權、治理及管理文件的長期運作後果結合分析。

PRACTICE

Strata & community title development
分層及社區產權發展

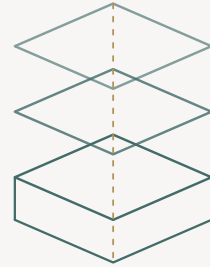
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05



Volumetric Subdivision and Building Management Statements

空間體積式分割及建築管理聲明

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5.22 BMS drafting file, data room and periodic audit

BMS起草檔案、資料室及定期審核

A volumetric format plan creates separately titled parcels by reference to three-dimensionally located bounding surfaces. It is a title device, not a building-management system. Where the resulting parcels remain physically interdependent, a Building Management Statement supplies the reciprocal access, support, shelter, services, insurance and cost-sharing arrangements needed for them to operate together. The plan creates the legal space; the BMS regulates the shared operation.

空間體積式圖則按照以三維位置確定的界面，創設可獨立登記產權的空間地塊。它是產權工具，而不是建築管理制度。當分割後的地塊在實體上仍互相依存時，建築管理聲明會提供共同運作所需的相互通道、支承、遮蔽、服務、保險及成本分攤安排。圖則創設法律空間；BMS則規管共同運作。

THE ESSENTIAL DISTINCTION 核心區別

The volumetric format plan creates the legal parcels. A Building Management Statement (BMS) does not create those titles; it coordinates the reciprocal rights and obligations needed for the separately owned parcels to function as one building or integrated development.

空間體積式圖則負責創造法律地塊。建築管理聲明（BMS）並不創造產權；其作用是協調各獨立地塊作為同一幢大廈或綜合發展運作所需的相互權利及義務。

5.1

Historical background

歷史背景

Early strata legislation was designed principally for apartments and units defined by the physical structure of a completed building. As projects became larger and mixed residential, retail, hotel, office, parking, transport and infrastructure uses, a single community titles scheme or wall-centre boundary system could be commercially restrictive. Developers, owners and lenders needed a way to separate major components vertically and horizontally while preserving reliable building-wide rights.

早期分層產權法例主要為已落成大廈內、由實體結構界定的公寓及單元而設。隨着項目規模擴大，並混合住宅、零售、酒店、辦公室、停車、交通及基礎設施用途，單一社區產權項目或以牆身中心線劃界的制度可能在商業上過於局限。開發商、業主及貸款人需要可按垂直及水平方向分開主要組成，同時保留可靠的全幢大廈權利。

PERIOD 時期	DEVELOPMENT 發展
Before 1997 1997年前	Building-unit and group-title systems addressed apartments and estates, but increasingly complex mixed-use projects exposed the need for more flexible three-dimensional parcels and cross-lot management. 建築單元及組合產權制度處理公寓及屋苑，但日益複雜的混合用途項目顯示需要更具彈性的三維地塊及跨地塊管理。
1994	The Land Title Act 1994 established Queensland’s modern title-registration framework. 《1994年土地產權法》建立昆士蘭現代產權登記架構。
13 July 1997 1997年7月13日	The Body Corporate and Community Management Act 1997 reforms inserted the volumetric-format-plan and BMS architecture into the Land Title Act 1994. 《1997年業主法人團體及社區管理法》的改革，把空間體積式圖則及BMS架構加入《1994年土地產權法》。

PERIOD 時期	DEVELOPMENT 發展
2003–2005	Later amendments refined progressive subdivision, the treatment of community titles scheme land, content requirements and the geographical relationship between affected lots. 其後修訂完善分期分割、社區產權項目土地的處理、內容要求及受影響地塊之間的地理關係。
Current practice 現行實務	Volumetric plans are prepared to cadastral-survey standards, while a registered BMS supplies the operating framework for shared building interfaces. 空間體積式圖則須按地籍測量標準編製；註冊BMS則為共用大廈介面提供營運架構。

5.2

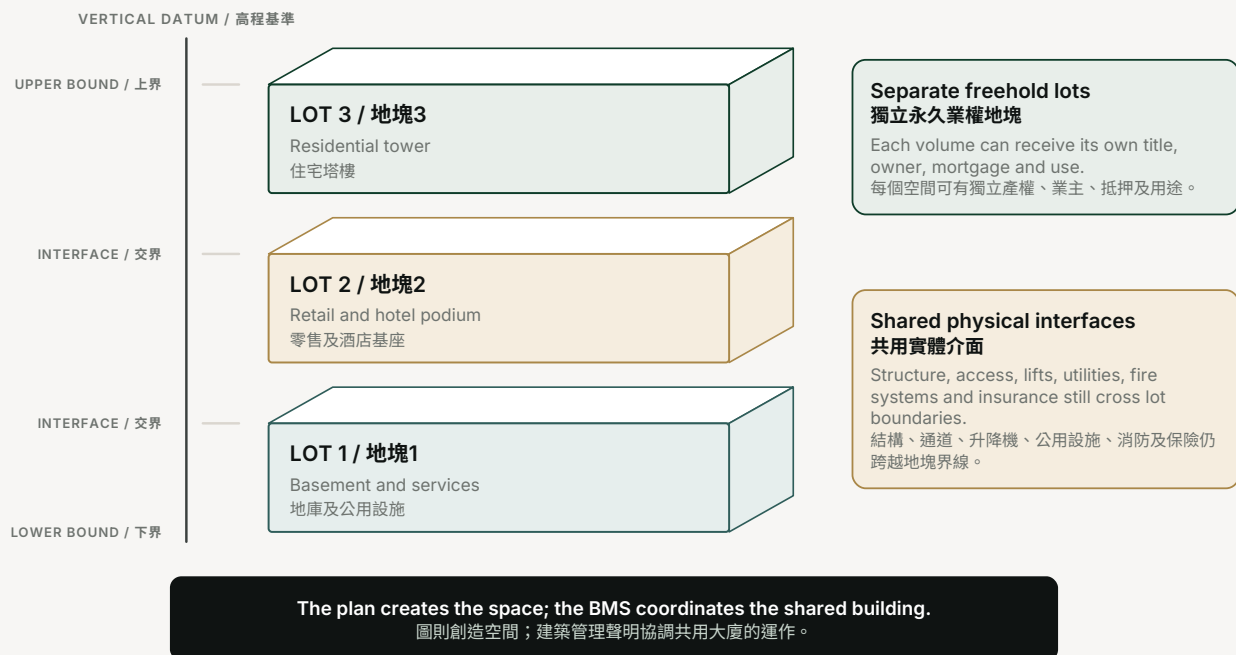
How a volumetric format plan works

空間體積式圖則如何運作

Section 48D of the Land Title Act 1994 defines a volumetric format plan by reference to three-dimensionally located points identifying the position, shape and dimensions of every bounding surface. When the plan of subdivision is registered, each lot shown on it is created as a legal lot. A volumetric lot can therefore be a basement volume, podium, tower, airspace corridor, plant area or another precisely surveyed three-dimensional parcel.

