

The Interpretations of Gated Communities from the Malaysian Gating Experience

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Graphical abstract



Figure 2 GACOS built by Private Housing Developers in Southern Johor, Malaysia

Abstract

Principally, gated community is a walled and guarded housing area that is managed by some sort of internal governance. However, this interpretation is hardly generalizable since the experience with gating differs between countries. This paper attempts to place another input of international comparison in learning gated community characters in the literature, particularly in showing how the gating experiences may influence the interpretation of this housing form within a local setting. From the review made on the Malaysian experience, it was clear that the gated communities were entirely a market-driven product; the supply was dominated by private housing developers; and, dissimilar characters as mentioned above. However, with government intervention, the interpretation of this housing form has changed until it is now not simply a walled and guarded housing area with internal governance, but mainly characterised by its tenure. This situation implies that the understanding of gated communities between the policy and the practice is conflicting; thus, becomes a significant basis for further studies on the industry players' preferences in developing gated communities.

Keywords: Gated community; gating experience; interpretation; market; government

Abstrak

Asasnya, komuniti berpagar adalah kawasan perumahan yang berpagar dan berpengawal serta ditadbir oleh horganisasi dalaman. Walau bagaimanapun, tafsiran ini agak sukar untuk digeneralisasi berikutan pengalaman setiap negara dalam membangunkan perumahan seumpama ini adalah berbeza. Kertas kerja ini cuba untuk meletakkan satu lagi perbandingan terutamanya bagi menunjukkan bagaimana pengalaman tersebut boleh mempengaruhi tafsiran perumahan ini dalam sesebuah persekitaran tempatan. Berdasarkan pengalaman di Malaysia, jelas bahawa komuniti berpagar adalah produk yang didorong oleh pasaran sepenuhnya; bekalan didominasi oleh pemaju perumahan swasta; dan, mempunyai ciri-ciri yang sama sepertimana disebutkan di atas. Walau bagaimanapun, dengan campur tangan kerajaan, tafsiran perumahan ini telah berubah sehingga ia kini tidak hanya merupakan sebuah kawasan perumahan berpagar dan ditadbir oleh organisasi dalaman, namun lebih penting ia turut dicirikan oleh pegangan hakmiliknya. Situasi ini menunjukkan wujudnya percanggahan pemahaman terhadap komuniti berpagar di antara dasar dan amalan; maka, menjadi asas penting kepada kajian lanjutan mengenai kecenderungan ahli-ahli industri dalam membangunkan komuniti berpagar.

Kata kunci: Komuniti berpagar; pengalaman memagarkan; tafsiran; pasaran; kerajaan

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1.0 INTRODUCTION

Literally, gated community is defined as the walled and guarded housing area [1]. This interpretation has been developed based on the physical features that are commonly found by many previous empirical works done around the world such as Malaysia [2, 3], South Africa [4,5,6,7], Australia [8], Indonesia

[9], Latin America [10], Israel [11], Ghana [12], Singapore [13] and Saudi Arabia [14].

Apart from the physical features, another salient character of a gated community is the operational or the internal governance within the walled off and guarded housing area. The internal governance often covers the regulations that bind the residents in regards to their behaviour, the use of properties as

well as the collective responsibility for the managerial matters through any legal agreements [15, 16]. These legal agreements may be in accordance with the standard clause provisioned by a legislative system or may be set up by developers' legal consultants or legal services offered by professional property management companies where the legislative framework by the government is unavailable. Based on these physical and operational characters, Atkinson and Blandy [15] concluded that gated community is actually "...walled or fenced housing developments, to which public access is restricted, characterised by legal agreements which tie the residents to a common code of conduct and (usually) collective responsibility for management".

Having the collective responsibility that often accompanies gated community establishment, a gated community has been viewed as a creation of club economies with territorial boundaries by the economists [17]. This conception was made based on the consumption of specific goods in a gated community on the basis of ownership-membership arrangements. The specific goods refer not only to the lifestyle amenities such as swimming pools and golf courses, but also include the streets and green spaces within, in which the access is restricted from outsiders. Accordingly, Pacione [18] emphasized that a gated community is actually a private-members only club.

