GATED AND GUARDED COMMUNITIES\textsuperscript{1} – SECURITY CONCERNS OR ELITIST PRACTICE?

by

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INTRODUCTION

Gated communities (GC’s) are a worldwide phenomenon. A common understanding is that gated communities are a response to the fear of crime in urban areas and the failure of government to ensure adequate security. Another way of describing such communities may be “forting up” to provide refuge from crime. Gated communities are not a new phenomenon. They have been existent in the closed cities of Russia\textsuperscript{2}, the security parks of South Africa, the gated communities of the United States of America, Mexico, China and the Philippines, the Datcha settlements of Bulgaria, the condo fechados of Brazil, the Barrios Cerrados of Argentina, and the “Expatriate Compounds” of Saudi Arabia, Lebanon and other Middle Eastern countries.\textsuperscript{3}

The desire for gated and guarded communities is on the rise due to safety concerns. People are more and more attracted to projects that offer increased security, especially when they are in their homes, and this has caused the surge in gated and guarded properties being developed. There is no doubt that the popularity of gated communities in Malaysia has been largely propelled by the growing rate of crime in housing areas. This is similar to the reason for gated communities in the United States of America. People are looking for safety against increased urban problems and thus gated communities have become popular in new suburban areas as well as in more traditional city areas according to Ilmonen, (2000).\textsuperscript{4} Completely gated living areas with armed guards have become common in the USA as well as in Russia in 2000.

Safety and security is a right of every human being. It is natural that people would want to ensure that they are living in a neighbourhood that is safe and provides security. However, such has always been the purview of the police. However, of late, it appears that either the police are stretched beyond their capacities, or the force has not expanded in tandem with the growing

\textsuperscript{1} In this article, gated and guarded communities are used to denote both gated and guarded communities, and guarded communities. The terms are used interchangeably, but where necessary, the distinction is explained in the text itself.

\textsuperscript{2} As it then was.


population. Therefore the people have resorted to employing their own guards to patrol the housing areas.

Using guards to patrol the area is one thing; to build barriers and vet all entrants into a particular housing estate is altogether another aspect. Residents have complained that it is almost akin to closing public roads such that they are not allowed to pass through certain roads to get to their own dwellings.\(^5\) It is as if they are now being prevented the right of passage on public roads by the erection and manning of guardhouses\(^6\), which incidentally, are not provided for under any current laws. It may thus mean that such communities are operated illegally.

Another concern is that residents may become disengaged from others, thereby leading to a segregation of race and/or class. This would be against government policy of encouraging the blending of the races, especially in Malaysia, a multi-cultural nation.

Gated and guarded communities raise interesting questions. Do they reduce crime? Do such communities encourage polarization among the population, especially in a country like Malaysia, which is made up of multi-ethnic population? Would not such communities result in social and economic segregation? Are gated communities governed by any particular laws? May it not be that some unscrupulous developers may use the term "gated and guarded housing project" to artificially inflate the prices of the properties in the development? Are gated communities common or do they have different meanings in different jurisdictions? Seemingly simple questions, but one cannot deny that they are pregnant with issues. This article will attempt to address the questions above.

**GC'S – A DEFINITION**

Landman and Schonteich\(^7\) both agree that there is no one definition of gated communities. Different types of gated communities in different countries allow for a myriad of interpretations and definitions. In Brazil, different terms are employed: closed condominiums; fortified enclaves or fenced-up areas. In India, similar protected communities are referred to as colonies. Atkinson, Flint, Blandy and Lister\(^8\) adopt a definition for gated communities as follows:

> Walled or fenced housing developments to which public access is restricted, often guarded using CCTV and/or security personnel, and usually characterized by legal agreements (tenancy or leasehold) which tie the residents to a common code of conduct.

Sarah Blandy\(^9\) defines a gated community as one that has a fence or wall around the residential area; restricts or controls the access for non-residents (via electronic means or with security staff); has private internal roads; subjects residents to a common code of conduct; and can manage itself.