《1994年土地產權法》第48D條以三維定位點界定空間體積式圖則，藉此確定每個邊界面的所在位置、形狀及尺寸。分割圖則註冊後，圖則所示每個地塊即成為法律上的地塊。因此，空間體積式地塊可以是地庫空間、基座、塔樓、空中通道、機電設備區或其他經精確測量的三維空間。

- A volumetric lot is land and may have its own indefeasible title.
- It may be transferred, mortgaged or leased independently, subject to registered interests and transaction documents.
- Its boundary does not have to follow the centre of a physical wall, floor or ceiling.
- A volumetric plan may divide a lot already shown on a standard, building or volumetric format plan.
- The survey plan must be read with all title encumbrances, easements, allocations and the BMS.
- 空間體積式地塊屬土地，並可有其本身的不可推翻產權。
- 在受註冊權益及交易文件約束下，可獨立轉讓、抵押或租賃。
- 其界線毋須沿實體牆身、樓板或天花的中心線。
- 空間體積式圖則可再分割標準、建築格式或空間體積式圖則上的既有地塊。
- 測量圖則須與所有產權負擔、地役權、空間分配及BMS一併審閱。

FIG 8 Three-dimensional anatomy of volumetric lots / 空間體積式地塊的三維結構

5.3

A typical mixed-use structure

典型混合用途架構

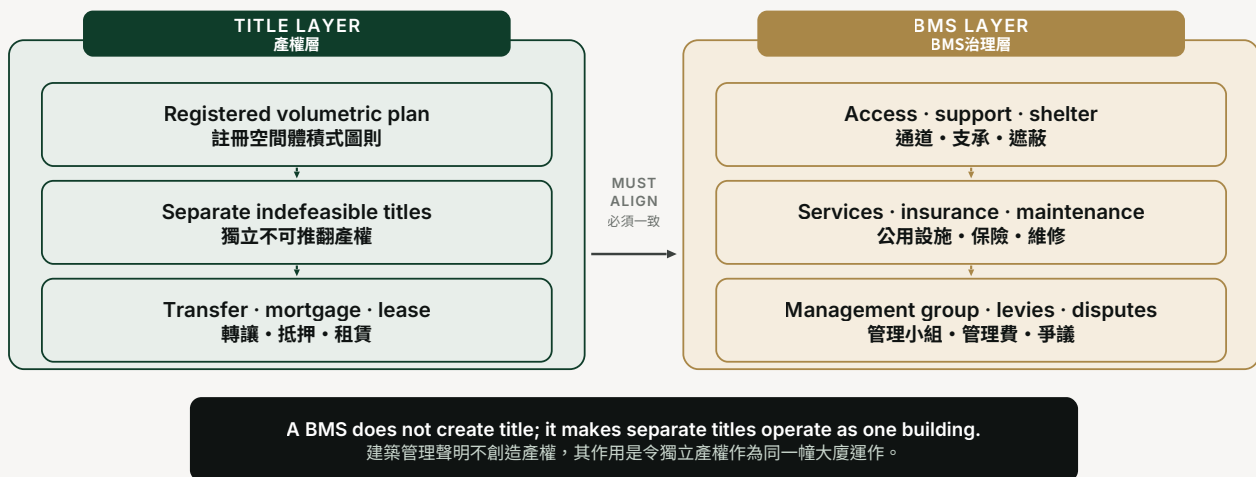
A developer may first create three large volumetric lots—for example, basement parking and services, a retail and hotel podium, and a residential tower. The residential tower lot may then be subdivided by a building format plan to create a community titles scheme. The retail lot may remain in one institutional ownership, while the hotel lot and basement infrastructure may be separately financed or operated.

Separate ownership does not separate the physical building. Foundations may support every component; fire stairs and loading docks may cross titles; chilled water, electricity, water, sewerage, data and fire systems may serve several lots; and façade, roof, waterproofing and structural repairs may benefit more than one owner. Those interfaces require a registered and operational governance layer.

開發商可先建立三個大型空間體積式地塊，例如地庫停車及公用設施、零售與酒店基座，以及住宅塔樓。住宅塔樓地塊其後可再以建築格式圖則分割，成立社區產權項目。零售地塊可由單一機構持有，而酒店地塊及地庫基礎設施則可分別融資或營運。

所有權分開，並不會令實體大廈分開。地基可能支承所有組成；消防樓梯及卸貨區可能跨越多個產權；冷凍水、電力、供水、排污、數據及消防系統可能服務多個地塊；外牆、屋頂、防水及結構維修亦可能惠及多名業主。因此，這些介面需要一套已註冊且可實際運作的治理制度。

FIG 9 Title layer and BMS governance layer / 產權層與BMS治理層



5.4

When a Building Management Statement may be registered

BMS可註冊的情況

Under sections 54A, 54AA and 54B of the Land Title Act 1994, a BMS identifies the lots to which it applies and contains reciprocal provisions benefiting and burdening those lots. The affected lots must generally relate to one or more buildings, form a single continuous area subject to the registrar's limited exception, and comprise either at least two volumetric format lots or at least one volumetric format lot and one standard format lot. Every registered owner must sign the statement.

依《1994年土地產權法》第54A、54AA及54B條，BMS須確認其適用地塊，並載有令該等地塊相互受益及負擔的條文。受影響地塊一般須與一幢或多幢大廈相關，並在註冊官的有限例外下形成單一連續土地範圍；同時須包括至少兩個空間體積式地塊，或至少一個空間體積式地塊及一個標準格式地塊。所有註冊業主均須簽署該聲明。

NO AUTOMATIC BODY CORPORATE 不會自動成立業主法人團體

Creating two or more volumetric lots does not by itself create a body corporate. The owners may be companies, institutional investors, the State, individuals or bodies corporate for separate community titles schemes. The BMS can establish a management group to coordinate them.

建立兩個或以上空間體積式地塊，本身不會自動成立業主法人團體。業主可以是公司、機構投資者、政府、個人，或各自社區產權項目的業主人團體。BMS可設立管理小組以協調各方。

5.5

Mandatory and optional BMS content

BMS強制及選擇性內容

STATUS 性質	SUBJECT 主題	PRACTICAL FUNCTION 實務作用
Mandatory 強制	Supply of services to lots 向地塊供應公用服務	Identify service routes, capacity, metering, interruption rights and responsibility for plant and upgrades. 確認服務路線、容量、計量、中斷權，以及機電設備及升級責任。
Mandatory 強制	Rights of access 通道權	Provide operational, maintenance, inspection, emergency and replacement access across titles. 提供跨產權的營運、維修、檢查、緊急及更換通道。
Mandatory 強制	Support and shelter 支承及遮蔽權	Preserve structural support, waterproofing, weather protection and building integrity. 維持結構支承、防水、抗風雨保護及大廈完整性。
Mandatory 強制	Insurance arrangements 保險安排	Coordinate policies, valuation, claims, reinstatement, deductibles and uninsured loss. 協調保單、估值、索償、重建、自負額及未受保損失。
Optional 選擇性	Governance and money 治理及財務	Management group, meetings, voting, levies, accounts, expenditure, audit and arrears. 管理小組、會議、投票、管理費、帳目、支出、審計及欠款。
Optional 選擇性	Property and future development 物業及未來發展	Maintenance, common services and facilities, architectural standards, disputes, extinguishment and future works. 維修、共用服務與設施、建築標準、爭議、終止及未來工程。

A right of access, support, shelter or another right in the nature of an easement can operate under the BMS without a separate registered easement. That statutory effect makes accurate drafting and plan alignment critical. The Titles Registry may record the statement without undertaking a complete legal or commercial review of every clause.