Nevertheless, gated communities are not similar everywhere. In Malaysia, Mohammad [2] claimed that gated and guarded community schemes in the country are considered illegal, although the housings shared the same physical characters of gated communities around the world as described in the literature. This situation raises several issues: what have made the housing illegal and what kind of gated communities that are recognized in the Malaysia's legal system? These questions thus show that the interpretations of gated community mentioned earlier are hardly generalizable to all countries. This difficulty is due to the different experience that each country has faced in the gating process [19]. The process of gating is subjected to local ideologies and historical circumstances that may generate varied forms and functions of gated communities, thus, attributing links to different interpretations [11].

This paper examined the interpretation of gated communities in Malaysia through their gating experience to further identify their characters within the Malaysian local setting by focusing on residential type of gated communities. In its attempt to present this perspective, this paper covers introduction to gated communities, implications of the gating experiences to the characters and interpretations of gated communities as obtained from the existing gated community literature, presentation of gating experience in Malaysia through review of policy and practice of such development in the country. Furthermore, the review is supplemented with data collected in a smaller case study to present the actual outcome of the gated communities based on the gating experiences identified. Finally, this paper concludes the interpretation of gated communities in Malaysia, according to the gating experience within its local setting.

■ 2.0 IMPLICATIONS OF GATING EXPERIENCES

Physical Characters

As mentioned earlier, in the presence of physical and operational characters, a gated community has thus been regarded as a private neighbourhood. Physically, the walls and guarded entrances are the basic features of a gated community.

However, the varieties in its appearance and name suggest that gated community may not always be similar. For instance, in the United States of America, Blakely and Snyder [20] regarded gated community in the country as secured developments, they eventually found that the gated communities vary by the function of each enclosure that is highly influenced by the different motivation of the residents to reside in each type of the gated community; which they categorised as Lifestyle Communities, Prestige Communities and Security-zone Communities.

Blakely and Snyder [20] concluded that the functions of enclosures in Lifestyle Communities are reflected by their extensive lifestyle amenities that are influenced by the socioeconomic transformation in the country such as increase of salary and preference for leisure facilities. As compared to Prestige Communities and Security-zone Communities in the United States of America, the Lifestyle Communities have a greater range of amenities and facilities with a few recreational and lifestyle amenities like golf courses, swimming pools and clubhouses up to constituting a complete town with school and business complexes. With extensive amenities and facilities, Lifestyle Communities are bigger in size, while the amenities and facilities provided for the private and exclusive area for the use of their residents only [21]. Blakely and Snyder also described that the average individual after-tax income increased dramatically between 1973 and 1993. This situation has given the Americans the ability to engage in leisure activities beyond the scope of any people in the world. The explosion in leisure living has been quickly benefited by housing developers who then have built up housing developments with various market segments such as for the sports-minded, middle-class, the white collar work force that could afford to live near recreation golf, boating or fishing.

Meanwhile, the function of enclosures of Prestige Communities is influenced by the socio-economic status of the residents who are among the rich and affluent people. Blakely and Snyder [20] claimed that Prestige Communities, particularly the Rich and Famous Communities, are the original gated community in the United States. They are rooted to the late 19th century, when the richest citizens and the barons of the industry attempted to seal themselves off from the ordinary people. That is why, status is important for those in Prestige Communities which has been clearly signified by the image of their living environment and property value. Therefore, unlike in Lifestyle and Security-zone Communities, the enclosure in this gated community is more elaborated in design as to represent the status of the residents as well as to secure the property value. In regards to the design of the enclosure and the security level installed in gated community, Luymes [22] claimed that the higher the level of access control and perimeter permeability, the greater the perceived security and the neighbourhood status will be. This hypothesis were made as he found that heavily defended gated communities are often found in the most affluent gated community whereby the houses ranged from USD800, 000 to USD2 million in price. Meanwhile, the upper-middle class gated community is usually gated, but without security guard services. Finally, the symbolic gates or gatehouse at the entrances has been built frequently by developers with less expensive houses.

