

PRACTICE OF GATED COMMUNITIES DEVELOPMENT IN MALAYSIA: TOWARDS SUSTAINABLE COMMUNITIES

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Abstract

Gated communities are residential areas developed within restricted access. In its modern form of provision, a gated community is a form of residential community of housing estate containing strictly-controlled entrances and often characterized by a close perimeter of wall or fences. Nowadays, it is obvious that a lot more of this type of housing being developed across the country and they seem to become almost a dominant feature of Malaysian housing development projects. It is revealed that gated communities are able to prevent crime, increased sense of security and provide self and family protection against unwanted intrusion. In contrast, the term 'gated community' is actually an oxymoron. Recent studies show that most purchasers who buy such houses are looking for privacy and do not want to get involved with their neighbourhood. These phenomena create an isolated community and unsustainable in terms of social segregation, which could be an obstacle to the development of sustainable communities. In 2010, Town and Country Planning Department of Malaysia issued guideline for 'Gated Community and Guarded Neighbourhood' to provide basic guideline for developers and management corporation of gated communities. However, less emphasis is placed on aspect of community sustainability. Therefore, this paper aims to explore the current practices of gated communities' development and to evaluate the impact of this development on sustainable communities' development. We focus our attention on the social impact of this housing phenomenon.

Keywords: Gated communities, residential, housing development, sustainability, sustainable communities, social segregation.

1.0 THE GATING OF MALAYSIAN PERCEPTION

The development of gated communities has been started throughout the world long time ago. For example in England, gated communities have been developed as early as 300 B.C by the Roman (Landman, 2000b) mainly to protect their self and families against external invaders and local villagers. Landman (2000a) found that Leisure World were the first master-planned gated community in America with retirement concept developed in late 1970s. Later, the gated have become a phenomenon since late 1980s which focus on the concept of resort and country club that were designed for exclusivity, prestige and leisure. To date, similar development are evident in many cities around the world as for example, Britain (Webster, 2001), Canada (Grant, Greene, & Maxwell, 2004), England (Macleod, 2004), South Africa (Landman, 2004), Australia (Quintal, 2006), Latin America (Coy, 2006), Istanbul (Genis, 2007), Nigeria (Ajibola, Oloke, & Ogungbemi, 2011) and Qatar (Mahgoub & Khalfani, 2012).

Started in late 1980s, gated communities have become a practice in residential development in Malaysia, which focusing on high rise property such as apartment and condominium. The first gated community in Malaysia is Wangsa Baiduri in SS12 Subang Jaya, Selangor, was developed by Emko Properties Sdn. Bhd (Jurunilai, 2011). Somehow in these recent years, gated communities development has spread to landed property residential development including terrace house, semi-detached, town house and bungalow. This development has led to a trend of ownership of gated communities by the upper class and middle class only. However, gated community development is relatively still new in Malaysia, hence there are no statistics of the number of gated communities in Malaysia (Tahir & Hussin, 2012). Nevertheless, gated communities development has been growing rapidly in the big cities such as Kuala Lumpur, Penang, Johor Bahru and other areas with high land values such as Klang Valley. Johor Bahru has recorded gated communities development namely, Leisure Farm Gelang Patah in Gelang Patah, Taman Bukit Indah in Pulai, Sri Pulai Utama in Skudai and Sierra Perdana in Tebrau (Tahir & Hussin, 2012).

The gated, walled and private community is a new form of discrimination. The neighbourhood spirits are torn apart by the new form of this fortified community. What is the meaning of nationhood when neighbourhood is divided by wall? When sharing responsibilities stops at the armed gates, what will happen to the 1 Malaysia concepts? In other words, can our nation fulfill its social contract with the lack of social contact?

