

Queensland Strata Property Guide

昆士蘭分層產權物業指南

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ENGLISH & TRADITIONAL CHINESE

CHAPTER 9 第9章

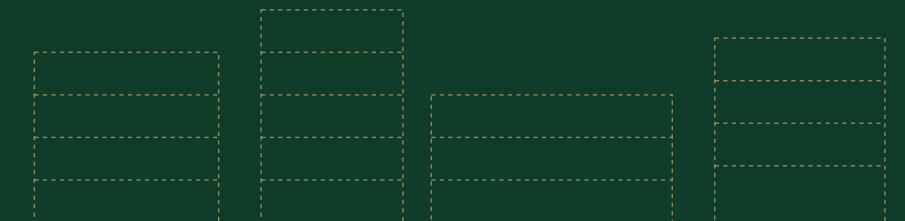
09

Duplexes and Two-lot Schemes

雙拼住宅及兩單元項目

7 sections · pages 94–99 of the complete guide

7節 · 全書第94至99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。物業及業主法人團體的法律結果，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「業主法人團體」；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、業主法人團體、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

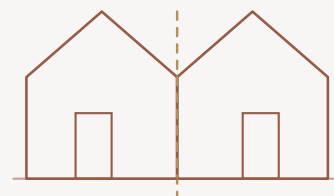
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09



Duplexes and Two-lot Schemes

雙拼住宅及兩單元項目

9.1 Common structures

常見架構

9.2 Specified Two-lot Schemes Module

指定兩單元項目規管模組

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僵局問題

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雙拼住宅是建築形式，不是產權答案

9.5 Specified Two-lot Schemes Module in practice

指定兩單元項目模組的實際運作

9.6 Party walls, drainage, access and insurance

共用牆、排水、通道與保險

9.7 Deadlock, sale and future-proofing

僵局、出售與長遠規劃

“Duplex” is a description of building form; it is not an answer to a title question. Two attached dwellings may stand on one title, two ordinary freehold titles or two lots in a community titles scheme. Each structure produces different rules for ownership, access, maintenance, insurance and decision-making. The title and plan must therefore be examined before any body corporate conclusion is drawn.

「雙拼住宅」是建築形式的描述，並不是產權問題的答案。兩個相連住宅可位於一張產權、兩張普通永久業權產權，或社區產權項目中的兩個單元之上。每一種架構均產生不同的所有權、通道、維修、保險及決策規則。因此，在判斷任何業主法人團體問題前，必須先查閱產權及圖則。

9.1

Common structures

常見架構

FIG 17 Diagnosing a duplex or two-lot structure / 識別雙拼住宅或兩單元架構



The word “duplex” describes appearance — not ownership, maintenance or insurance.
「雙拼住宅」只描述外觀，不能回答所有權、維修或保險問題。

Eligible for the Two-lot Module?
是否符合兩單元模組資格？

9.2

Specified Two-lot Schemes Module

指定兩單元項目規管模組

Eligible residential two-lot schemes can adopt the Specified Two-lot Schemes Module through their CMS. It simplifies meetings, financial management and by-law enforcement. Decisions can generally be made by a written lot-owner agreement. The owners may agree how expenses are funded, but statutory duties—such as maintaining common property and arranging required insurance—remain.

合資格住宅兩單元項目可透過CMS採用指定兩單元項目規管模組。該模組簡化會議、財務管理及管理規約執法。決定一般可透過書面單元業主協議作出。兩名業主可協定如何支付支出，但維修共有財產及安排法定保險等義務仍然存在。

The module is not available merely because a scheme has two lots. It is designed for qualifying residential schemes that are not part of a layered arrangement and do not have an authorised letting agent. The CMS must identify it as the applicable module.

