

Wearing it *white*

> Live 'colourfully' with white interiors

PURE, chic, soothing and stately – there is nothing quite like stepping into a white ambience. However, for decorating a room in white, much thought must be invested before using this extremely demure yet tricky shade. "People are generally reluctant to use white as a predominant colour in their homes. They think it makes them look cold and plain," says interior designer Leong Wai Yoke.

However, Leong adds, "When you learn the versatility of this colour and use it in a manner which satisfies your needs, it is possible to make any white room exciting."

MANY SHADES OF WHITE

Though many think of the colour as boring, the fascinating verity about white is that it conjures a whole variety of shades and can create a number of stunning outcomes.

"Cool whites tend to have varying degrees of green, blue or grey in them, which can create an invigorating, uplifting effect. Whereas warm whites usually have hints of beige, yellow or tones of peach, which can create a dreamy, relaxing environment," Leong informs.

"To get started, the initial task involves choosing the kind of effect one wants to achieve in a room, then accordingly, decide upon the shades of white, which may aid in getting the effect you want."

Bear in mind, however, that the obviousness of these colours is based on several factors, which include the usage of other colours, exposure of light and the kind of materials that are used in the room.

"The colours, however, may be blatantly obvious or fade into/blend in due to the direct interaction with natural light or presence of other components in the room," says Leong.

WHITE DÉCOR RULES

To achieve an enchanting white



interior, Leong recommends four practical principles to keep in mind.

► Texture it

Texture adds charm and brings beauty and gives life to white. Without it, a room may look completely dull. "To prevent a sterile look from being developed within a room, various materials of white should be incorporated in it.

This works best in the living and bedrooms, so use layered couch linens along with waffle covers, an appealing set of cushions and quilted throws, to create an extravagant impression," says Leong.



► Accessorise it

Another rule that works, when dealing with a predominantly white background, is to accessorise boldly. Adding an enthralling artwork or placing beautifully imprinted wooden statues can achieve this. "Everything that is placed in the room should be outstanding so that it captures the interest. Either it's the furniture or the artwork. Silver and glass stands out beautifully in a white backdrop too," Leong hints.

► Work with lighting

If there is a lack of artistic detailing in a room, encrusted lighting can give it a dimensional look. To further add "optical illusion" in a white room, include more cool shades of white than warmer ones.



Pairing whites with other colours



The warmer shades of white are most compatible with impartial tones such as yellow, cream and shades of blue. In contrast, cooler shades of white look best with intense shades like red, orange and fuchsia.

► Work with varying tones

One should not be afraid of incorporating varying tones of white in a room. Doing so adds subtle contrast, and

further beautifies the look of the colour. It is also considered to be a terrific way to eliminate that unexciting look which white rooms are known to have.

DID YOU KNOW?

- According to colour experts at Pantone Inc, white is the best-selling colour for the classic American t-shirt.

- More hues of the colour white are available commercially, than any other colour.



- When white appears in a dream, it is said to represent happiness at home.

INFORMATION RETRIEVED FROM WWW.SENSATIONALCOLOR.COM

Different whites, different rooms



To create a serene and calm environment in living areas and bedrooms, warmer shades of whites should be utilised, while the energetic cooler shades should be incorporated in kitchens and study rooms.

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THERE is an air of exclusivity on entering a guarded and gated (G&G) development. Perhaps it is its enclosed "private" perimeters and the feeling of being safe in a guarded area surrounded by high walls and thick fences, or perhaps it is the boom gates and sentry guards stationed at high-tech fitted-out guardhouses. Then again, it could be the price tag that comes with owning a piece of real estate in one of these barred and barricaded restricted areas – usually swanky in style, meticulously landscaped, enhanced with all sorts of conveniences ... generally resonating a sense of spaciousness and luxury.

Customarily, properties in G&G areas come with a more expensive price tag compared with the usual residential landed or high-rise units situated in regular housing areas. While the majority perceive G&G properties to provide a more "secure and safe" living environment, many question if these "barriers and blockades" create social segregation and a feeling of inequality that underline one's socio-economic status.