2.0 GATED COMMUNITIES: THE DEFINITION

Gated communities are generic term that refers to a neighborhood area developed within restricted access. There are several other terms used by researchers to replace gated communities, such as “guard-gated communities”, “barrios cerrados”, “urbanizaciones privadas” or “condomínios fechados”, and “gated residential communities” (Ajibola et al., 2011; Atkinson, Blandy, Flint, & Lister, 2005; Bowers & Manzi, 2006; Coy, 2006; Pouder & Clark, 2009). However, there is no specific definition regarding the concept of gated communities, just numerous terms and definition given with reference to perception that vary considerably. The most synonym definition used by the researchers to refer to gated communities is the definition given by Blakely and

Synder. Blakely & Synder (1997, p.2) defined gated community as “*residential areas with restricted access in which normally public spaces are privatized*”. In addition, Landman (2000a), refer gated communities as a physical area that is fenced or walled off from its surroundings, either prohibiting or controlling access to these areas by means of gates or boom. While Town and Country Planning Department of Malaysia (2010) defined gated communities in Malaysia as a group of residents or communities staying in a fenced up and guarded area either in a high-rise property residential building or in strata title landed property residential area. Table 2.1 and 2.2 summarized various definitions of gated communities from Malaysia and other countries.

Table 2.1: Various definition of gated communities

Author (year), country	Definition
Blakely & Snyder (1997), United States	Gated communities are residential areas with restricted access in which normally public spaces are privatized
Lang & Danielsen (1997), United States	Gated communities including enclaves of homes surrounded by walls, often with security guards
Landman (2000), South Africa	Gated communities refer to a physical area that is fenced or walled off from its surroundings, either prohibiting or controlling access to this area by means of gates or booms.
Grant & Mittelsteadt (2004), Canada	A gated community is a housing development on a private roads closed to general traffic by a gate across the primary access. The developments maybe surrounded by fences, walls, or other natural barriers that further limit public access
Macleod (2004), United Kingdom	Gated communities are residential areas with restricted access where normally public spaces are privatized, and are typically advertised as a ‘community’ where residents own or control common areas, shared facilities and amenities while simultaneously having reciprocal rights and obligations enforced by a private governing body.
Atkinson & Blandy (2005), United Kingdom	Walled or fenced housing developments, to which public access is restricted, characterized by legal agreements which tie the residents to a common code of conduct and (usually) collective responsibility for management.
Levent & Gülümser (2005), Turkey	Gated communities are physical private areas with prohibited access and directed with special rules where outsiders and insiders exist.
Sanchez, Lang, & Dhavale (2005), United States	Exclusive developments with fancy homes and equally fancy lifestyles. At the gates stand guards who screen all nonresidents or the uninvited.
Bowers & Manzi (2006), United Kingdom	Gated Residential Developments (GRDs) are generally defined as master planned neighborhoods that have been constructed with a boundary fence or wall, which separates them from their environs.
Quintal (2006), Australia	Gated communities are residential developments characterized by a focus on physical security measures such as gates, walls, guards and closed circuit television cameras.
Ajibola, Oloke, & Ogungbemi (2011), Nigeria	Gated communities are residential areas with restricted access designed to privatize normally public spaces.
Mahgoub & Khalfani (2012), Qatar	A gated community is a form of residential community or housing estate containing strictly-controlled entrances for pedestrians, bicycles, and automobiles, and often characterized by a closed perimeter walls and fences. It usually consist of small residential streets and include various shared amenities, it may be possible for residents to stay within the community for most day-to-day activities.

(Source: Researcher, 2014)

Table 2.2: Definition of gated communities from Malaysia's perspective

Author (year)	Definition
Osman, Rabe, & Bachok (2007)	Gated and guarded communities are commonly identified with a cluster of houses surrounded by fence with controlled access.
Selangor Housing and Property Board (2008)	Gated Community as defined by the Selangor Housing and Property Board is a development that is demarcated with a physical structure that runs along the perimeter or boundary with controlled access to the general public.
Suhaimi (2010)	Gated communities generally refer to housing developments where access to the neighborhoods is restricted to the residents.
Town and Country Planning Department (2010)	Group of communities or residents living in a gated and guarded area of high-rise property such as apartment, condominium and town-house or landed property such as bungalow, terrace and semi-detached houses. However, definition of gated communities is more concentrated on residents living on strata title landed property residential area.
Mutalib, Aziz, Noor, & Eves (2012)	A 'Gated and Guarded Community' in Malaysia generally refers to a residential community with secured, gated and guarded surroundings. It can be a building (condominium usually) or a cluster of houses (a certain housing scheme, a 'taman') which is surrounded by a fence or wall on a perimeter, with access being limited and controlled with certain security measures such as guards, surveillance patrol and 24/7 CCTV or surveillance.
Sakip & Abdullah (2012)	Gated residential areas as residential areas that are fenced around their individual lots with no ingress and egress control within the larger housing area in concern. Ingress and egress control is only localized within the individual lots, typically using fencing elements and/or combined with additional security systems such as a closed circuit television (CCTV) system, guard dogs and others.