項目只有兩個單元，並不表示自動適用該模組。其對象為符合資格的住宅項目，且不得屬分層級安排或設有獲授權出租代理人。CMS亦須指定該模組為適用模組。

9.3

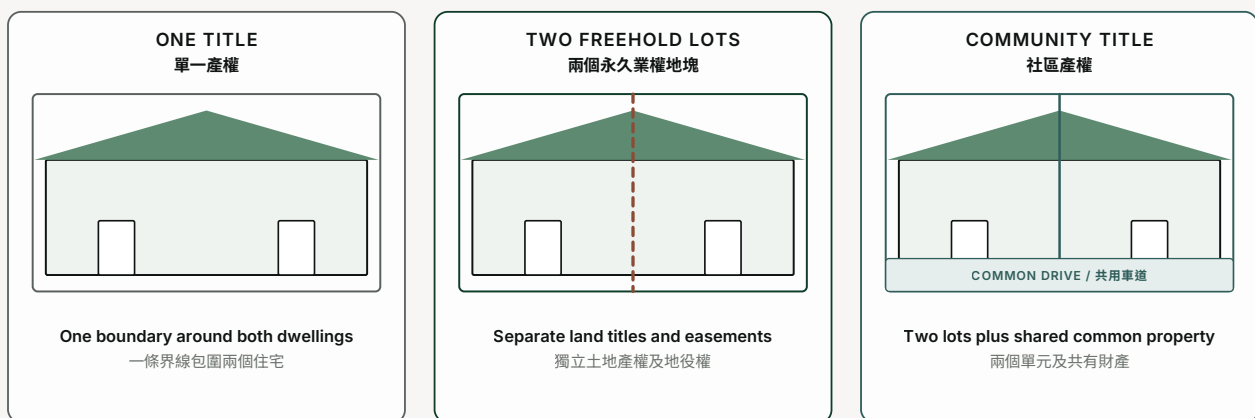
The deadlock problem

僵局問題

With only two owners, disagreement can stop repairs, insurance decisions or expenditure. Before buying, examine whether the CMS, easements and practical arrangements clearly allocate roof, wall, driveway, fence, drainage and utility responsibilities. Informal understandings with the neighbour are not a substitute for enforceable documents.

只有兩名業主時，分歧可令維修、保險決策或支出停頓。購買前應查明CMS、地役權及實務安排有否清楚分配屋頂、牆壁、車道、圍欄、排水及公用設施責任。與鄰居的非正式共識不能取代可執行文件。

FIG 18 Same façade, three title outcomes / 相同外觀，三種產權結果



Appearance never determines ownership, insurance or maintenance responsibility.
外觀不能決定所有權、保險或維修責任。

9.4

A duplex is a building form, not a title answer

雙拼住宅是建築形式，不是產權答案

Two attached dwellings may stand on one title, two ordinary freehold titles or two community-title lots. Each structure creates different rules for sale, finance, insurance, access and shared work. The word “duplex” therefore answers what the development looks like, not what the buyer legally owns.

兩個相連住宅可能位於單一產權、兩個普通永久業權地塊，或兩個社區產權單元之上。每種架構對出售、融資、保險、通道及共同工程產生不同規則。因此，「雙拼住宅」只描述發展外觀，不能回答買方在法律上擁有甚麼。

One-title duplexes may operate through co-ownership or leasing arrangements. Two freehold lots often rely on easements and party-wall agreements rather than a body corporate. Two community-title lots create a statutory body corporate and common-property obligations. Planning approval and building classification do not themselves determine the registered ownership structure.

PRACTICAL CHECKLIST 實務清單

- Obtain title, survey plan and development approval.
- Identify every shared physical element.
- Locate the document allocating maintenance.
- Confirm finance and insurance for the actual title.
- 取得產權、測量圖則及發展批准。
- 確認所有共用實體構件。
- 找出分配維修責任的文件。
- 就實際產權確認融資及保險。

PRACTICAL EFFECT 實務效果

Never infer the ownership model from the façade, letterbox numbering or separate utility meters.

不可從外牆、信箱編號或獨立公用錶推斷所有權模式。

9.5

Specified Two-lot Schemes Module in practice

指定兩單元項目模組的實際運作

The Specified Two-lot Schemes Module is available only where the statutory conditions are met: two lots, the required residential character, identification in the CMS, no authorised letting agent and no layered arrangement. It simplifies governance but does not abolish the body corporate or its maintenance and insurance obligations.

Decisions are generally made by written lot-owner agreements signed by both owners, including through compliant electronic communications. The agreement should state the date and what was agreed. This simplicity reduces formal meeting machinery but gives each owner an effective veto, so document quality and a workable relationship become especially important.