PERCEPTION AND REALITY
Before we move further into the topic, let us define G&G. We refer to the chart below with information gathered by eight students from the Tun Hussein Onn University. The students wrote a paper on "Practice of gated community developments in Malaysia: Towards sustainable communities". They share excerpts from their research, in which the table below gives various definitions of gated communities.

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 neighborhood 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 units or landed property such as bungalows, terraced and semi-detached houses. However, definition of gated communities is more concentrated on residents living on strata-titled landed property residential area.
Mutalib, Aziz, Noor, & Eves (2012)	'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.
ASakip & Abdullah (2012)	Gated residential areas are 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 localised 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)

Gated and guarded neighbourhoods PART 1

> Gated communities and guarded neighbourhoods – security or segregation

FEATURES AND CHARACTERISTICS

The university students came up with the conclusion of a Malaysian gated community (after research): "strata landed housing area surrounded by a fence, guarded and having restricted access, sharing common properties and managed by residents with their own management".

The students also shared characteristics of gated communities from their research. These include:

- enhanced security measures consisting of patrol units and alarm systems;
- added privacy where residents enjoy larger amounts of open spaces, sometimes personal use of facilities;
- limited access by non-residents and the public, only permitting entry via access card;
- luxurious spaces in home design and architecture, branded fittings with nearby high-end lifestyle services and amenities;
- mixed property types whether landed or high-rise;
- tighter terms and regulations where residents are bound by specific rules of the G&G housing scheme, and are required to pay maintenance fees for the upscale



facilities provided;

- usually strata or individual land titles; and
- managed by a corporation that is usually a private governing body established under the commissioner of building of local authorities, agreed in deeds of mutual covenants.

GP022

In any case, G&G residential developments usually carry the exclusive, posh and private label, thus is naturally affordable to the more affluent set. In 2010, however, a guideline was prepared by the Federal Town and Country Planning Department under the Housing and Local Government Ministry. It was approved by the Cabinet at the 63rd National Council of Local Government Meeting. The regulations governing G&G communities were spelt out in a document called the GP022.

It defined the difference between a gated community (GC) and gated neighbourhood (GN) as:

- **GC** – a population group living in the gated and guarded area either in multi-storey residential buildings (high-rise property) such as apartments, condominiums and townhouses in a residential area or landed (landed property), such as bungalows, terraced and detached houses. However, the understanding of the GC in the context of Malaysia focused on population groups or communities who live in strata-titled landed houses.

- **GN** – a residential area controlled in whole or in part, in schemes to existing or new housing that withhold the individual's right to land (individual land title). The GN scheme to provide security services either with or without a guard. In terms of law, it cannot have physical barriers or to enforce any restrictions on entry and exit of the occupants and the public.

The guideline that was approved considered the following:

- 1) size of development area
- 2) site planning
- 3) location of the development
- 4) the road hierarchy
- 5) shift design housing and building
- 6) construction of the fence/wall
- 7) exit-entry log in
- 8) construction of guardhouse
- 9) landscape and tree planting
- 10) height of building
- 11) provision of parking for cars and motorcycles
- 12) special route for utilities
- 13) placement of public utilities
- 14) name of the park/ neighbourhood

The GP022 included dos and don'ts. Here are some interesting criteria it covered:

- a) GN is only allowed in city areas especially where crime rate is high. It is also not allowed in areas where public amenities like schools, suraus, public places of gathering and public transportation is available.
- b) The size of a guardhouse cannot be bigger than 1.8m x 2.4m. It can only be constructed along the

shoulder of the road and must not hinder traffic. It cannot be built in the middle of a road. Permanent structures must be applied and approved beforehand.

- c) No fencing is allowed if there is another residential area just beside the G&G area.
- d) Guards must be registered with the Home Ministry. Their uniforms must be of these combinations – beige and black, grey and dark blue, white and navy blue (colour codes are stated in the guideline).
- e) Guard dogs are not allowed unless prior approval is received from the Home Ministry.

(For details of the GP022 and the rationale behind each requirement, log on to <http://www.mytownnet.blogspot.com/p/planning-guidelines.html>)

Oddly, there are quite a number of people who feel that gated neighbourhoods incite social segregation. Share your view with us at: propertyqs@thesundaily.com or follow our column in the next few weeks to learn of the legal view on GN and GC, as well as the perception that G&G neighbourhoods underpin the principles of democracy.