通道、支承、遮蔽或其他具有地役權性質的權利，可依BMS運作，而毋須另行註冊地役權。此法定效力令條文準確及與圖則一致尤其重要。產權登記處可在沒有全面審查每項條文的法律或商業效力下登記該聲明。

5.6

BMS compared with a CMS

BMS與CMS比較

ISSUE 議題	CMS 社區管理聲明	BMS 建築管理聲明
Primary function 主要功能	Creates and governs the internal operation of one community titles scheme. 成立並規管一個社區產權項目的內部運作。	Coordinates reciprocal rights and obligations across volumetric or related major lots, which may include several schemes. 協調空間體積式或相關主要地塊之間的相互權利及義務，並可涵蓋多個項目。
Parties bound 受約束各方	The body corporate, lot owners, occupiers and other persons identified by the BCCM Act. 業主法人團體、單元業主、佔用人及BCCM法所指其他人士。	Registered owners and successors in title; a community titles scheme is bound where its scheme land is affected. 註冊業主及其產權繼承人；如項目土地受影響，該社區產權項目亦受約束。
Typical content 常見內容	Scheme identification, regulation module, lot entitlements, by-laws and progressive-development information. 項目資料、規管模組、單元權益、管理規約及分期發展資料。	Services, access, support, shelter, insurance, maintenance, management group, levies, disputes and future development. 公用服務、通道、支承、遮蔽、保險、維修、管理小組、管理費、爭議及未來發展。
Decision-maker 決策者	Body corporate acting through general meeting or committee within the BCCM Act and module. 業主法人團體依BCCM法及規管模組，透過全體大會或委員會行事。	The affected owners or a BMS management group acting within the registered statement. 受影響業主或BMS管理小組依註冊聲明行事。
Relationship 相互關係	The CMS remains the scheme's internal constitution. CMS仍是項目的內部憲制文件。	The BMS sits across the titles and can bind the scheme; it does not replace the CMS. BMS橫跨多個產權並可約束項目，但不取代CMS。

5.7

How the BMS operates in practice

BMS的實際運作

01

The registered BMS allocates responsibility for each shared asset, service and interface.

註冊BMS分配每項共用資產、服務及介面的責任。

02

Each affected owner or scheme appoints its representative to the management group if the BMS establishes one.

如BMS設立管理小組，各受影響業主或項目委任其代表。

03

The management group prepares budgets and applies the registered cost-sharing formula.

管理小組編製預算，並套用註冊成本分攤公式。

- 04** The authorised decision-maker approves work, contracts and expenditure within the BMS powers and voting rules. 獲授權決策者依BMS權力及表決規則批准工程、契約及支出。
- 05** Levies or contributions are collected, spent and reconciled through the accounts required by the BMS. 依BMS要求的帳目收取、支出及核對管理費或分攤款。
- 06** Maintenance, inspections, insurance claims and capital projects are documented against the allocation schedules. 維修、檢查、保險索償及資本工程均須按分配表保存紀錄。
- 07** Disagreements follow the BMS notice and dispute pathway, without excluding final determination by a competent court. 爭議依BMS通知及處理途徑進行，但不得排除具管轄權法院作最終裁決。

FIG 10 BMS cost and decision workflow / BMS成本與決策流程

Good governance links registered allocation, authority, evidence and accountability.
良好治理把註冊分攤、權限、證據及問責連結起來。

5.8

Registration, amendment and continuity

註冊、修訂及延續

On registration, a reference to the BMS is recorded on the title for each affected lot and the statement binds successors in title. If the BMS applies to land within a community titles scheme, the body corporate is treated as the registered owner for signing purposes, the statement binds the scheme, and a valid management-group decision can bind the scheme. A buyer cannot assume that changing ownership or changing the scheme committee ends the arrangement.

An amendment generally requires the signatures of all registered owners and cannot simply change the lots to which the BMS applies. Extinguishment and partial extinguishment carry owner and mortgagee-consent requirements, subject to statutory court-order exceptions. In a complex development, unanimity and lender consent can make future correction difficult and expensive.

BMS註冊後，每個受影響地塊的產權均會記錄該聲明，並約束產權繼承人。如BMS適用於社區產權項目內的土地，就簽署而言，業主法人團體被視為註冊業主；該聲明約束項目，而有效的管理小組決定亦可約束項目。買方不可假設業主更替或委員會更換會終止該安排。

修訂一般需要所有註冊業主簽署，亦不能藉簡單修訂改變BMS適用的地塊。終止或部分終止通常須取得業主及抵押權人同意，但法定法院命令例外除外。在複雜發展中，全體同意及貸款人同意要求，可令日後糾正問題既困難又昂貴。

DRAFT FOR THE COMPLETED ASSET, NOT ONLY THE FIRST STAGE 應按完整資產起草，而非只考慮首期

A BMS should anticipate future stages, final plant capacity, temporary access, construction interference, commissioning, defect rectification and the transition from developer control to long-term owners.

BMS應預先處理未來分期、最終機電容量、臨時通道、施工干擾、系統調試、缺陷整改，以及由開發商控制過渡至長期業主持有。

5.9

Due diligence and drafting checklist

盡職調查及起草清單

- Obtain every current title, the registered volumetric plan, three-dimensional diagrams and all allocation sheets.
- Read the complete BMS, registered standard terms, amendments, easements and related development agreements.
- Reconcile every structural element, plant item, service route, access path and insurance obligation against the drawings.
- Test the cost formula for routine expenditure, capital replacement, defects, upgrades, emergencies and uninsured loss.
- 取得所有現行產權、註冊空間體積式圖則、三維圖及全部空間分配表。
- 審閱完整BMS、註冊標準條款、修訂、地役權及相關發展協議。
- 把每項結構元素、機電設備、服務路線、通道及保險義務與圖則核對。
- 測試日常支出、資本更換、缺陷、升級、緊急情況及未受保損失的成本公式。

- Review management-group membership, quorum, voting thresholds, conflicts, deadlock, delegation and emergency powers.
- Check budgets, levies, arrears, contracts, insurance, claims, minutes, disputes, defects and planned major works.
- For an off-the-plan purchase, compare the proposed BMS with the registered version and every change notice before settlement.
- For finance, confirm that access, support, services and insurance are sufficient for the lot to operate independently and retain value.
- 審查管理小組成員、法定人數、表決門檻、利益衝突、僵局、授權及緊急權力。
- 查核預算、管理費、欠款、契約、保險、索償、會議紀錄、爭議、缺陷及計劃重大工程。
- 購買樓花時，交割前須把擬議BMS與註冊版本及每份變更通知比較。
- 就融資而言，確認通道、支承、公用設施及保險足以令地塊獨立運作並維持價值。

PRACTICAL EFFECT 實務效果

The most serious BMS risks are often found in schedules and drawings rather than the general clauses: an incorrect allocation, missing service route or incomplete reinstatement formula can affect value, finance and business continuity for decades.