(Source: Researcher, 2014)

Thus, from the various definitions of gated communities discuss above, it can be concluded that gated communities in Malaysia can be defined as strata title landed housing area surrounded by a fence, guarded and have restricted access, share common properties and managed by residents with their own management.

3.0 CHARACTERISTIC OF GATED COMMUNITIES

The above definition were further analyzed and synthesized in constructing the characteristics of gated communities which shown in Table 2.3 below.

Table 2.3: Characteristics of gated communities

Characteristics	Features
Security	<ul style="list-style-type: none"> • Surrounded by fences or walls • Physical security measures such as security guards, closed-circuit television system (CCTV) or central monitoring system and 24-hour patrol system. • Alarm security system
Privacy	<ul style="list-style-type: none"> • Privatization of public spaces • Private roads are closed to general traffic. • Private amenities
Facilities and amenities	<ul style="list-style-type: none"> • Residents own and share common facilities and amenities such as recreational park, swimming pool and golf courses. • All facilities including roads are maintain by management corporation
Limitation of access	<ul style="list-style-type: none"> • Limited public access to non-residents with controlled entrance by security guards • Access card

Characteristics	Features
Terms and regulation	<ul style="list-style-type: none"> Residents are bound by specific rules of the housing schemes Residents are required to pay a maintenance fee for the facilities provided by gated communities' schemes
Luxury	<ul style="list-style-type: none"> Usually designed with luxurious lifestyle Housing types: bungalow, semi-detached, terrace and town house High class facilities: golf courses, sports centre, medical centre, club house, international school, pavilion
Land title	<ul style="list-style-type: none"> Strata title Individual title
Types of development	<ul style="list-style-type: none"> Landed properties High-rise properties Mixed housing development
Management corporation	<ul style="list-style-type: none"> Established under Commissioner of Building of local authorities Have been agreed in Deeds of Mutual Covenants (DMC) Private governing body

(Source: Researcher, 2014)

3.1 Security

The main reason of residents in choosing gated communities in Malaysia is security (Jurunilai, 2011; Mutalib et al., 2012). The increasing rate of crime has raised fear among urban dwellers. They are searching for a place that offers a better security for their life and property, similar with the phenomenon in United States (Mutalib et al., 2012) and most developed country in the world. According to Town and Country Planning Department of Malaysia (2009), gated communities have a better security controls compared to the other housing developments. There are several common safety features in gated communities which are; fences, guard services, safety and security systems, intercom systems, and security control at the main entrance. Security provided by gated communities is often a major concern to the residents. A common feature of gated communities' development is a perimeter wall that encloses the whole residential area (Quintal, 2006). Fences or walls were used to create a secure and protected feeling, not only physically, but also gives a sense of privacy to the residents (Tahir & Hussin, 2012). Research by Tahir & Hussin (2012) has proved that gated community is the most effective housing development concept to maintain safety which equipped with full-time security services.

3.2 Privacy

Besides security, privacy and prestige were the main reason that attracts buyers to invest in gated properties in Malaysia (Jurunilai, 2011). Community space planning in a gated property is privatized and only available for the residents within gated community. Some gated communities offer luxurious and prestige lifestyle for the residents such as golf course, club house and exclusive hall. However, residents are responsible and required to pay for the maintenance fees managed by the Management Corporation or joint management body, as agreed in the Deeds of Mutual Covenants (DMC) (Jurunilai, 2012). Even charged, most residents feel that the charges are still reasonable, commensurate with the comfort and privacy enjoyed.

3.3 Facilities and amenities

Facilities and amenities offered by developers was one of the attractions in gated communities. Residents in gated communities share the facilities and amenities, and only available for the residents, where non-residents are not allowed to access to the facilities. Typical facilities and amenities offered in gated communities in Malaysia are golf courses, club houses and recreation area (Mutalib et al., 2012). Instead, gated communities also provide variety of services such as shops or leisure facilities (Atkinson & Blandy, 2005). The variety of facilities and amenities offered by gated communities may affect the degree of interaction with the non-gated community, which contribute to major implications for social integration and exchange (Grant & Mittelsteadt, 2004).