On the other hand, the function of enclosure of Security-zone Communities is reflected by the residents' motivation to secure their living environment from outside threats. The enclosures, either fully or partly gated and across private or public streets are crucial for safety assurance. Blakely and Snyder [20] reported that when the real estate in the United States of America boomed in the late 1980s, there was an

increase in violent crime including in the suburban areas. This situation has led to the expansion of gated community development, including among the middle-class families. The major difference of Security-zone Communities in comparison to other types of a gated community in the country is that the enclosure or the security-barrier of the Security-zone was not built by developers but by the residents themselves. That is why the design of the security-barrier is not important as long as they can act as a means of control from outside threats especially crime activities and traffic disruptions. Since such threats are more crucial in city areas, Security-zone Communities are mostly found in the inner city where crime rates are higher compared to other places in the United States.

Operational Characters

Operationally, gated communities in the United States are usually organised by homeowner associations (HOAs), the common residents-self management organisation that would accompany every private street subdivisions in the United States with or without gates and walls. In that particular country, private neighbourhoods are known as common-interest developments (CIDs) [18, 22]. Not all CIDs are gated, but they are built on private streets and are regulated by conditions, conversions and restrictions (CC&Rs) which have been designed to protect property values and to preserve the community's amenities and lifestyle. Nevertheless, it is unclear how the Barricade Perches as one type of gated community in the United States, identified by Blakely and Snyder [20], has been managed by the residents. This is because Blakely and Snyder described that Barricade Perches were created on public streets, not fully fenced off and without security guards. Hence, the facilities and services that the residents shared are still questioned and the existence of collective-management remains unclear.

The situation is different in countries where gated community is totally a private entity. In Singapore, its gated community is in the form of enclosed condominium estates, being another of their housing components besides their long established public housing [24]. As Pow [13] described, the government through their Sale of Sites Programme has the ability to determine the types of development, the location and scale as well as the timing and pace of development through the periodic release of state land for sale. Through this programme too, the development of the enclosed condominium estates has been encouraged as a tool among others to encourage intensive use of scarce land as well as a response to the increasing income of the citizens which occur since 1980s ensuing to the rising of middle and upper middle-class populations [13]. However, Wong and Yap [25] claimed that condominiums have actually been introduced in the country since 1972 to satisfy the demand of upper middle-income groups who were not eligible for public housing, but at the same time attracted by the extensive amenities and recreational facilities offered by condominium environment. Accordingly, unlike gated community in the United States, the development of the gated community in Singapore is an integral part of the Singapore state's overall housing plans and developmental agenda [24].

In fact, the Singaporean collective management has been specifically provisioned under their Building Maintenance and Strata Management Act [24, 25]. Therefore, under this Act, all owners collectively own, can enjoy and thus, are responsible to upkeep the common properties within. Each management corporation (MC) in the condominium estates which was elected among the residents themselves is authorised to collect management fund from all owners and is required to adopt a set

of bylaws stipulated by the Act. Pow [24] considered enclosed condominium estates in Singapore as a creation of club economies with territorial boundaries too. This is because in these estates, only the residents who are able to buy property in these estates are eligible to enjoy the use of the facilities and amenities within the area. In this context, the enclosures of the condominium estates functioned more as to restrict access of the outsiders since everything inside is private and exclusive to the residents.

In the following section, gating experience in Malaysia will be reviewed. It is done by examining the country's housing programme and other policies that may be related to the emergence of a gated community in the country. Examples of the gated communities will be provided based on a case study conducted in Iskandar Malaysia¹, an economic development region in Johor, the state that is situated in the southern part of the Peninsular of Malaysia. The examples provided would not only show the characters of the gated communities, but they would also represent the development practices by the industry players particularly in the case study area.

■3.0 GATED COMMUNITIES IN MALAYSIA

To begin defining gated communities in Malaysia through its gating experience, it is appropriate to review the historical circumstances related to gated community development in the country. This review is important to identify who is the key agent of gated communities in Malaysia and the status of these housings in its legal system. Since independence, the Malaysian Government plays an important role in fulfilling the housing needs of the Malaysian society. Primarily, through the five-year Malaysia Plans, the Government has outlined a number of programmes that has indirectly become the policy for the housing sector in Malaysia. The strategies started with the concern to provide housing for the poor households whose incomes were below "MYR 300 a month [26, 27]. Then, the housing programme within the Second until the Fifth Malaysia Plan (1961-1990) continued to focus on the same concern, which was to provide affordable houses for the poor as a reflection to the introduction of the New Economic Policy (NEP) in 1971.