Information in the article was retrieved from a paper by UM students Nur Azhani Adnan, Norjariah Arif, Zarina Shamsudin, Khadijah Md Ariffin, Marina Osman and Noralfishah Sulaiman who agreed to share their findings, along with snippets from the GP022.

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BY DATO' PRETAM SINGH
DARSHAN SINGH

DURING the good old days, I recall my friends and I cycling from my house in Segambut, heading towards Kenny Hills, now called Bukit Tunku. We used the tiny winding paths that took us through the Lake Gardens where I remember admiring along the way, the beautiful bungalows and its surroundings. My friends and I would hang around and wait by the Lake Gardens, just to see the rich people in their luxurious cars making their way into the restricted area of the club's premises.

This morning when I drove through the same windy roads of Bukit Tunku on the way to the Royal Lake Club (of which I have now become a member), I was wondering what the future would have been like if all the residents in then Kenny Hills area were fenced in a gated and guarded area, thereby restricting "poor people's children" (like myself then) from engaging in observation due to curiosity. I ask myself today, with the rise of gated and gated (G&G) communities, would this segregation or barring of sects in society have a negative impact?

The G&G phenomenon is taking on quickly across many locations in the Klang Valley and other locations throughout the country. In the guise of safety and security, it seems that medieval castles are being erected by haves against the have-nots. And if one cannot understand the rules of the existing castle dwellers and live by those rules, regulations and standards, then new comers have no right to reside there, or so it seems.

THE LAW

The amendment to the Strata Titles Act 1985 vide section 6 (1A) was a milestone in Malaysian planning legislation, aimed to control and manage gated communities in the country. After three years of implementation, has it achieved its objective?

According to the National Town and Country Planning Department guidelines, "Gated Community" (GC) is defined as a group of residents or community living in a guarded fenced area, whether in high-rise property such as an apartment, condominium and town-house or on landed property such as bungalows, terraced or detached houses with a strata title. It is therefore apparent that there cannot be a GC comprising houses with landed titles.

"Guarded Neighbourhood" (GN) on the other hand, is defined as a residential area, controlled in whole or in part, in the scheme of the

Gated and guarded neighbourhoods PART 2

> A need for urgent legislative intervention



existing housing or new land holdings, with individual land titles. GN schemes provide with or without security guard services. In terms of the law, GN nowadays erect physical barriers on public streets and enforce entry/exit restrictions to the residents and the public.

According to the Federal Court, in the recent case of Au Kean Hoe vs Persatuan Penduduk D'Villa Equestrian, it noted that such physical obstruction is not obstruction under section 46(1)(a) of the Street Drainage Building Act. It further noted that persons who do not agree have to inconvenience themselves by lifting the barrier themselves (as this amounts to inconvenience) which in common law is not actionable obstruction or actionable private nuisance. We are of the view that the underlying rule is a recognition that individuals live within a community, and it is always about the balancing of the individuals' inconvenience against the communities' interest that is of paramount concern.

On this point, in George Philip & Ors vs Subbammal & Ors AIR 1957 Tra-Co 281, the High Court in India observed as follows:

"Every little discomfort or inconvenience cannot be brought on to the category of actionable nuisance. Consistent with the circumstances under which a person is living, he may have to put up with a certain amount of inevitable annoyance or inconvenience. But if such inconvenience or annoyance exceeds all reasonable limits, then the same would amount to actionable nuisance. The question as to what would be a reasonable limit in a given case will have to be determined on a consideration as to whether there has been a material interference with the ordinary comfort and convenience of life under normal circumstances."

Thus, in the name of safety and security, communities are being segregated.

Given that GC are spatially a type of enclave, Seth M. Low, among other anthropologists, has argued that GC has a negative effect on the overall social capital of the broader community, beyond the borders of the gated area. Some GC, (usually called guarded-gated communities or G&G communities), are staffed by private security guards and are often home to high-value properties. And some are secure

enough to resemble fortresses and are intended as such.