最嚴重的BMS風險往往存在於附表及圖則，而非一般條款。錯誤的空間分配、遺漏服務路線或不完整的重建公式，可長期影響價值、融資及業務持續。

5.10

Three-dimensional boundary design and survey coordination

三維界線設計及測量協調

A volumetric lot is defined by surveyed bounding surfaces rather than by an informal description such as “the retail podium” or “the basement”. The title must be capable of being located in three dimensions. The legal design therefore begins with cadastral surveying, but it cannot be completed sensibly by the surveyor alone. The architect, structural engineer, services engineers, fire engineer, building certifier, developer, lawyer and intended operators must agree what should sit inside each title and what must cross a title boundary.

The survey should use a stable horizontal and vertical datum, identify every upper, lower and side boundary, and explain irregular or stepped surfaces. Particular care is required where a slab, façade, transfer structure, waterproofing layer, riser, plant room or service zone crosses the intended boundary. A boundary placed through a critical plant may separate ownership from operational control; a boundary drawn without sufficient maintenance space may make replacement physically impossible. Three-dimensional diagrams assist readers, but they do not replace the registered plan or its survey information.

空間體積式地塊由經測量的邊界面界定，而不是以「零售基座」或「地下室」等非正式描述界定。產權範圍必須可在三維空間中準確定位。因此，法律設計須由地籍測量開始，但不能只由測量師單獨完成。建築師、結構工程師、機電工程師、消防工程師、建築認證人、開發商、律師及預定營運者，均須共同確認哪些部分應納入各產權，以及哪些設施必須跨越產權界線。

測量圖則應採用穩定的水平及垂直基準，標示每個上界、下界及側界，並解釋不規則或階梯式邊界面。如樓板、外牆、轉換結構、防水層、管道井、機房或服務區跨越擬定界線，尤其需要審慎處理。若界線穿過關鍵設備，可能令所有權與營運控制分離；如沒有預留足夠維修空間，日後甚至可能無法更換設備。三維示意圖有助閱讀，但不能取代註冊圖則及其測量資料。

PRACTICAL CHECKLIST 實務清單

- Reconcile survey boundaries against coordinated architectural, structural and services drawings.
- Confirm the datum, reduced levels and treatment of sloping or stepped surfaces.
- Provide access and removal paths for every major plant item crossing or adjoining a boundary.
- Record which drawing resolves any inconsistency and require the registered plan to prevail for title.
- 把測量界線與已協調的建築、結構及機電圖則核對。
- 確認基準、高程及斜面或階梯面的處理方法。
- 為每項跨越或毗鄰界線的主要設備提供進入及拆卸路線。
- 記錄文件不一致時的優先次序，並就產權範圍以註冊圖則為準。

PRACTICAL EFFECT 實務效果

A small drafting or survey mismatch at an interface can become a permanent ownership, maintenance and insurance problem. Run a formal boundary workshop before the survey plan and BMS are finalised.

介面上的輕微起草或測量不一致，可能演變為永久的所有權、維修及保險問題。在測量圖則及BMS定稿前，應召開正式的界線協調工作會議。

5.11

From development approval to registered title**由發展批准至註冊產權**

Planning approval, building approval, the cadastral plan and the BMS perform different functions. Planning approval authorises development subject to conditions. Building approval addresses the proposed building work. The registered plan creates the legal lots. The BMS allocates reciprocal rights and obligations across those lots. None of these documents should be treated as a substitute for another.

A reliable registration pathway keeps the approved use, physical design, title boundaries and operating arrangements aligned. The plan must satisfy statutory survey and consent requirements, including relevant planning-body approval where required and the consent of affected registered mortgagees and interest holders. The BMS must identify eligible lots, be signed by all registered owners and be capable of operating with the final plan. Because the registrar is not obliged to conduct a complete validity or commercial review of the BMS, registration is not a quality assurance certificate for the transaction documents.

規劃批准、建築批准、地籍圖則及BMS各有不同功能。規劃批准在附帶條件下准許發展；建築批准處理擬建工程；註冊圖則創造法律地塊；BMS則分配各地塊之間的相互權利及義務。任何一份文件均不應被視為另一份文件的替代品。

可靠的註冊程序應令獲批用途、實體設計、產權界線及營運安排保持一致。圖則須符合測量及同意的法定要求，包括在適用情況下取得相關規劃機構批准，以及受影響的註冊抵押權人及權益持有人的同意。BMS須確認合資格地塊，由所有註冊業主簽署，並可與最終圖則共同運作。由於註冊官毋須全面審查BMS的有效性或商業內容，註冊本身並非交易文件的品質保證。

PRACTICAL CHECKLIST 實務清單

- Prepare a document register linking every approval condition to the plan, BMS or operating procedure that satisfies it.
- 建立文件登記冊，把每項批准條件連接至相應圖則、BMS或營運程序。

- Confirm all registered interests and required consents before fixing the lodgement sequence.
- Compare the execution version of the BMS with the version approved by owners, lenders and project stakeholders.
- Use a settlement condition requiring evidence of registration of the intended plan and BMS.
- 在確定遞交次序前，確認所有註冊權益及所需同意。
- 把BMS簽署版本與業主、貸款人及項目持份者批准的版本比較。
- 設定交割條件，要求提供擬定圖則及BMS已註冊的證明。

PRACTICAL EFFECT 實務效果

Treat registration as the final integration exercise. A project can have valid approvals and registrable documents yet still produce an unworkable ownership and operating model.

應把註冊視為最終整合程序。項目即使具有有效批准及可註冊文件，仍可能形成無法實際運作的所有權及營運模式。

5.12

Shared services, plant and utility infrastructure

共用服務、機電設備及公用設施

Mixed-use buildings rarely have completely independent services. Electricity intake rooms, transformers, generators, fire pumps, hydrants, sprinklers, smoke control, lifts, chilled-water plant, water tanks, sewer, trade waste, telecommunications, security systems and building management systems may serve more than one volumetric lot. Section 54C therefore requires the BMS to contain provisions about the supply of services to lots.