3.4 Limitation of access

A gated community has limit public access from non-residents. The gates at the entrance are meant to exclude the unwanted (Atkinson & Blandy, 2005). Since the 1950s, the traditional city grid pattern has changed to suburban cul-de-sacs and non-connecting streets that contribute to suburban restructure and restrict the entry of outsiders (Blakely & Synder, 1997).

3.5 Terms and regulation

Residents in gated communities are bound by certain terms and regulation such as maintenance fee (Jurunilai, 2012; Mutalib et al., 2012), use of facilities and tied to a common code of conduct (Atkinson & Blandy, 2005) . Although these regulations seem too burdened, resident feel that it could nurture them to be a good citizen (Jurunilai, 2012). The gated community scheme is based on the private residential ownership where the residents share common properties and agreed to bear the cost of maintenance and management of those facilities (Osman et al., 2007). A management body known as Joint Management Body should be established to manage matters related to the management and maintenance of share properties in gated communities. The establishment of Joint Management Body are subject to the Common Property and Building Act (Maintenance and Management) 2007 (Act 663).

3.6 Luxury

Beside security, another attraction factor of gated communities is luxury lifestyle. Living behind the wall reflect the status of the resident which is wealthy, well-educated and married (Jurunilai, 2012). In the United States (Blakely & Synder, 1997), about 30 percent of gated communities' developments are luxury development.

3.7 Land title

Provision of law for the development of gated communities is under Strata Title Act 1985 (Act 318). Before 2007, concept of gated communities' development confined to high-rise properties such as apartment and condominium because strata title only issued to development involving parcels. However, after amendment on 12 April 2007, subdivision of land into land parcel, accessories parcel and common property have been introduced. This amendment has enabled strata titles to be issued to landed properties development, which gives spaces to gated communities' development with landed properties concept. However, there are misconceptions of gated communities

among developers in Malaysia, which define gated housing with individual title as a form of gated community.

3.8 Types of development

Gated development starts with high-rise property development. However, as not everyone would like a high-rise setting and would prefer for a more 'homey' ambiance and a traditional style of living, there comes a landed properties development.

3.9 Management Corporation

The gated community scheme is based on private residential ownership where the residents share common properties and agreed to bear the cost of maintenance and management of those facilities (Osman et al., 2007). The Joint Management Body should be established to manage matters related to the management and maintenance of shared properties in gated communities. The establishment of Joint Management Body are subject to the Common Property and Building Act (Maintenance and Management) 2007 (Act 663). Developers are responsible to convene first Annual Grand Meeting to form Joint Management Body not later than 12 months from the date of hand over the property.

4.0 CURRENT PRACTICE

In Malaysia, provision of law for the development of gated communities is subjected under Strata Title Act 1985 (Act 318). Strata title is issued for high-rise property such as condominium and apartment. In April 2007, the act was amended (Act A1290) which allows the strata title for landed properties related to gated communities housing development. The amendment of Strata Title Act 1985 allows the landed residential scheme with master title to be divided into with strata title holding. The strata title holding enables the formation of Management Corporation, sharing common property and existence of a fence surrounded the landed residential scheme. While Common Property and Building Act (Maintenance and Management) 2007 (Act 663) is specified law to cater the provision of common property. The existence of fence has made this landed residential scheme known as 'gated community scheme' (GACOS) (Town and Country Planning Department, 2010).

Besides law, there are guidelines that have been enforced by respected authorities in order to control and manage the development of gated communities. Table 2.4 shows guideline of gated communities' development that has been implemented in Malaysia according to respected state and local authorities.