During the Fourth Malaysia Plan (1981-1985), the Government started to shift the responsibility to provide affordable houses for the poor in the private sector. However, the private sector's achievement in providing such need was not encouraging. This can be seen, for example, during the Fifth Malaysia Plan (1986-1990), whereby, there was only four per cent of the total of 164 400 units of completed low-cost houses were contributed by the private sector, while the rest were provided by the public sector [26, 28]. As profit-oriented body, the private housing developments are more attracted to the development of medium and high-end houses [26, 29, 30]. This is because the housing demand, especially in the urban areas, mainly comes from the middle and upper-income groups who have higher opportunity in getting housing loans from conventional banks compared to low-income groups [26]. Yahaya [26] added that housing developers' preferences towards the medium and high-cost houses were obvious as early as during the execution of the Second Malaysia Plan (1970-1975). Within that period, it was reported that from 173 734 units of houses built by the housing developers, 63 per cent of them were catered to middle and high-cost houses. The same situation occurred in the next term of the Malaysia Plan (1976-1980), whereby, 55 per cent of the houses supplied by the housing developers were constituted by the same types of

houses. The scenario reveals that the government is more concentrated on providing low cost houses to cater the basic needs of low income citizens compared to middle and high-end houses which are supplied by private housing developers.

The domination of housing development on middle and high-cost houses has led to the emergence of various kinds of house designs as well as housing concepts in the country. One housing concept that has received great attention nowadays is the gated community. Although the specific needs for gated and guarded type of housing is nowhere in National Housing Policy, gated community seems to be reflected by the 'Safe City Programme' as both gated community and Safe City Programme are concerned about creating a safer living environment. The Safe City Programme was launched by the Government in 2004 as an effort to enhance the quality of life of the society, especially those who live in the urban areas [31]. This programme has given high emphasis on strategies for crime prevention in response to the increasing crime rates in Malaysia especially in the late of 1990s. Although the necessity for the development of gated community has not been specifically mentioned as one of the strategies in the programme, it has been found that strategies such as private security guard service and installation of CCTV as suggested by the programme have been widely used in gated communities in the country [3, 32].

In Malaysia, gated communities can be simply differentiated by the types of their residential properties either they are built with high-rise residential properties (condominiums, apartments and townhouses) or with landed properties (bungalows, cluster, terrace, and detached houses). Conceptually, the one that is built with high-rise residential properties can be considered as an original gated community in this country as it could be found in the country since late 1970s [33]. High-rise residential properties were introduced in order to overcome the shortage of land, especially in the main cities with high land cost [35, 36 and 37] and were initially popular among the wealthy [38]. The popularity of these high-rise residential properties was influenced by the changing needs of urban dwellers towards better quality of living [38]. The lifestyle of convenience, security, and facilities were often combined by developers within this kind of housing projects, which were not offered in the landed residential housing projects. However, during that period, the term 'gated community' was not yet familiar and thus, it was not used for gated and guarded high-rise housings. Instead, until today, the gated and guarded high-rise residential properties are better known by the practitioners as 'strata schemes' because they are regulated by the strata law of the country.

It should be noted here that strata schemes in Malaysia encompass not only the gated and guarded high-rise housings, but also the non-gated and non-guarded low-cost flats and commercial buildings like shop houses and shop offices as shown in Figure 1.

Hence, we must understand that the strata concept is mainly featured by its collective-ownership of the common properties within a strata scheme that needs for collective-managerial set up through the establishment of a management corporation as provisioned by the strata law. This principally makes strata schemes as private housing area. Nevertheless, considering that strata schemes include those non-gated and guarded buildings like shop offices shown in Figure 1, probably that is the reason that strata schemes were not called as 'gated community' by the practitioners before.



Figure 1 Example of strata schemes in Malaysia. Left photo: Gated and guarded high-rise housing (apartment); Right photo: Non-gated and non-guarded shop offices

Housing innovation continues to evolve in Malaysia in the later years until the same living package, which was previously offered only by condominiums and apartments, is extended to land residential property development. Buang [39] regarded them as a condominium-style residential schemes, which are often called as 'Gated Community Schemes' or 'GACOS'. Bahari [40] characterised GACOS as follows:

'GACOS concept can be referred to a cluster of houses mainly bungalows surrounded by walls or perimeter fencing or any enclosure with entry or access to houses or buildings controlled by certain measures or restrictions such as guard houses, ropes, strings, boom gates, chains or blocks which normally includes 24-hour security, guard patrols, central monitoring systems and closed circuit televisions (CCTV). In addition, a management corporation, management company or management agency has to be formed to manage the scheme.'