A useful services schedule identifies the owner of each asset, the lots served, capacity reserved for each lot, operating standards, meter location, energy and water charges, planned maintenance, replacement responsibility and access rights. It should also deal with interruption, emergency isolation, contamination, cyber or control-system failure, capacity upgrades and connections for future stages. Where consumption can be measured, submetering may support a user-pays allocation; fixed capacity, standby systems and base-building plant may require a different formula.

混合用途大廈的公用服務很少完全獨立。電力進線房、變壓器、發電機、消防泵、消防栓、灑水系統、排煙系統、升降機、冷凍水設備、水箱、排污、商業廢水、電訊、保安系統及大廈管理系統，均可能服務多個空間體積式地塊。因此，第54C條要求BMS載有向各地塊供應服務的條文。

實用的服務附表應確認每項資產的業主、受服務地塊、各地塊獲保留的容量、營運標準、計量錶位置、能源及水費、計劃維修、更換責任及通道權。附表亦應處理服務中斷、緊急隔離、污染、網絡或控制系統故障、容量升級及未來分期接駁。如用量可量度，可按分錶採用用者自付方式；固定容量、備用系統及大廈基本設備則可能需要不同公式。

PRACTICAL CHECKLIST 實務清單

- Create a complete plant and services register with a unique asset identifier.
- Map the physical route, ownership, control point, meter and lots served for each service.
- 建立完整機電及服務登記冊，為每項資產編配獨立識別編號。
- 繪製每項服務的實體路線、所有權、控制點、計量錶及受服務地塊。

- Test shutdown, emergency isolation and replacement access before titles are sold.
- Distinguish consumption charges, capacity charges, standby costs and capital replacement.
- 在出售產權前測試停機、緊急隔離及更換設備的通道。
- 區分用量費、容量費、備用成本及資本更換成本。

PRACTICAL EFFECT 實務效果

Do not allocate a service merely by naming the room that contains it. Ownership of the room, ownership of the plant, operational control and liability for the service can be different.

不可只按設備所在房間分配服務責任。房間所有權、設備所有權、營運控制及服務責任可以各不相同。

5.13

Access, support, shelter and building interfaces**通道、支承、遮蔽及大廈介面**

Separate titles remain physically interdependent. One lot may support another through columns, transfer beams, slabs or foundations. A podium roof may shelter the lot below while serving as a terrace for the lot above. Façade anchors, membranes, movement joints, fire stairs, lobbies and loading areas may sit on one title but protect or serve several. The BMS must address rights of access, support and shelter, and those rights may operate without a separate formal easement.

The drafting should go beyond a general right to enter. It should identify who may enter, for what purpose, on what notice, at what time, with what safety controls, and who must reinstate damage. Emergency access should operate immediately. Planned access should coordinate with trading hours, hotel security, residential privacy and workplace safety. The BMS should also allocate inspection and maintenance responsibility for each interface and prevent an owner from altering structural support, waterproofing, fire separation or weather protection unilaterally.

獨立產權在實體上仍然互相依賴。一個地塊可透過柱、轉換樑、樓板或地基支承另一地塊；基座屋頂可遮蔽下層地塊，同時作為上層地塊的平台。外牆錨固件、防水膜、伸縮縫、消防樓梯、大廳及卸貨區可能位於一個產權內，但保護或服務多個地塊。BMS必須處理通道、支承及遮蔽權，而該等權利可在沒有另行正式地役權下運作。

條文不應只籠統授予進入權，還應確認誰可進入、進入目的、通知期限、時間、安全控制，以及由誰修復損壞。緊急通道應可即時使用；計劃通道則須配合營業時間、酒店保安、住宅私隱及工作場所安全。BMS亦應分配每個介面的檢查及維修責任，並防止任何業主單方面改動結構支承、防水、消防分隔或抗風雨保護。

PRACTICAL CHECKLIST 實務清單

- Prepare an interface schedule for structure, façade, waterproofing, fire separation and circulation.
- Separate emergency entry rights from planned inspection and works access.
- Allocate security escorts, inductions, permits, shutdowns and reinstatement costs.
- 為結構、外牆、防水、消防分隔及通行系統編製介面附表。
- 把緊急進入權與計劃檢查及施工通道分開處理。
- 分配保安陪同、安全簡介、工作許可、停機及修復成本。

- Require consent before work affects support, shelter, waterproofing or fire integrity.

- 工程如影響支承、遮蔽、防水或消防完整性，須事先取得同意。

PRACTICAL EFFECT 實務效果

The quality of an access clause is tested when an urgent leak or structural defect occurs at 2 a.m., not when the BMS is signed in an empty development.

通道條文的真正考驗，是凌晨二時發生緊急漏水或結構缺陷時，而不是在尚未入伙的項目簽署BMS之時。

5.14

Insurance, damage and reinstatement

保險、損壞及重建

The statutory requirement is for the BMS to contain insurance arrangements; it does not itself prescribe one universal policy model. A project may use a coordinated whole-building policy, separate policies for major components, or a combination. Whatever model is chosen must avoid gaps, double insurance, inconsistent valuations and competing control of a claim.

The BMS should identify insured property, policyholder, insured parties, valuation method, premium allocation, deductibles, uninsured risks, claims authority and distribution of proceeds. It should provide a reinstatement decision process, including design changes required by law, business-interruption coordination, temporary works and the position if full reinstatement is impossible or uneconomic.

法例要求BMS載有保險安排，但本身並沒有指定一種適用於所有項目的保單模式。項目可採用協調一致的全幢大廈保單、各主要部分的獨立保單，或兩者結合。無論採用哪種模式，均須避免保障缺口、重複投保、估值不一致及索償控制衝突。

BMS應確認受保財產、投保人、受保各方、估值方法、保費分攤、自負額、未受保風險、索償權限及賠款分配。亦應建立重建決策程序，包括法例要求的設計變更、營業中斷協調、臨時工程，以及如全面重建不可行或不合經濟效益時的處理。

PRACTICAL CHECKLIST 實務清單

- Obtain one insurance matrix showing every asset, risk, policy, insured party and deductible.
- Align building valuations and policy renewal dates.
- Define who controls notification, experts, settlement and application of insurance proceeds.
- Model partial damage, total loss, denial of cover and underinsurance scenarios.
- 編製一份保險矩陣，列明每項資產、風險、保單、受保方及自負額。
- 協調大廈估值及保單續期日期。
- 界定由誰控制通知、專家委任、和解及保險賠款用途。
- 模擬部分損壞、全損、拒絕承保及保額不足的情境。

PRACTICAL EFFECT 實務效果

An insurance clause is incomplete unless it explains who rebuilds, who pays during the claim and what happens when the insurer does not fund the full reinstatement cost.

