

我國與中國大陸公寓大廈管理組織法制 差異性之比較研究

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貳、兩岸管理組織之特性	權超過一定比例不予計算；中
一、我國公寓大廈管理組織法制	國大陸則無規定
二、中國大陸物業管理組織法制	四、中國大陸設有物業期前管理；
參、兩岸管理組織法制比較與效益探討	我國則無規定
一、我國管理組織採住戶自治組織	五、中國大陸物業管理人須委由獨
鬆散；中國大陸業主委員會則	立法人資格；我國則無規定
較為嚴謹	六、兩岸在管理組織服務與維護之
二、我國公寓大廈管理委員會並非	其他差異性
採強制登記；中國大陸業主委	肆、結 語
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關鍵詞：公寓大廈、物業管理、房產、不動產、管理組織、住宅憲法

Keywords：Apartment Building, Realty Management, Property, Realty, Management Organization, Housing Constitution

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摘 要

近年來人口已逐向城市集中，大都會區樓盤如雨後春筍般不斷興起，衍生諸多住戶間相鄰法制課題乃值得關注，我國公寓大廈管理條例或中國大陸物業管理條例，均可謂各屬兩岸房屋之「住宅憲法」。住戶為公寓大廈管理維護運作主體，而物業管理維護工作極具複雜性，尤其需要專業管理維護者之支援，過去研究證實透過專業性管理維護組織，有效、適時介入極為必要。本文乃從兩岸管理組織法制差異性作歸納、分析，相互比較研究後再作效益研究，透過法制面相互交流與融合，相互借鑒參酌後依據適合屬於自己國情與民事習慣作調整，以落實公寓大廈管理組織法制層面，進而提升居住品質，健全不動產市場。

A Comparative Study on the Differences of Legal System of Apartment Building Organizational Management between Taiwan and Mainland China

Wang, Hsu-chi

Abstract

In recent year, as populations are becoming concentrated in the urban areas, metropolitan areas are coming into existence one after the other. This had given rise to numerous several issues in the legal system related to tenants that are deserving of attention, where Taiwan's Apartment Building Regulations or China's Regulations on Realty Management can be considered the "housing constitution" for the two countries. Tenants are the subjects of maintenance and operation for apartment building regulations, and with the complexity of realty management and maintenance, support from professional managers and caretakers is required. Past research has demonstrated that effective intervention at the appropriate time by professional management and maintenance organization is extremely important. This article categorizes and analyzes the differences in the legal system regarding management organization between Taiwan and China, followed by a comparative study and a benefit study. Through the exchange and integrati on of aspects in the two legal systems, where they act as a reference for each other, and making adjustments appropriate to the respective civil customs, aspects of the apartment building management organization legal system can be properly implemented to improve quality of living and create a health realty market.