Physically, GACOS are mainly characterised by the gate, the security guard and fabricated perimeter fencing as their enclosure components as in Figure 2.



Figure 2 GACOS built by Private Housing Developers in Southern Johor, Malaysia

This character makes GACOS to have no difference than the other gated community found worldwide as described in the existing literature. In Iskandar Malaysia for example, about 69 per cent of the projects listed in Table 1 were built in 2-storey terrace type of houses. This type of house is more suited for the middle-income group. Therefore, these projects are not comparable with the prestigious communities in the United States that are filled with high-end residential properties and occupied by the affluent and wealthy people. This too cannot be compared to the lifestyle communities because GACOS, as shown in Table 1, only provides a playground as an amenity provided by the housing developers. Moreover, in Malaysia, the playground is actually a common amenity in housing developments, including in non-gated housing areas. As such, GACOS can be physically differentiated from the non-gated communities only by the existence of their enclosure components.

Table 1 Completed GACOS projects identified in Iskandar Malaysiaⁱ

Project Name	Year of Completion	Enclosure Component	Amenity	House Type
Perdana Terrace	2004	Gate, Guard, Perimeter fencing	Playground	2-storey terrace
Perdana Park Homes	2008	"	"	2-storey terrace
Perdana Fairways	2004	"	"	Bungalow, Semi-Detached
Lake Villa and Pines	2006	"	"	Semi-Detached
Lake Calista	2006	"	"	2-storey terrace
Lake Palm and Palazzo	2005	"	"	2-storey terrace
Blue Sky	2007	"	"	Semi-Detached
Legend Brown	2008	"	"	Semi-Detached
Precinct 2 & 3 Setia Tropika	2007	"	"	2-storey terrace
Damai Series	2008	"	"	2-storey terrace
Zone 3A Taman Gaya	2008	"	"	2-storey terrace
Zone 3B Taman Gaya	2009	"	"	2-storey cluster
Lakeside Seri Alam	2006	"	"	2-storey terrace
Garden Residency	2006	"	"	2-storey terrace
Casa Impiana	2005	"	"	2-storey terrace
Gateway Horizon Hills	2009	"	"	2-storey terrace, 2-storey cluster

However, the establishment of GACOS in Malaysia is not without issue. According to Sufian [41], the attempts made both by the housing developers and the residents to privatise spaces within their living environment by controlling access and erecting fences had actually violated several laws that are related to housing development in this country. This happens because during their early emergence into this country, there was no specific and comprehensive policy available as to guide the development process. Therefore, it is claimed that the housing innovations made particularly through GACOS development have actually moved beyond the purview of land laws and regulations available during that period [39].

In Malaysia, the application of subdivision of landed, residential properties is subject to laws provisioned under the National Land Code (NLC) 1965 and each subdivided land will be issued with individual land title. In most cases, land subdivision is done through the application of surrender and re-alienation of land (Section 204 of NLC 1965). In this process, developers are required to provide sufficient access for the subdivided land (Section 136 (1) of NLC 1965) and they are deemed to surrender to the state authority in certain areas of the

proposed land to be reserved for public roads (Section 136 (2) of NLC 1965) as well as for other uses such as green areas and parks, as required by the respective local authority. In consequence of this requirement, the surrendered areas would become public amenities and therefore, the public, at any time, shall have access to it (Section 2 of the Local Government Act, 1976). Once the areas are vested for public use, the local authority shall have the general control and care over those public areas (Section 63 of the Local Government Act, 1976). For instance, blocking off access road into a GACOS would not simply change the road in a private road. In fact, it would be considered as an offence under section 46 of the Street, Drainage & Building Act, 1974 since the roads belong to the state and not to the residents within.