只有符合法定條件時才可適用指定兩單元項目模組：項目有兩個單元、具所需住宅性質、CMS指定該模組、沒有獲授權出租代理人，且不屬分層級安排。該模組簡化治理，但不會取消業主法人團體及其維修與保險義務。

決定一般透過由兩名業主簽署的書面單元業主協議作出，亦可採用符合要求的電子通訊。協議應列明日期及具體內容。此簡化制度減少正式會議程序，但令每名業主實際上具有否決權，因此文件質素及可行合作關係尤其重要。

PRACTICAL CHECKLIST 實務清單

- Confirm all eligibility conditions.
- Keep signed written agreements as body corporate records.
- 確認所有資格條件。
- 把已簽書面協議保存為業主法人團體紀錄。

- Define spending, access and work scope precisely.
- Use dispute resolution when agreement is unreasonably withheld.
- 準確界定支出、進場及工程範圍。
- 如同意被不合理拒絕，應使用爭議處理程序。

PRACTICAL EFFECT 實務效果

Simplified procedure increases the importance of complete written agreements; it does not justify informal verbal management.

程序簡化反而提高完整書面協議的重要性，並不支持只靠口頭管理。

9.6

Party walls, drainage, access and insurance

共用牆、排水、通道與保險

The most expensive two-lot disputes often concern physical systems: roof lines, party walls, waterproofing, retaining walls, driveways, stormwater, sewer, electricity, fencing and foundations. Responsibility may arise from title boundaries, common property, easements, statutory duties, building approvals, negligence or an express agreement.

Insurance must match the structure. In a community-title scheme, statutory body corporate insurance obligations may apply; with two freehold lots, each owner's policy and the treatment of shared structures require careful coordination. Gaps appear when each insurer assumes the other policy covers a shared element. Owners should exchange policy schedules and record claims-management arrangements.

兩單元項目中最昂貴的爭議往往涉及實體系統：屋頂線、共用牆、防水、擋土牆、車道、雨水、污水、電力、圍欄及地基。責任可能源自產權界線、共有財產、地役權、法定義務、建築批准、疏忽或明確協議。

保險必須配合產權架構。社區產權項目可能適用法定業主法人團體保險義務；兩個永久業權地塊則須仔細協調各業主保單及共用結構處理方式。如每名保險人均假設另一保單涵蓋共用構件，便會出現保障缺口。業主應交換保單附表並記錄索償管理安排。

PRACTICAL CHECKLIST 實務清單

- Commission a survey where boundaries are unclear.
- Map utility ownership and access rights.
- Review both insurance policies for gaps and overlap.
- Document cost allocation before urgent work begins.
- 界線不清時委聘測量師。
- 繪製公用設施所有權及通行權。
- 審閱兩份保單的缺口及重疊。
- 緊急工程開始前記錄成本分配。

PRACTICAL EFFECT 實務效果

A shared pipe or wall can create shared practical dependence even where the legal titles are separate.

即使法律產權分開，共用管道或牆身仍會造成實際相互依賴。

9.7

Deadlock, sale and future-proofing

僵局、出售與長遠規劃

With two owners, every unresolved disagreement can become a governance deadlock. The documents should contain clear processes for notice, access, quotes, urgent work, insurance claims, cost sharing and dispute escalation. A vague requirement to “agree” is least useful when the relationship has already broken down.

Future sale and refinance should also be considered. Buyers and lenders will ask for valid insurance, records of decisions, evidence that shared assets are maintained and disclosure of disputes. Informal arrangements may work between original neighbours but fail when one lot is sold. Converting an understanding into a registered easement, CMS provision or written lot-owner agreement can preserve continuity.

只有兩名業主時，每項未解決分歧均可能成為治理僵局。文件應清楚規定通知、進場、報價、緊急工程、保險索償、成本分攤及爭議升級程序。當雙方關係已破裂時，含糊要求「協議」最缺乏實際作用。

亦應考慮日後出售及再融資。買方及貸款人會要求有效保險、決策紀錄、共用資產維修證據及爭議披露。非正式安排可在原有鄰居間運作，但一方出售時可能失效。把共識轉化為註冊地役權、CMS條文或書面單元業主協議，可維持延續性。

PRACTICAL CHECKLIST 實務清單

- Create a shared-asset maintenance calendar.
- Require written approvals and expense records.
- Include urgent-work and dispute escalation mechanisms.
- Review documents before either lot is marketed.
- 建立共用資產維修日程。
- 要求書面批准及支出紀錄。
- 加入緊急工程及爭議升級機制。
- 任何單元推出市場前先審閱文件。

PRACTICAL EFFECT 實務效果

Good two-lot governance is designed for the next owner, not only the current friendly neighbour.

良好兩單元治理應為下一任業主而設，而不只依賴現時友好鄰居。

Important notice

重要聲明

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