The quintessence of gated communities restricts entry by the public through walls, security gates and the installation of CCTV's at prime spots. Access is denied, or restricted, and the member of the public may have to surrender his ID card and know the address of the person that he is

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\(^5\) "Unlawful 'roadblocks', The Star, 11.8.2007.
\(^6\) "No legal right to block public road", The Star, 24.5.2007.
visiting. Such restriction may have adverse reactions as it may then be perceived that the persons living in gated communities belong to a higher class of the population. This may result in a prevention of the creation of mixed communities. Not only that, but it may also result in creation of a mindset of exclusion and fear.¹⁰

**CRIME REDUCTION**

Landman and Schonteich¹¹ are of the view that if gated communities do in fact reduce crime, then they should be promoted as a legal mechanism to combat crime, irrespective of any other implications that such communities may inflict on the development of a nation. The question is whether such gated and guarded communities do in fact reduce crime. Researchers have held that gated enclaves represent the hope of security; they appeal to consumers searching for a sense of community and identity; they offer an important niche marketing strategy for developers in a competitive environment; they keep out the unwelcome; they often come associated with attractive amenities; they increase property values: Baron 1998¹²; Bible and Hsieh 2001¹³; Blakely 1999¹⁴; McGoey 2003¹⁵; Townshend 2002¹⁶; Webster 2002.¹⁷ However, the security does not come cheap. It comes with a premium.

Developers are increasing the price of the properties and purchasers are paying double maintenance costs; state rates and taxes and maintenance fees. There is a price premium for properties in gated enclaves. According to the trend in Malaysia, there appears to be a marked increase in properties in gated communities. Additionally, such communities enhance class and ethnic segregation; they privatize elements of the public realm (like streets, parks, and even schools); they may promote rather than reduce the fear of crime. Some instances of where gated communities are not foolproof where safety is concerned are given below.

A woman and her three-year old son were found murdered at their condominium unit.¹⁸ The condominium had only a CCTV system at the guardhouse and despite the presence of guards at the guardhouse, visitor’s car registration numbers or identity card details were not noted.

Presheena Varshiny, a nine-year old girl, was found brutally murdered after she was raped. She lived in a posh condominium, gated and guarded. Four suspects had been remanded at the date of writing. The suspects were working in a grocery store inside the posh condominium.¹⁹


¹⁸ The Star, 14.11. 2007.

¹⁹ The Star, 7.11. 2007.
A Singaporean woman was found raped and stabbed in a condominium. The so-called suspect who has been detained was living in the same block.  

The examples above show that gated and guarded premises do not ensure that violent crimes are prevented. Other causes may be the result. However, it must also not be overlooked that if the personnel of security had been competent in their duties, the above crimes may not have happened. Although at first glance it appears that the two later cases may have been committed by persons from inside the condominium, again, until proven no suspect is guilty. The following quote speaks volumes:

"Research shows the walls do not prevent serious crime. "What it does say is that you can put yourself in a secure estate but at the end of the day most serious crime is not between strangers," says Dr Murray Lee, a criminologist at the University of Western Sydney."  

Theoretically gated development is meant to provide an image of security, safety and privacy. Looking at the above cases, there is little in the way of conclusive evidence that can be attributed to the fact that gated communities are safe. But at the same time, it cannot be denied that in particular segments of gated residential properties, crime has been reduced and the residents are in a state of contentment and security. However, what is amusing is that not all the residents pay – some ride along on the safety that is paid for by others. But then again, in life, there will always be the free riders.

SEgregation

The hallmark of community stability is achieved when all categories of the population have a chance to mix and move together. Blakely (2001) argues that the promotion of gated communities implies acceptance of a built realm in which a growing portion of the most affluent among us wall themselves off. Gated communities raise significant questions related to affordability, segregation, and connectivity. They present physical barriers within the community, limiting access to formerly open landscapes and to public space in coastal areas. As we try to plan sustainable communities with a place for everyone, we might ask whether gated areas represent an innocuous form of protected suburban development or a worrisome precedent for a divided urban realm. The original gated communities held the whole population inside e.g. in South Africa and in Saudi Arabia. However, the present trend appears to be that gated communities reflect an increasing polarization, fragmentation and diminished solidarity within the urban society. Such gated communities may also be perceived to be “freak developments” that housed the super-rich or influential, such as Margaret Thatcher’s home in England, or the...
Wentworth estate that housed the exiled Chilean President, Pinochet. If real estate developers are allowed to continue to develop gated communities, it may result in a marked spatial segregation and social exclusion amongst the communities.