保險條文如沒有說明由誰重建、索償期間由誰付款，以及保險人未足額支付重建成本時如何處理，便不完整。

5.15

Cost allocation, budgets and levies

成本分配、預算及管理費

The BMS may provide for levies, the holding and expenditure of levy money, and property maintenance. Unlike a community titles scheme operating under a prescribed regulation module, the BMS cost model depends heavily on the registered BMS. A single percentage for every expense is simple, but it may become commercially unfair when services, floor areas, values, opening hours and replacement costs differ substantially.

A sophisticated allocation schedule separates sole-use costs, measurable consumption, reserved capacity, shared operating costs and long-term capital replacement. Different assets may use different drivers: metered demand, connected load, gross floor area, insured value, replacement value, frequency of use or direct causation. The BMS should state how annual budgets, special contributions, reserve accounts, arrears, interest, audit, tax invoices and year-end reconciliations are administered, while allowing expert determination where technical data is disputed.

PRACTICAL CHECKLIST 實務清單

- Create an asset-by-asset allocation schedule rather than one building-wide percentage.
- Separate operating expenditure from planned capital replacement and emergency expenditure.
- Test each formula against current use, vacant space, changed use and future development.
- Specify evidence, invoicing, objections, audit rights and year-end true-up.
- BMS可規定管理費、管理費款項的保管及支出，以及物業維修。與受指定規管模組規管的社區產權項目不同，BMS成本模式在很大程度上取決於註冊條文。所有支出採用同一百分比雖然簡單，但如服務、樓面面積、價值、營業時間及更換成本有重大差異，可能造成商業上不公平的結果。
- 成熟的分配附表應區分專用成本、可量度用量、保留容量、共用營運成本及長期資本更換。不同資產可採用不同分配因素，例如計量需求、接駁負荷、總樓面面積、投保價值、更換價值、使用頻率或直接因果關係。BMS應規定年度預算、特別分攤、儲備帳戶、欠款、利息、審計、稅務發票及年終核算的管理方式；如技術數據有爭議，則可交由專家裁定。
- 按每項資產編製分配附表，而非只採用一個全幢百分比。
- 區分營運支出、計劃資本更換及緊急支出。
- 按現有用途、空置空間、用途改變及未來發展測試每項公式。
- 規定證明、發票、異議、審計權及年終調整機制。

PRACTICAL EFFECT 實務效果

The question is not whether an allocation adds to 100%. The question is whether the formula continues to produce a defensible result when use, ownership and technology change.

關鍵不只是分配比例是否合共100%，而是用途、所有權及技術改變後，公式能否繼續產生合理且可辯護的結果。

5.16

Management-group governance, authority and deadlock

管理小組治理、權限及僵局

A BMS may establish a management group to coordinate the affected owners. The group is not automatically a body corporate, and its powers arise from the registered statement. The drafting must therefore identify representation, chairing, notice, quorum, voting, conflicts, delegation, banking, records and the limits of authority. Where a community titles scheme is affected, a valid management-group decision can bind the scheme under section 54I.

Voting design should reflect the decision. Routine administration may justify one vote per affected lot; expenditure may be weighted by the relevant cost allocation; structural, insurance or redevelopment decisions may require a higher threshold. Reserved matters should identify what cannot be delegated. Deadlock provisions can move from senior representatives to mediation, expert determination for technical issues and court proceedings where necessary. An emergency power should permit immediate protective action but require prompt reporting and later financial review.

PRACTICAL CHECKLIST 實務清單

- Match voting thresholds to administrative, financial, structural and fundamental decisions.
- Define the representative authority of a body corporate, company, trustee or government owner.
- Include conflict disclosure, abstention and related-party procurement rules.
- Create a time-limited escalation path for deadlock and urgent decisions.

BMS可設立管理小組協調受影響業主。該小組不會自動成為業主法人團體，其權力來自註冊聲明。因此，條文須確認代表、主席、通知、法定人數、投票、利益衝突、授權、銀行帳戶、紀錄及權限限制。如社區產權項目受BMS約束，有效的管理小組決定可依第54I條約束該項目。

投票制度應配合決策性質。日常行政可採每個受影響地塊一票；支出決定可按相關成本分配加權；結構、保險或重建決定則可能需要較高門檻。保留事項應明確列出不得授權的事項。僵局程序可由高級代表協商，繼而調解；技術問題可交專家裁定，必要時再進入法院程序。緊急權力應容許即時採取保護行動，但須迅速報告並在事後進行財務覆核。

- 按行政、財務、結構及根本性決定設定不同投票門檻。
- 界定業主法人團體、公司、受託人或政府業主代表的權限。
- 加入利益衝突披露、避席及關聯方採購規則。
- 為僵局及緊急決定建立有時限的升級程序。

PRACTICAL EFFECT 實務效果

A management group should not be given broad expenditure language without a matching voting rule, budget control and reporting obligation.

如BMS賦予管理小組廣泛支出權，必須同時配合相應投票規則、預算控制及報告義務。

5.17

Contracts, procurement and operational records

契約、採購及營運紀錄

A BMS may establish the governance framework, but buildings operate through contracts. Facilities management, cleaning, security, fire services, lift maintenance, energy, waste, insurance broking, engineering and capital works may be procured for several lots together. The BMS should identify who may contract, which owners are liable, how the supplier is supervised and how costs are allocated.

Procurement provisions should address quotations, tenders, contract limits, related parties, performance standards, insurance, indemnities, variation, assignment and termination. The manager should maintain minutes, resolutions, budgets, contracts, invoices, asset registers, maintenance records, warranties, permits, incident reports and insurance material in a shared data room. Because owners and representatives change, the BMS should require document handover, access rights, retention periods and business-continuity arrangements.

BMS可建立治理架構，但大廈仍須透過契約運作。設施管理、清潔、保安、消防服務、升降機維修、能源、廢物、保險經紀、工程顧問及資本工程，均可能由多個地塊共同採購。BMS應確認誰有權簽約、哪些業主承擔責任、如何監督供應商及如何分配成本。

採購條文應處理報價、招標、契約金額限制、關聯方、履約標準、保險、彌償、變更、轉讓及終止。管理人應在共用資料室留存會議紀錄、決議、預算、契約、發票、資產登記冊、維修紀錄、保養、工作許可、事故報告及保險資料。由於業主及代表會更替，BMS應規定文件交接、查閱權、保存期限及業務持續安排。

PRACTICAL CHECKLIST 實務清單

- State which entity signs each contract and whether liability is several, joint or allocated.
- Set procurement thresholds and approval evidence for variations and emergency work.
- Require a current contract register showing term, options, annual cost and termination dates.
- Provide data-room access and a mandatory handover protocol when representatives change.
- 說明由哪個實體簽署各契約，以及責任屬個別、共同或按比例分配。
- 設定採購門檻，以及變更及緊急工程的批准證明。
- 要求保存現行契約登記冊，列明年期、續期權、年度成本及終止日期。
- 代表更替時，提供資料室查閱權及強制交接程序。

PRACTICAL EFFECT 實務效果

A management group resolution is not a substitute for confirming that the contracting party has legal capacity and that the approved cost can be recovered under the BMS.