STRATA OR LANDED

For new housing development projects, the developers have a choice to either sell houses in a G&G community as a strata parcel or with a landed title. A strata parcel development also requires licensing by the Housing Ministry as a strata development. I have found many a development approved as "Rumah Teres Dua Tingkat" yet developers are selling these houses as stratified development, wherein the completion period is 36 months and not 24 months, as it is in landed property.

Although the strata title act was amended in 2010, to allow for landed strata, yet there have not been any changes made to the Housing Development (Control and Licensing) Act 1989 to cater to such development. Schedule H, which was originally intended for high-rise development, is now supplemented with a lengthy DMC (Deed of Mutual Covenant) to cover the shortcomings in the schedule. Similarly, in cases of landed property where there are no clauses on issues such as security and renovation, the developer again has to find a way around, by inserting such clauses as a DMC. Any deed of covenant that is inconsistent with standardised agreements under the Housing Act is void and illegal to that extent.

In Woon Brothers Construction Sdn Bhd vs Mewahrengang Sdn Bhd [2009] 1 LNS 1015, the issue was a conflict between provisions in Schedule H and the DMC. And in relation to the sinking fund and Hue Siew Kheng, JC held:

"After examining the Deed of Mutual Covenant I am of the considered view that cl. 5.02 and cl. 7.01 of the Deed are attempts to contract out of the prescribed form of agreement and cannot be allowed to stand."

"To the extent that the provisions of the Deed of Mutual Covenant are

inconsistent with the Sale and Purchase Agreement these provisions are illegal and unenforceable"

The Federal Court did not address the issue of restriction imposed on such property other than the issue of boom gate. Any attempt to restrict a property owner's right to his property infringes upon his right under article 13 of the Federal Constitution and National Land Code which provides for unrestricted access to a proprietor (section 124(i) (a) (c), 124A, 204A 197 & 76 NLC). This is further emphasised in clause 26 of Schedule G of the Housing Development (Control and Licensing) Act 1989.

In a GN, the roads are public roads as stated in section 13 and 46 of the Street Drainage and Building Act 1974 and therefore, subject to maintenance by local authority once they have been handed over. However, the developer delays in handing over "the roads" which benefits the council as the authorities do not have to maintain the public roads yet they can collect the required rates, which is a serious abdication of their lawful duty. The current practice of requiring the public to submit identification documents (especially the driving licence and identity card) to guards is also not consistent with the provisions of the law. It is quite common now to see foreigners guarding these places, notwithstanding the Private Agency Circular Bill 1 Year 2006 and Private Agency Circular Bill 2 Year 2006 which only allow ex-army personnel Gurkhas to be guards, and yet it is quite common to see foreigners who are not Nepalese Gurkhas guarding these premises.

The National Town and Country Planning Department had come up with guidelines in 2010 but they are more related to planning rather than control and management.

These community living enclaves are now regulated by DMCs which are sometimes lopsided in favour of developers or initial residents.

All sorts of restrictions are being imposed such as height of structures, colour of facades, minor fences and even unimpeded entry by residents association office-bearers or company officials which seem to usurp the function of the local authority.

Without a standard deed like the standard agreements under the Housing Development (Control and Licensing) Act 1966, such deeds have become a bone of discontentment among the residents no matter how noble the intention of the drafters may be.

Numerous public complaints regarding forced payment and harassment certainly calls for a more comprehensive legislation to cover this new trend of human habitation, least they become permanent fortresses and shatter a poor man's Malaysian dream.

An exciting career in real estate

TO date, there are approximately 1,800 registered real estate agents in the country. Compared with the 10,990 professional engineers, 16,049 lawyers, 31,358 accountants and 40,000 doctors, it would be wise to take up a real estate profession, especially with the new programme offered at UCSI University.

A collaboration between UCSI University and Hartamas Academy, the training and development arm of the Hartamas Real Estate Group, the two award-winning establishments developed the Executive Diploma in Real Estate (EDRE) programme, which is offered at UCSI University. Accredited by the Board of Valuers, Appraisers & Estate Agents Malaysia (BOVAEA) and approved by the Malaysian Qualifications Agency (MQA), the course offers a one-stop learning-cum-networking platform, where students can learn from industry

leaders and academic professionals en route to obtaining a recognised qualification in real estate.