In Malaysia, gated and guarded precincts are increasingly causing fraying tempers among the public as housing the affluent and "snobbish" sectors of the population. According to a spokesman, under section 46(i) of the Street, Drainage and Building Act 1974, a person is not allowed to erect any kind of structure in any public place or along the side of any street without prior permission from the local authority. It was confirmed in the newspaper report that the structures that had been put up by the residents were illegal and that the residents had been advised to remove them immediately. The tight security measures may mean that visitors may be delayed or even barred from entering the neighborhood without proper identification and approval from the residents to be visited. Such measures contribute to the phenomenon that gated communities are elitist.

However according to a spokesman in the newspaper report, there is no problem with private guards hired by the residents of a particular housing estate patrolling the streets of the same. But local authorities have to be consulted first before barricades are put up to restrict movement of the public in a public access area or road. The general feeling is that a balance has to be struck between safety and the strict application of the law and rules and the way that gated communities are on the rise, it appears that safety has priority. More so as the government encourages gated communities as a way to stop the rising crime rate in the nation.

Van Donk states that the Human Rights Commission (HRC) received complaints that boom gates had suddenly gained popularity post-apartheid and this caused grave concern among the inhabitants of South Africa. Boom gates were held by the HRC to be an infringement on human rights especially when access was denied based on race. The HRC therefore does not support boom gates and gated communities. The findings of the HRC are interesting in that the use of road closures/boom gates has the potential to violate a number of rights, such as the right to privacy, to human dignity and equality, freedom of movement and freedom of trade, occupation and profession. The HRC concluded that road closures and boom gates enhanced social polarization and contribute to dysfunctional cities. It is arguable that in Malaysia, we are not having road closures and boom gates into the city entrances but into housing estates. Would this not have a similar impact, of enhancing social polarization and thereby contributing to a dysfunctional section of the populace?

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26 "Erection of Guard Houses and Barriers in Jesselton raises the ire of road users", see New Straits Times, 23.1.2008.
28 "Local Council enforcers on bikes to help fight crime": The Star, 20.1.2008. In the same report, the Mentri Besar Datuk Seri Dr Mohamad Khir Toyo said that the state government also encouraged gated communities as a way to prevent crime besides other efforts such as setting up Rukun Tetangga to increase security.
29 Ibid.
GATED COMMUNITIES AND THE LOCAL LAWS

Gated communities appear to be flourishing with greater speed than legislative reform and there is an urgent need to either streamline existing legislation to cater to gated communities or to enact new legislation to cater to this new phenomenon. At the current moment there is no specific legislation governing gated communities in Malaysia. Legislation provides for roadblocks to be put up by police and for temporary erections on occasion of festivals and ceremonies. However, no legislation, at present, provides for permanent roadblocks, or barriers, to be constructed on a public road.

The laws and regulations that govern developers of housing projects are the Housing Development Act 1966; the Strata Titles Act 2005; the Local Government Act 1976; the Town and Country Planning Act 1976; and other state rules and regulations. However none of these provide for gated and guarded landed properties. Developers of such projects are operating on the basis of a contractual agreement, the Deed of Mutual Covenants, to bind the parties. In some cases, residents may be disappointed with the services of the management and refuse to pay the maintenance fees, resulting in breakdown of lifts, unpaid water bills and other problems.

THE ADVANTAGES OF GC's

It is clear that no one development comes without a price. As such, gated communities do have their fair share of boons and banes. Having a barrier will of course keep out crime, but at the same time, the service providers are also kept out. Every housing estate has the services provided by the local authority/local council, e.g. garbage collection, tree pruning, laying of road bumps on particular stretches that are close to the dwelling houses to deter speedsters and other services. Any public or community area is also kept clean and grass is cut, drains are cleaned, and the roads are swept. All property owners pay rates and taxes for these services. The assessment and quit rent has to be paid annually to the regional councils that oversee the particular housing estates. However, the council workers are usually unable to enter and perform their tasks, and this leaves the residents in a quandary. The residents may be walling in more problems than they are keeping out.