Table 2.4: Guidelines of gated communities' development in Malaysia

Guideline	Authorities	Enforcement
Planning Guideline 'Gated Community and Guarded Neighbourhood'	Town and Country Planning Department (TCPD)	10 state authorities with amendments according to local regulation
Guidelines for Development of Gated Community Scheme under Section 6(1A) Strata Titles Act 1985 (Act 318)	Selangor Housing and Property Board (LPHS)	The State of Selangor

Guideline	Authorities	Enforcement
Garis Panduan Perancangan Gated Community and Guarded Neighbourhood	Kuala Lumpur City Hall (DBKL)	Kuala Lumpur

(Source: Researcher, 2014)

4.1 Planning Guideline ‘Gated Community and Guarded Neighbourhood’

On 2009, Town and Country Planning Department have conducted a study on ‘Kesesuaian Pelaksanaan Gated and Guarded Community di Malaysia’. This study covers several aspects of gated communities; the definition, background of development, suitability with national policies, planning principles, guidelines and standards for planning. This study was conducted in three Local Authorities; Kuala Lumpur City Hall (DBKL), Shah Alam City Council (MBSA) and the Penang Municipal Council (MPPP). From the study, Town and Country Planning Department have drafted a planning guideline for gated communities called ‘Gated Community and Guarded Neighbourhood’. The guideline was approved by the Cabinet in July 2009 and enforce on September 2010. Report on the adoption of this guideline shows that 10 out of 14 of state authorities has adopted the guideline by 2013.

This guideline was developed as reference by state and local authorities, technical agencies, developers and Management Corporation in planning and controlling of gated communities’ development. However, the guideline does not consider any security fee (Mutalib et al., 2012) and establishment of management corporation. This guideline is formulated based on Strata Title Act 1985 (Act 318), including planning principles, general guidelines and specific guidelines based on the physical, legal and social aspect. Four planning principles were outlined focusing on five characteristics, namely, security, comfort, cleanliness, neighborliness and sustainable community. General guidelines consist of six criterias, namely, location, proposal development, development area, common property, wall or fences and Social Impact Assessment. While specific guidelines comprises of 14 aspects of physical planning control standards. Table 2.5 comprises all elements in this planning guideline.

Table 2.5: Planning Guideline ‘Gated Community and Guarded Neighbourhood’

Planning Principles	<ul style="list-style-type: none"> • Safe, conducive and comfortable living environment • Fair distribution of facilities • The culture of cleanliness and beauty loving • Encourage assimilation and social interaction
Aspect	Security, Comfort, Cleanliness, Neighborliness and Sustainable Communities
General Guideline	<ul style="list-style-type: none"> • Urban areas only • Specified as gated community scheme in development layout plan • Area of development is between 1.0 to 10.0 hectare • Common property including road need to be maintained by management corporation • Social Impact Assessment is required before the development of gated community
Physical Guideline	<ol style="list-style-type: none"> 1. Size of development area is between 1.0 to 10.0 hectare 2. Site Planning must comply with Local Plan 3. Location of development in urban area only 4. At least two lane entry-exit passage, one for residents and another for visitors 5. Entry-exit access need to be prepared with road humps and CCTV 6. Housing design need to focus on security aspect yet attractive architectural identity,

Physical Guideline	<p>while building setbacks need to fulfill the provision of Section III, Uniform Building By-Laws 1984</p> <ol style="list-style-type: none"> 7. The maximum height for fence is 2.75 meter with 50 percent of fence need to be open publicly 8. The size for guard house is 1.8 meter x 2.4 meter situated 6 meter from main road 9. Planting of shrubs cannot exceed the height of fence and should not be too dense 10. The maximum height for houses is 4-storey from basement or 18.5 meter 11. The purchase and possession of housing unit must include car parking space utility 12. Utility passages need to be prepared in order to facilitate such services get to be provided properly 13. Each gated communities need to provide at least one plot of open space or recreation area 14. Gated community scheme need to be named using local names and have Malaysian cultural characteristics
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(Source: Town and Country Planning Department, 2010)

From the table above, planning of gated communities are moving towards sustainable communities. However, does the current practice is geared towards the development of sustainable community? Does the concept of gating people is sustainable?

4.2 Comparison of current guidelines

To date, there are three guidelines for gated communities' in Malaysia, as shown in Table 2.4. These guidelines have similarities and differences that will be discussed further in this paper. The similarities are from application aspect, location of development, parking space, building height, guard houses, public amenities and types of development. Nevertheless, DBKL guideline is less comprehensive because many criterias do not have specified standards.

The application of gated communities' development should be made by developers and subject to the planning permission approval by local authorities. Nevertheless, guidelines by TCPD and LPHS requires development proposal stating clearly 'gated community development' under Section 6(1A) Strata Title Act 1985 (Act 318). The Social Impact Assessment is required to be prepared before the development of gated communities in accordance with the subsection 21A(1A), Town and Country Planning Act 1976 (Act 172). Types of development are allowed only for housing development, as stated in all guidelines. While location of development, is restricted to urban areas only, as outlined by TCPD. However, LPHS and DBKL do not specify the location, which we can see many gated communities developments were developed in suburban areas.

