

## &gt; Focus

# Call to regulate gated-and-guarded enclaves

Tropicana Residents' Association proposes new community law

By Ivy Chang

**G**ated-and-guarded developments have been in existence in the country for over a decade. Although criticised for being elitist, they will likely remain popular for security concerns.

There is a legislation regulating gated-and-guarded community (GGC) schemes, but only stratified ones, which fall under the Strata Titles Act, 1985. Otherwise, there is a lacuna in the law.

The Tropicana Residents' Association (TRA) recognises a need for such a legislation and has handed over the draft of a proposed Gated-and-Guarded Communities Bill to Subang member of parliament Sivarasa Rasiah.

TRA president Victor Lye said the idea for such a legislation came about just before he was elected during the last exco meeting in January 2008.

"We were discussing the boom gates issue and I mooted the idea of a permanent solution which is through a private members bill which, if approved, would legalise the plan to install boom gates in our Tropicana Resort. The idea was enthusiastically received."

Lye said they also discussed how they can

improve on security enforcement in the resort.

"The local council (Majlis Bandaraya Petaling Jaya or MBPJ) appears unwilling to grant us the approval to have restricted access on what it considered to be public roads in our Resort.

"We also had to deal with the perception that our roads are public roads due to an ill advised regulation requiring our developer to hand over the roads to MBPJ once the development has been completed.

"This requirement goes against the format and theme of Tropicana Resort which is a GGC scheme with individual titles issued to all property or house owners. It was also sold as such to all the residents here," Lye added.

Due to the conflicting views and requirements, he said the issue of maintenance of the common areas also became a sore point as the developer and MBPJ constantly passed the buck when new issues cropped up.

"The residents then decided that it is time a new legislation is necessary to address the issues and formalise the operations of such a development, which include defining the duties and responsibilities of the developer and the local council as well as the residents' rights and duties in such a development," he added.

On whether the draft legislation has a chance of becoming law, Lye said with sufficient publicity and cooperation of politicians as well as national and state governments, he is hopeful it can happen in a year or two.

"More and more Malaysians are choosing to live in GGCs for better security and facilities such as landscaped gardens, golf course and clubhouse compared to the open plan concept.

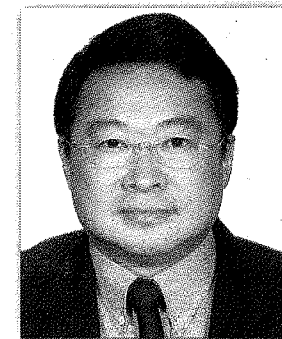
"The draft legislation has been well received not only by the Tropicana residents. Other GGCs such as Tropicana Indah, Sierramas, Valencia and Aman Suria are also backing it."

Lye said it was drafted by a resident and former TRA president Mah Weng Kwai and interested parties can find out more about the draft on TRA's website at [www.tropicana.com](http://www.tropicana.com)

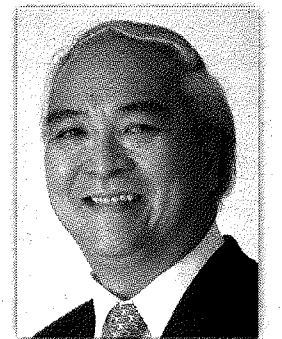
Mah, TRA's legal advisor, said the Tropicana development was purpose built as a GGC but there are no provisions governing it as neither the Strata Titles Act, 1985 nor the Building and Common Property (Maintenance and Management) Act, 2007 applies.

In the draft, Mah described a GGC as a devel-

opment area having a cluster of houses that are surrounded by a wall or fence with the entry to or exit from the area controlled by certain measures or restrictions such as guardhouses or boom gates or chains which include 24-hour security, guard patrols, central monitoring systems and close circuit television.



Lye says the draft of the proposed Gated-and-Guarded Communities Bill has been handed over to the Subang member of parliament.



Mah, a former Bar Council president, is the author of the draft.

## Planning a gated community

**A**lthough there is no specific law governing gated-and-guarded communities, there are piecemeal guidelines from the planning perspective.

According to Malaysian Institute of Planners president Norliza Hashim, some of the local authorities have come out with design frameworks.

For example, the Selangor Housing and Property Board has its Guidelines for Development of Gated-and-Guarded Community Scheme incorporating relevant planning requirements for such developments. The revised guidelines, with effect from December 2007, pertain to development of the guarded concept (guard house) not regulated under the Strata Titles Act, 1985 (STA).

Meanwhile, Real Estate and Housing Developers' Association (Rehda) Kuala

Lumpur branch chairman Datuk Michael Yam said the Federal Department of Town and Country Planning drafted a set of Planning Policies, Guidelines and Standards for Gated-and-Guarded Community earlier this year.

The guidelines, meant to standardise the planning standards and guidelines for development of gated communities across the country to ensure orderly and well planned gated communities in the future, are grouped under application of 'Gated-and-Guarded Community' in new developments based on the STA, and application of 'Gated Community' and 'Gated-and-Guarded Community' for existing housing developments.

Rehda and other major industry players were invited to provide input and feedback on the proposed guidelines. - Ivy Chang