On the other hand, there is community cohesion and social interaction which is prevalent in gated communities overseas, though not as much here. Research shows that some residents in gated communities reported a high degree of community spirit and informal social interaction, extending for example to communal Christmas dinners. In one gated development, fortnightly musical concerts held in the communal hall were well attended by residents, as were the various sporting activities organized on the site.

Another advantage is that in a gated community, residents have the opportunity to participate in the management of their developments. Residents' associations were well-represented; get-togethers were well-attended.

31 Section 78, Road Transport Act 1987; section 21, Police Act 1967.
32 Section 46(4), Street, Drainage and Building Act 1974.
34 "The Good and Bad of a Gated Community", The Star, 10.5.2007.
Residents of gated communities appear to benefit from high levels of advocacy. Many local authority officers believed that the expectations of residents in gated communities were higher than those of other residents, and that they demanded very high levels of service delivery. When services did not meet these expectations, residents of gated communities were likely to take immediate action, ranging from letter writing to the involvement of their legal representatives, to have the issue resolved. Some of the community management companies conducted regular surveys of residents and encouraged a regular and continual dialogue between residents and service providers.

A further potential benefit of gated communities is the extent to which the regulation of residents’ conduct creates a secure, peaceful and harmonious community. Gated communities are often prominent and symbolic developments in their local area. As such, they can provide powerful signals about the residential desirability and sustainability of local areas.

THE OTHER SIDE

Sarah Blandy is of the view that gated communities do more harm than good in that they reduce public space and the permeability of a city; their physical security measures lead to further social divisions and putting affluent households behind walls produces a negative impact on poorer neighborhoods – in terms of urban sustainability, security and social integration.35 The presence of barrier gates effectively means that public entry into the housing estate is restricted. Children will be growing with a fear of persons and just going outside the gates. Segregation will be propounded. The divide between the haves and have-nots will be widened. Gated communities around golf courses are designed for exclusivity and prestige. Thus it may be concluded that gated communities create class-consciousness among the population. It appears that those who live in gated and guarded communities belong to the affluent society, while the others are not in the elite class.36

The gated community appears to have set certain guidelines or criteria for people moving in. These can concern the social class, income level, age or family structure of the inhabitants. The novel “Stepford wives” by Ira Levin37 has often been used as an example of a community where a man has to make a sacrifice concerning his wife in order to become an inhabitant of the town. Gated communities have residents’ associations with strict covenants, contracts and deed restrictions that regulate most aspects of their houses and environment. Many residents find these rules onerous, as was illustrated in an episode of the “X-files” in which gated community homeowners who did not toe the line were eaten by a monster.38 This may be stretching it a bit far, but then it is a reality to some extent. There are rules and these must be obeyed.

Although the gated communities built by private development companies are mainly meant to cater to the “scared middle class” and therefore represent a questionable trend of city development accentuating inequality, they still show the connection between a chosen lifestyle and a certain kind of city environment.

36 “Take steps to check crime rate”, The Star, 10.4.2007, where the Prime Minister referred to those living in gated communities as “rich”.
The advantage may only be one, that of safety, but it is undeniable that this advantage far outweighs a number of disadvantages that gated communities may have to offer. In fact, the increase of crime rate in a housing development has been attributed to the many exits that exist in a housing area. The Residents’ Association in the particular housing estate suggested that the residents should adopt the gated community concept to combat the rising crime in the areas. However, hiding oneself behind barriers and gates is not the solution to crime-prevention. The better alternative is to remove the criminals from our streets.

**LEGISLATION FOR GATED AND GUARDED COMMUNITIES**

It is inevitable that there must be rules and regulations that govern gated communities. There are currently no laws to provide for this situation. Can a person’s right of entry be restricted when it is into a public area? Can the guards collect the identity cards of the visitors to the housing estate? What about the services that the residents pay for every year in terms of assessment and quit rent, and yet the providers are unable to enter because of the barrier? All residents are supposed to unanimously agree to the arrangement of the barrier gates and pay for the services of guards. However, in some areas, although no consensus had been reached, the residents’ association had still gone ahead with the installation of barrier gates and guards. People allege that they are not well-protected by the laws currently in force regarding police protection. Under section 21 of the Police Act 1967, it shall be the duty of the police officers to keep order on public roads, streets, thoroughfares and landing places and other places of public resort and places to which the public have access. But do we have enough manpower to achieve the objectives of this the 1967 Act?