For more information on this programme, register at goo.gl/YuJ8ET or attend the info day.

UCSI UNIVERSITY EDRE INFO DAYS

Saturday, April 18 9.30am to 1.30pm	Greens 3 Sport Wing, Tropicana Golf & Country Club, Jalan Club Tropicana, Petaling Jaya.
Saturday, April 25 9.30am to 1.30pm	Function room, Le Quadri Hotel, UCSI University, North Wing, Taman Taynton View, Cheras.

* EDRE is given full exemption from BOVAEA's Estate Agents written Examination part 1 & 2.1

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Guarded and gated communities and townships

PART 3

> Social and emotional implications, plus security issues

HAVING gone through the GPo22 document drawn up by the Federal Town and Country Planning Department under the Housing and Local Government Ministry and run through its guidelines, and taken a legislative look at what the local law and its Acts state, we now look at the social and emotional implications of guarded communities, which are fast developing in Malaysia, as they have been all around the globe. In fact, over the last few years, many newly launched local property developments came with gated and guarded features. It's almost as if it had become a norm to reside in areas like these. One asks then, if this is a privilege or a necessity? Are we buying safety or exclusivity? And how will this impact society down the road?

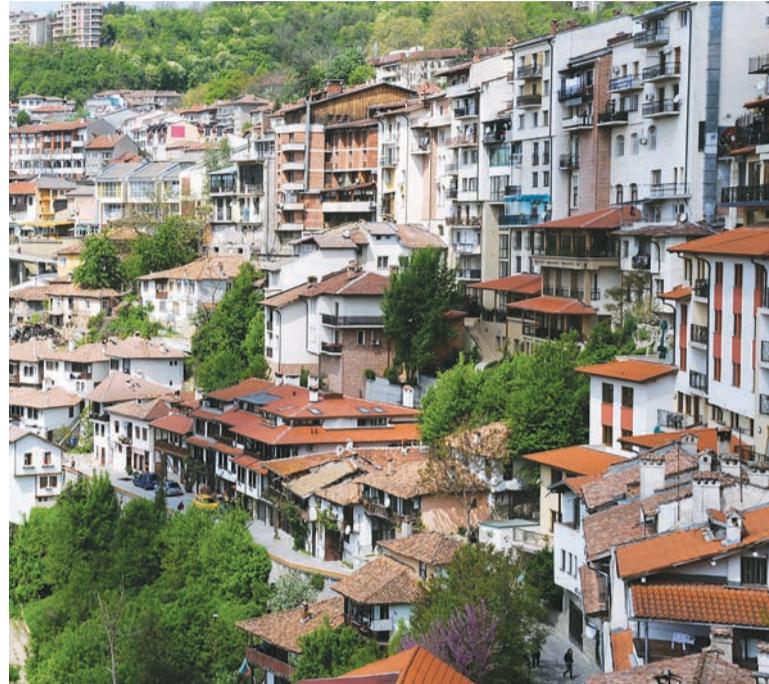
WESTERN VIEW

A dissertation was written by Keith Veal, a political science student at the University of Michigan, for the degree of Doctor of Philosophy. In it, he cited his experience, having walked into a G&G residential area where the guard was no where to be found, and how he was rudely questioned and shown the way out, when his entry was discovered. Hostile, sharp, accusatory and unpleasant words were uttered by the "security" personnel, almost instantly putting Veal in defence mode. Haven't many of us encountered similar experiences? This sparked many questions, of which Veal decided to ask those living outside the boundaries of the G&G area, their views on gated communities.

On social and emotional implications, it really boils down to which side of the "gate" you're on –

HERE ARE SOME FACTS VEAL LEARNT:

- ▶ Gated communities are quickly becoming the fastest growing housing development in the United States (Blakely and Snyder, 1997).
 - ▶ Currently over 7 million people live behind a mechanical gate or private security guard (American Housing Survey, 2001).
 - ▶ From the early 1980s to the present, the number of gated communities has grown from five thousand to over twenty thousand (Blakely and Snyder, 1997).
 - ▶ According to the latest survey data, 5.9% of all housing units report living in a community that is surrounded by a wall or a fence (American Housing Survey, 2001).
 - ▶ The number of gated communities varies by region. On the West coast, 11% of all housing units are walled compared to 6.8% in the South, 3.1% in the Northeast and 2.1% in the Midwest (Ibid). These developments are more prevalent in new construction and therefore are more concentrated in
- inside or out. No doubt, G&G areas restrict access, limit interactions and divide communities. Veal also mentioned that if G&G areas focus on safety, then those on the outside become the "amorphous other ... not limited to solely criminals and potential law-breakers ..." And when G&G areas are occupied by the "upper class," Veal considers those "gated-out" as "different from



applied for this status (with one main entrance and exit, with a proper guardhouse and boom gates) which has been approved by the authorities. "Maintenance fees are high and a joint management board is engaged to run the day-to-day activities. It is similar to an up-market condo, with all the rules and extras where one has to pay to keep the premises clean and orderly."

His point: "The government needs to step in to make every district safe via the police force or some security arrangement. Citizens should not need to pay additional amounts for the security of their homes and families. The people also should not have to worry and leave their homes and families to 'work out' the security and safety issues of their neighbourhood. The law must be followed through - police must carry out their responsibilities accordingly and law breakers must be punished." He also condones whipping in public as punishment and asks for more CCTVs. "And G&G must be government-controlled."

OTHERS' PERSPECTIVE

theSun considered the views of the rakyat where gated communities and social segregation is concerned. Says Y S Ying, a retiree who lives in a condominium: "I don't believe in gated communities. Why does the work of the police, who are entrusted to restore peace and safety, need to be done by others, and the people have to pay for safety? Besides, even with G&G areas, there still are thefts, break-ins and such. In addition, I know many residents who do not like to be asked so many personal questions and have to leave their personal details with guards, especially when at times they are in a hurry. Friends also prefer not to visit due to this inconvenience." On it spurring social segregation, Sandra doesn't think it does. "Generally, there is a perceived notion that gated communities are better neighbourhoods with real estate that fetches better resale value."

Susan Lim who resides in an upscale area which is not gated states: "I don't think gated communities cause social segregation. It is a solution to an already existing social ill that needs to be addressed. Having lived in the US for 11 years and at one point having lived in a house with no gates or fences there were crimes in that area, thus, gates were relevant. Then again, I wouldn't want to live with soft fences and gates around my house, but I need to do what it takes to make my home safe. If social ills are being taken care of, I would be very happy not to have to pay each month for home security services. On the whole, I feel that viewing gated

communities negatively, that it segregates society, is just a way of not addressing the real issue."

Sharon Saw comments: "It is a sad reflection of society that we need gated communities to improve security. Personally, I do not like gated residential areas as it causes a lot of inconvenience when visiting people living in that area - you need to present your IC and wait for the registration process, etc. However, I don't feel that it segregates society because we are already segregated. Many of us don't even know our neighbours, so what is the big deal about being segregated from a particular community with barriers?" Saw does state that she likes a particular gated housing area in the Klang Valley which "once you are within the residential area, the houses all have no fences or gates it has an open feel where you can just walk up to one's front door. I wish we did not have to live behind fences and grills like we are in prison. But if that's the price of security in this increasingly unsafe world, what can I say?"

Sheron and Fareh Mazputra share their view as a couple. "We are for gated as it provides better security; offers a better environment (landscaping, maintenance, facilities etc); properties tend to fetch better price and better demand; and in general gated communities provide a little more privacy, quiescence, internal roads are less busy and kids can cycle and play outdoors with not many issues, plus women can walk or run in safer surroundings than in non-gated areas."

Says Jenn Salim: "Gated communities serve no purpose unless the full and complete process of identification/registration is adhered to and monitored properly. On the residents, whether gated or not, it is one's attitude that causes segregation in the community."

One who wishes to be known as Anak Malaysia states: "It will surely lead to some social impact and create a more prominent gap between the communities on both sides of the boom gate who will look at each other differently." Anak Malaysia reminisces the days of Rukun Tetangga where the rakyat were seen "bergotong-rojong, tolong menolong satu sama lain", in unity. "Society has changed today ... and if the government does not do what it is supposed to do, the rakyat will need to be self-reliant and take things into their own hands. We can forget about iMalaysia then."

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