All guidelines stated that gated communities should provide open space or recreation area such as playground with minimum 10 percent for each scheme, as common facilities. Gated communities development that involves a large area need to be divided into smaller schemes and public facilities should be located outside of each scheme. However, in LPHS guideline, public amenities have to be surrendered to local authorities. Allocation of parking space is determined according to planning guideline by the Town and Country Planning Department. The purchase and ownership of housing unit must include parking space in the Planning Permission Approval and the Building Plan.

The specification for building height is similar between guideline by TCPD and LPHS, where the maximum building height that is permitted is 4-storey from the basement or 18.5 meter. The specification is consistent with the provision of section 254 and 256 of the Uniform Building By-Law, 1984. The building of guard house is permitted in gated communities on condition to be located at appropriate area such as road shoulder section. The size of the guard house should not be more than 1.8 meter x 2.4 meter and should be placed more than 6 meter from the main public road. This standard has been applied by LPHS and adapted in FTCPD guideline.

Other criteria have differences in specification, where TCPD guideline is much more comprehensive compared to LPHS guideline. The differences of specification between TCPD and LPHS guideline have been comprised in Table 2.6.

Table 2.5: The contrast of TCPD and LPHS guideline

Criteria	TCPD	LPHS
Size of development	<ul style="list-style-type: none"> • 1.0 to 10.0 hectares for each scheme • 200 to 500 housing unit for each scheme • No specific number of housing unit for each housing type 	<ul style="list-style-type: none"> • 1.2 to 8 hectares for each scheme • 48 to 480 housing unit for each scheme • Specific number of unit for each housing type.
Road system	<ul style="list-style-type: none"> • Direct route between each scheme need to be prepared • No specific road width for different development size 	<ul style="list-style-type: none"> • There is no through road between each scheme • Specific road width for different development size
Fence	<ul style="list-style-type: none"> • The maximum height is 2.75 meter with 50% permeability 	<ul style="list-style-type: none"> • The maximum height is 2.75 meter with 33% permeability
Building setback	<ul style="list-style-type: none"> • Front building setback has not less than 6 meter 	<ul style="list-style-type: none"> • Front building setback maybe waived subject to provision of centralized parking area
Entrance	<ul style="list-style-type: none"> • Two entrances need to be prepared for emergency passage 	<ul style="list-style-type: none"> • Not specified
Utility passage	<ul style="list-style-type: none"> • Special passage for utility at 2.5 meter 	<ul style="list-style-type: none"> • Special passage for utility at 3.0 meter
Landscape	<ul style="list-style-type: none"> • Specification for height of tree planting 	<ul style="list-style-type: none"> • Not specified
Name	<ul style="list-style-type: none"> • Must use local name added with Malaysian culture 	<ul style="list-style-type: none"> • Not specified

(Source: Researcher, 2014)

5.0 SOCIAL IMPACT

The social contract that underpins the principles of democracy will be damaged without social contact. The important element in democratic societies is heterogeneity of communities, which is very contrast with gated communities' practices. The impact of gating is more than what we could imagine. No community can survive on its own outside of the regional economic and social framework.

The very common idea of gated community is restricted access. Gates and fences stand as physical barrier to secure the community. However, the effect of this physical barrier could turn negative by separating people with different status and different

income. This will create social segregation between resident and non-resident of gated communities (Ajibola et al., 2011).

However, there are studies from (Akgün & Baycan, 2012), (Osman et al., 2007), (Quintal & Thompson, 2007) and (Landman, 2004) argues that gated communities did encourage the sense of community which creates strong bonding and close relationship amongst residents.

6.0 CONCLUSION

Although gated communities has started longtime ago, it seems quite new in our local society. Basically the relevant definition, rules and enactment established after the year 2000. As we see it, legislation and planning aspect of gated communities need to be improved in terms of social aspect, regulation of maintenance fee and uniformity in guideline adoption for each local authority. In addition, the available guideline need to be separated between gated communities and guarded neighbourhood.

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