Parliament has recently enacted the Building and Common Property (Maintenance and Management) Act 2007 (Act 663) (the Act). The preamble to the Act reads that it is an act to provide for the proper maintenance and management of common property and buildings. The Act applies to Peninsular Malaysia and the Federal Territory of Labuan. Sabah and Sarawak are excluded from the application of this legislation.

**REASONS FOR AND AGAINST GATED COMMUNITIES**

It may be that people are not comfortable with the level of security that is provided by the law and other quarters and therefore have taken to finding some form of security in setting up gated communities.

Resident Mr. X, who has been staying in Phase 13 for 15 years, said residents were fed up with the increase in crime and had taken matters into their own hands. “We decided to build a guardhouse and hired four security guards to patrol the area from 7pm to 7am daily after incidents of house break-ins, car thefts and robberies. About a month ago, a resident was slashed in a tussle with a thief and as many as four cars are stolen each day in the area. Residents are also looking to fence up the area and make it a gated community,” said Mr. X.

Where I stay, we used to have people coming in a car and stealing expensive shoes... Then my cast iron garden set was stolen. It would take three men at least to cart the set without making noise among parked cars and over the fence. And surely they would have come in a small lorry.

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39 "Lower crime rate raises interest in Gated Communities", The Star, 10.5.2007.
43 id.
In broad daylight, a neighbor’s house was emptied when they were at work. A lorry came on the pretence of shifting furniture... It came to a point where the residents were so afraid that they formed a residents' committee. The erection of the guardhouse and payment for the guards are all private... The whole idea is to keep strangers out or get visitors to register with the guards.  

Gated and guarded housing seem to be an attractive value-added feature for housing developers in the Klang Valley. For most house buyers, safety and security are issues close to their hearts, thus a neighborhood which comes with such a feature surely adds premium to the value of the property they intend to purchase... The mere presence of the guards is enough to keep the criminals away from such areas...

There is also resentment by the other quarters, those who feel that free movement is restricted.

Your report on gated and guarded communities and its current popularity... did highlight one point which is an issue for concern as well. The point mentioned is the right of passage of roads... I understand the residents... concern over security, but to block off a public road and cause inconvenience to others is not a solution... Furthermore they have no legal right to erect the barrier on a public road, especially so if it is used by other residents to gain access to their home via the same road and also there are bus stops located along the road”.

CONCLUSION

The desire for gated communities is in part a reflection of growing concerns about crime in urban areas, manifested through increasing usage of private security by more affluent groups. Gated enclaves represent the hope of security; they appeal to consumers searching for a sense of community and identity; they offer an important niche marketing strategy for developers in a competitive environment; they keep out the unwelcome; they often come associated with attractive amenities; they increase property values. The implications of the growth of this phenomenon are, however, deeply troubling. Gated communities increase housing costs; they enhance class and ethnic segregation; they privatize elements of the public realm (like streets, parks, and even schools); they may promote rather than reduce the fear of crime. This in turn may contribute to the physical and social segregation within cities.

Gated communities are in one sense anathema to Government policies aiming to increase social cohesion and reaffirm linkages between neighborhoods. However, gated communities might also be viewed as building the strengthened communities that current government policies perceive as potential tools for successful urban governance and crime control. Gated communities may also serve an important function in encouraging middle and upper income groups back into the inner cities and those who have otherwise existed through a fear of crime. Are gated communities appropriate in cities seeking to enhance integration and liveability? Gating is clearly profitable, but can it be “smart” or “sustainable”? Paradoxically, the gates provide a false sense of security and encourage behaviors which promote a lack of community spirit; squabbles with association members and apathy among residents were in evidence.

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44 "Guardhouses and roadblocks are there for a good reason", The Star, 29.8.2007.
45 "Lower crime rate raises interest in gated townships", The Star 10.5.2007.
46 "No legal right to block public road", The Star, 24.5.2007.