In contrast to landed residential development, no surrender of land is involved under the strata development process because except the individual parcel, the ownership of the other areas, namely the "common properties" are to be shared in common among the homeowners. As such, none of the common properties would be deemed for public use. There are also provisions for the establishment of management corporations being the residents' association that would be held responsible to manage and maintain the residential scheme, including the common properties. Unfortunately, before 2007, strata ownership could not be granted for GACOS because Strata Title Act 1985 was only meant for the subdivision of multi-storey buildings. In fact, there was no standard format of the sale and purchase agreement provided by the existing housing law that can be used for GACOS concept of development.

The above legal constraints put housing developers in dilemma while fence and controlled entrance are the central features of their gated community projects. It can be seen clearly in Figure 2 that these projects use barrier arms and security guard control to restrict non-permitted access. All GACOS in Iskandar Malaysia also separated from their surrounding areas with fabricated perimeter fencing. Having the restricted access consequently makes the areas other than the residential units in GACOS as restricted public amenities as well. Nevertheless, this conflict does not stop housing developers to develop their gated community projects in the same way as other non-gated landed property development. This is evident as all gated communities listed in Table 1 are held under individual land titles.

Operationally, there is no single guideline provided by the government that can be found in establishing the managerial setup for GACOS and thus, this gives the freedom to the housing developers to create the managerial setup as they preferred according to their interests. One way to investigate the possible variety of the management characters further was by firstly, asking the developers if there is any governing document as the legal agreement that they could have used in executing the managerial matters of their GACOS. It is identified that 69 percent of the gated communities in Table 1 executed Deed of Mutual Covenant (DMC), while the rest used no any form of legal agreement in managing the housings. DMC is a kind of legal agreement signed between the respective housing developers and home buyers that covers the managerial matters, including for the purpose of monthly fee collection, establishment of residents' association, rules of residents' behaviour, and the maintenance of the common areas [2, 37]. Having this kind of agreement, thus GACOS may fall within the same category of the club economies with territorial boundaries proposed by the economists as mentioned earlier. Such is underpinned by the provision of fee collection from the residents, as well as the residents' association establishment for their collective management arrangement. These DMCs were

executed in these GACOS since the delivery of vacant possession to the house owners. Meanwhile, the remaining GACOS provided a free service for the management and maintenance matters which they called as the developer's service period for the first few years.

However, the requirement for paying the maintenance fee as executed by the DMC has led to another conflict. Since the required payment was meant for the management and maintenance of the facilities provided inside GACOS, thus it has been regarded as a financial burden to homebuyers because those facilities were already surrendered to the local authorities as public amenities and to be maintained by them. As in return for the local authorities' maintenance services, home buyers are obliged to pay the assessment fee to the local authorities twice a year. In this case, the home buyers are seen as paying double for the services because while they are paying the assessment fee to the local authorities, they are also required, under the DMC, to pay a sum of fee for the same kind of services to the developers [2].

■4.0 THE TRANSFORMATION OF GATED COMMUNITY'S INTERPRETATION IN MALAYSIA

As highlighted in the previous section, blocking off access road in a GACOS is considered as an offence under section 46 of the Street, Drainage & Building Act, 1974 since the roads belong to the state and not to the residents within. This provision makes the controlled entrance and perimeter fencing that circles the housing area as illegal components. The limitations of the Strata Title Act 1985 that can be used only for multi-storey building's subdivision have made things difficult for housing developers. GACOS' status as non-private housing area has become their main disadvantage as they could not fulfil the homebuyers' actual desires for buying and residing in a gated community, namely their needs for safety and privacy.

In order to overcome this situation, Strata Title Act 1985 has been amended by the Government and came into force beginning April 12, 2007 as to make the issuance of strata title possible for gated communities with landed residential properties too. Through this way, gated community with landed residential properties can be recognised as a legal private housing area because the development process involves no surrender of areas for public amenities including the roads to the local authorities. The public spaces, including the gates and fences would become common properties and to be owned in common by all house owners of the scheme. In addition, Strata Titles Act 1985 has clearly provisioned a uniform procedure for the management and maintenance of the housing schemes that would properly guide the developers and residents in the long run.