管理小組決議不能取代對簽約方是否具有法律能力，以及已批准成本能否依BMS追收的確認。

5.18

Future development, staged construction and change control

未來發展、分期施工及變更控制

A BMS may address proposed future development, and the statutory scheme recognises that an affected lot may later be subdivided, with the statement then applying to the lots created. This flexibility supports staged towers and later community titles schemes, but it can also expose early owners to construction access, temporary services, changed capacity demands and prolonged developer influence.

Future-development rights should define the permitted works, maximum duration, affected areas, construction access, crane and hoarding rights, service diversions, temporary shutdowns, noise, dust, security, safety, insurance and rectification. Change-control provisions should distinguish minor technical updates from changes that increase cost, reduce service capacity, alter access, change voting power or prejudice an existing lot. Any unilateral developer power should be limited by objective conditions, notice, evidence, make-good obligations and protection of existing use.

BMS可處理擬議未來發展，而法定制度亦承認受影響地塊可在日後再分割，屆時聲明將適用於新建立的地塊。此彈性有利於分期塔樓及日後成立社區產權項目，但亦可能令早期業主承受施工通道、臨時服務、容量需求改變及開發商長期影響。

未來發展權應界定准許工程、最長期限、受影響範圍、施工通道、吊機及圍板權、服務改道、臨時停機、噪音、塵埃、保安、安全、保險及修復。變更控制條文應區分輕微技術更新與增加成本、降低服務容量、改變通道、改變投票權或損害現有地塊的變更。任何開發商單方權力均應受客觀條件、通知、證明、復原義務及現有用途保障所限制。

PRACTICAL CHECKLIST 實務清單

- Define the final completed development and every permitted intermediate stage.
- Reserve and protect capacity for existing lots before approving later connections.
- Require construction management plans, insurance and security for make-good obligations.
- Identify changes requiring unanimous consent, a special threshold or independent certification.
- 界定最終完成發展及每個准許的過渡分期。
- 批准日後接駁前，為現有地塊保留及保障所需容量。
- 要求施工管理計劃、保險及修復義務的擔保。
- 確認哪些變更須全體同意、特別門檻或獨立認證。

PRACTICAL EFFECT 實務效果

A future-development clause should permit construction, not permit the economic bargain of the existing owners to be rewritten without defined limits.

未來發展條文應容許施工，但不應容許在沒有明確限制下重寫現有業主的經濟安排。

5.19

Defects, emergencies and business continuity

缺陷、緊急情況及業務持續

A defect at a volumetric boundary can involve several legal and technical layers: the defective component may be owned by one lot, maintained by another party, accessed through a third lot and insured under a shared policy. Water ingress, façade failure, fire-system defects, structural movement and service interruption therefore require a coordinated response rather than a single-title analysis.

The BMS should establish immediate notification, emergency entry, temporary protection, expert appointment, evidence preservation and cost-reservation procedures. It should distinguish emergency mitigation from final responsibility: the party authorised to stop damage should not automatically bear the ultimate cost. A building-wide incident plan should identify decision-makers, contacts, isolation points, alternative access, resident and tenant communications, regulatory notifications and restoration priorities. Root-cause and responsibility can then be determined after the asset is safe.

空間體積式界線上的缺陷可能涉及多個法律及技術層次：有缺陷的構件可由一個地塊擁有、由另一方維修、須經第三個地塊進入，並由共用保單承保。因此，滲水、外牆失效、消防系統缺陷、結構移動及服務中斷均須協調處理，而不能只分析單一產權。

BMS應建立即時通知、緊急進入、臨時保護、專家委任、證據保存及成本保留程序。條文須區分緊急減損與最終責任：獲授權制止損害的一方不應自動承擔最終成本。全幢事故計劃應確認決策者、聯絡人、隔離點、替代通道、住戶及租戶通訊、監管通知及復原優先次序。資產安全後，才確定根本原因及責任。

PRACTICAL CHECKLIST 實務清單

- Maintain an emergency contact and authority matrix available outside normal business hours.
- Preserve photographs, alarms, access logs, samples, expert observations and notice records.
- Authorise immediate mitigation without prejudicing later allocation of responsibility.
- Test alternative power, water, fire, access and communication arrangements periodically.
- 保存可在非辦公時間使用的緊急聯絡及權限矩陣。
- 保存照片、警報、進出紀錄、樣本、專家觀察及通知紀錄。
- 授權即時減損，但不影響日後責任分配。
- 定期測試後備電力、供水、消防、通道及通訊安排。

PRACTICAL EFFECT 實務效果

The first objective is safety and loss mitigation. Liability, insurance recovery and final cost allocation should follow preserved evidence and expert causation analysis.

首要目標是安全及減少損失。責任、保險追償及最終成本分配，應以已保存證據及專家因果分析為基礎。

5.20

Financing, leasing, sale and change of ownership

融資、租賃、出售及業權變更

A registered BMS is recorded against each affected title and binds successors. It can therefore affect financeability, valuation, lease structure, operating expenses and saleability. A lender will want the mortgaged lot to have reliable access, support, services and insurance, and will test whether material decisions or amendments could impair its security. A buyer must assess both the registered instrument and the way it has actually been administered.

Transaction due diligence should obtain the current titles, plan, BMS, amendments, management-group minutes, budgets, contributions, arrears, contracts, insurance, claims, disputes, defects and future works. Leases and operating agreements should pass through relevant BMS obligations without attempting to transfer the owner's ultimate registered responsibility. A sale contract should deal with disclosure, apportionment of contributions, outstanding decisions, transfer of records and any consent or accession mechanism required by the BMS or related contracts.

註冊BMS記錄於每個受影響產權並約束產權繼承人，因此可影響融資能力、估值、租賃架構、營運支出及可出售性。貸款人會要求抵押地塊具有可靠通道、支承、服務及保險，並評估重大決定或修訂會否損害其抵押保障。買方須同時評估註冊文件及其實際管理方式。

交易盡職調查應取得現行產權、圖則、BMS、修訂、管理小組會議紀錄、預算、分攤款、欠款、契約、保險、索償、爭議、缺陷及未來工程。租約及營運協議應把相關BMS義務向下傳遞，但不應試圖轉移業主最終的註冊責任。出售契約應處理披露、分攤款調整、未完成決定、紀錄移交，以及BMS或相關契約要求的任何同意或加入機制。

PRACTICAL CHECKLIST 實務清單

- Review BMS rights and obligations as part of title, valuation and finance due diligence.
- Obtain management-group estoppel or status information where the documents permit it.
- Flow relevant operating obligations into leases while preserving owner oversight.
- Confirm contributions, arrears, claims, approved works and records handover at settlement.
- 把BMS權利及義務納入產權、估值及融資盡職調查。
- 如文件容許，取得管理小組的確認或狀況資料。
- 把相關營運義務納入租約，同時保留業主監督。
- 交割時確認分攤款、欠款、索償、已批准工程及紀錄移交。

PRACTICAL EFFECT 實務效果

A clean title search showing the BMS reference is only the beginning. The economic risk is found in the complete statement, its schedules and the management history.

產權查冊清楚顯示BMS註記只是一個起點。經濟風險存在於完整聲明、附表及管理歷史之中。

5.21

Worked mixed-use example

混合用途實例

Assume a project contains four affected interests: Lot A is basement parking and central plant; Lot B is a retail podium; Lot C is a hotel tower; and Lot D is scheme land for a residential community titles scheme. The following example is illustrative only. Its purpose is to show why one ownership percentage rarely answers every operational question.

The central fire pumps serve every lot and may be allocated by an engineered demand or replacement model. Retail loading and trade-waste systems principally serve Lot B and should not automatically be charged equally to hotel or residential owners. Chilled water may be charged by metered use plus reserved capacity. Foundations and transfer structures benefit every upper component, but inspection access may lie within Lot A. The podium waterproofing protects retail below and forms an outdoor area for the residential scheme above, requiring separate ownership, maintenance, access and causation rules.

假設項目包含四項受影響權益：A地塊為地庫停車及中央設備；B地塊為零售基座；C地塊為酒店塔樓；D地塊為住宅社區產權項目的項目土地。以下例子只供說明，旨在顯示單一所有權百分比通常不能回答所有營運問題。

中央消防泵服務所有地塊，可按工程需求或更換成本模式分配。零售卸貨及商業廢水系統主要服務B地塊，不應自動由酒店或住宅業主平均分擔。冷凍水可按計量用量加保留容量收費。地基及轉換結構惠及所有上層部分，但檢查通道可能位於A地塊內。基座防水層保護下方零售空間，同時構成上方住宅項目的戶外地方，因此須分開處理所有權、維修、通道及因果責任。

INTERFACE 介面	PRIMARY BMS QUESTIONS BMS主要問題
Central plant 中央設備	Who owns, operates and replaces it? Which lots receive capacity? How are use, standby and capital costs separated? 由誰擁有、營運及更換？哪些地塊獲得容量？如何區分用量、備用及資本成本？
Podium roof 基座屋頂	Who owns the slab, membrane and finishes? Who may enter? Who pays where damage is caused by the upper use? 誰擁有樓板、防水膜及飾面？誰可進入？如損壞由上層用途造成，誰負責付款？
Loading and access 卸貨及通道	Which uses have priority and at what times? Who controls security, traffic, cleaning and damage? 哪些用途在什麼時間享有優先？由誰控制保安、交通、清潔及損壞處理？
Structure and façade 結構及外牆	Which title contains each element? Who inspects, maintains, insures and approves alterations? 每項構件位於哪個產權？由誰檢查、維修、投保及批准改動？

PRACTICAL CHECKLIST 實務清單

- Prepare a title-and-asset map for all four affected interests.
- Use a separate allocation driver for each material shared asset.
- Test a leak, fire-system failure, power outage and major plant replacement.
- 為四項受影響權益編製產權及資產圖。
- 為每項重大共用資產採用獨立分配因素。
- 測試漏水、消防系統故障、停電及主要設備更換情境。

- Confirm that the residential body corporate can lawfully make and fund each required decision.

- 確認住宅業主法人團體可合法作出並資助每項所需決定。

PRACTICAL EFFECT 實務效果

The worked example should be replaced with the project's actual title, asset, services, insurance and cost-allocation matrices before any transaction proceeds.

任何交易進行前，均須以項目的實際產權、資產、服務、保險及成本分配矩陣取代本說明例子。

5.22

BMS drafting file, data room and periodic audit

BMS起草檔案、資料室及定期審核

A complex BMS should be supported by a structured evidence file. The registered statement is the legal instrument, but its successful operation depends on co-ordinated drawings, asset schedules, cost models, insurance matrices, contracts and records. These materials should be assembled before registration and preserved for later owners, managers, lenders and advisers.

The data room should contain the final plan and survey information, BMS and amendments, approval history, design drawings, commissioning records, as-built information, asset and interface registers, service capacity data, allocation calculations, insurance and valuation material, warranties, contracts, minutes, budgets, levies, disputes and incident records. The management group should conduct an annual administrative audit and a periodic technical review, with additional review after major damage, a material change of use, a new development stage or proposed amendment.

複雜BMS應有具系統的證據檔案支持。註冊聲明是法律文件，但能否成功運作取決於已協調圖則、資產附表、成本模式、保險矩陣、契約及紀錄。該等資料應在註冊前整理，並為日後業主、管理人、貸款人及顧問保存。

資料室應包括最終圖則及測量資料、BMS及修訂、批准歷史、設計圖、調試紀錄、竣工資料、資產及介面登記冊、服務容量數據、分配計算、保險及估值資料、保養、契約、會議紀錄、預算、管理費、爭議及事故紀錄。管理小組應每年進行行政審核，並定期作技術覆核；發生重大損壞、重大用途改變、新發展分期或擬議修訂後，亦應額外覆核。

PRACTICAL CHECKLIST 實務清單

- Maintain one controlled index with document owner, date, status and superseded version.
- Reconcile the registered statement against current ownership, use, plant and contracts annually.
- Record unresolved inconsistencies and assign a responsible party and target date.
- Obtain owner, mortgagee and court advice early where an amendment cannot secure all signatures.
- 保存一份受控索引，列明文件負責人、日期、狀況及被取代版本。
- 每年把註冊聲明與現所有權、用途、設備及契約核對。
- 記錄未解決的不一致，並指派負責人及目標日期。
- 如修訂無法取得所有簽署，應及早就業主、抵押權人及法院程序取得意見。

PRACTICAL EFFECT 實務效果

The BMS should be managed as a living operating constitution, while recognising that the registered instrument cannot be informally rewritten by practice, minutes or convenience.

BMS應作為持續運作的營運憲章管理，但亦須承認註冊文件不能藉慣例、會議紀錄或方便做法而被非正式改寫。

Important notice

重要聲明

This guide is general educational information. It is not legal, financial, tax, building or investment advice, and it does not create a lawyer–client relationship. Property and body corporate outcomes turn on the particular contract, title, survey plan, community management statement, applicable regulation module and the law in force at the relevant time.

Obtain independent Queensland legal advice before signing a contract, waiving a condition, settling, or buying management rights. Where the English and Chinese texts differ, the English text governs.

本指南僅提供一般教育資訊，並非法律、財務、稅務、建築或投資意見，亦不構成律師與客戶關係。物業及業主法人團體的法律結果，取決於個別契約、產權、測量圖則、社區管理聲明、適用的規管模組，以及相關時間的現行法例。

簽署契約、放棄條件、辦理交割或購買管理權前，應取得獨立的昆士蘭法律意見。如中英文本有異，概以英文為準。

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