In terms of planning procedure, it is only the state of Selangor in the country that can be identified in the literature that has revised their planning guidelines for gated community development in response to the amendment made to Strata Title Act 1985 in April 2007. The state of Selangor has first issued a uniform planning guideline for GACOS development to be followed by all local authorities in Selangor beginning October 2006. In response to the amendment made to Strata Title Act 1985 in 2007, the state government then revises the guidelines to incorporate relevant planning requirements for each gated community development and the guidelines have come into effect in December 2007. The development of the gated community through strata law has only been made compulsory in all states in the Peninsular of Malaysia by the federal government beginning September 2010. Since then, gated

community in the country has been to mean "communities who live in high-rise and landed gated and guarded housing schemes that are held under strata ownership" [42].

This amendment surely brings much relief to the housing developers. However, it remains unclear on how this achievement could solve the status of GACOS that have been developed before 2007. In this context, [2] claimed that Strata Title Act 1985 (Amendment 2007) is only applicable to new gated community development or those developments that were built after April 12, 2007. In their case studies on four GACOS that were built before 2007, it was discovered that the status of the supposedly common properties within the schemes remains as public amenities. In other words, they were still held under individual land titles. As such, the physical barriers of these GACOS through the gates and guards remain illegal if these components have not yet been removed until today. In fact, in this case study too, the practice of GACOS development also remains in Iskandar Malaysia as it can be found in Table 1 that the earliest gated community projects were completed in 2004 and the latest were in 2009.

■5.0 DISCUSSION

From the review of the gated community establishment in Malaysia, it can be seen that instead of the Government, housing developers are the actual key drivers who have first initiated the development of a gated community in the country. The absence of the need for the gated community type of housing within the national housing programme shows that gated community is entirely a market-driven product in which the supply is dominated by the private housing development. In fact, the absence of appropriate law to govern the development of the gated community in Malaysia before 2007 also proves that its gated community is a market-initiated product rather than directed or as part of the government's housing development agenda as what happened in Singapore. This situation underpins the role of housing developers in the country as the actual creator of gated communities in Malaysia.

In general, the Malaysian gated community can be categorised into two; namely, GACOS and strata gated community scheme. Based on their physical appearances and the collective-responsibility that accompany both the developments, they both may fall under the interpretation of gated community given by Atkinson and Blandy [15]. However, it is only the strata gated community scheme that the Malaysian jurisdiction recognises as the gated community in the country. As explained throughout this paper, it is due to the type of legal tenure of GACOS residential properties that are held under individual land titles. In this case, except for the individual residential properties, every space within GACOS remains as public amenities. They are to be shared not only among the residents, but also with the outsiders. In fact, the erection of the enclosure components has been considered as an illegal practice under the respective planning laws. In consequence, GACOS is neither a private entity, nor a gated community under its local policy.

Unlike GACOS, the status of strata gated community as a private housing area is clear under Malaysia's jurisdiction. The residents-only amenities and facilities, as well as their collective-management, have been clearly provisioned under the Strata Titles Act 1985 since the legal tenure of the strata gated community properties are held under strata titles. Beginning 2010, the Government of Malaysia only recognises those held under strata titles as the rightful gated community in Malaysia. This situation clearly demonstrates how the interpretation of

gated community which was first initiated by the market or in particular, by the private housing developers has then been transformed when the government intervenes in the development process.

6.0 CONCLUSION

In this paper, the interpretations of gated communities based on Malaysian gating experience were presented. Several conclusions can be drawn from the paper are as follows:

- i. The gating experience in Malaysia has resulted in the emergence of two types of gated communities, namely strata gated communities and GACOS.
- ii. The former type is held under strata title while the latter is held under individual land title. Only the strata gated communities are recognized by the Malaysian legal system. The strata gated communities are a private neighbourhood, thus matched the global interpretation of gated communities.
- iii. The existence of GACOS as a kind of gated community in the country should not be taken lightly. Despite its legal issue or illegal, it was what the market has created and it was the first development that has taken resemblance of gated community before the Government enforces the strata gated communities. The practice of developing GACOS continues even after 2007 as what has happened in the case study area.

The continuation of GACOS development implies that the understanding of gated communities between the policy and practice among industry players who involved in the development is conflicting. Therefore, it is recommended that further investigations should be undertaken in the future to examine the reasons behind the industry players' preferences in establishing this form of housing.

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ⁱPart of the data collected in the completion of the first author's doctorate study in Universiti Teknologi Malaysia.

ⁱⁱMYR3.00 is approximately equivalent to USD1.00.