<h1></h1> Saturday April 25, 2009 Park at own risk sign no shield from liability By PRISCILLA DIELENBERG GEORGE TOWN: A Park at your own risk sign does not excuse an operator from being liable for items stolen from cars parked in the area under his care. Yesterday, a magistrates court here ordered a car park operator to pay lawyer John Heah Wee Theng RM1,668 for items stolen from his car parked at an open air car park near Komtar two years ago. The items included a compact disc and cassette player with a CD of a compilation of Neil Diamond's songs, an amplifier, and a pair of Ray-Ban sunglasses. In his statement of claim filed against Timur Car Park Sdn Bhd, Heah said the notice board at the entrance to the car park stating that the defendant was not responsible for any loss or damage did not absolve the defendant from its duty of care and from liability. In its defence, Timur Car Park argued that the notice board at the entrance meant Heah had clear knowledge that he was parking his car at his own risk. The company added that it only provided a parking facility for the public and not a security service to prevent theft or trespass, and did not have duty of care. It said Heah could have failed to lock his car and activate the alarm system, or failed to ensure that the alarm system and the locks of the car doors were all functioning well. Heah said he parked his Kenari at the former open air car park next to the Traders Hotel at about 8.30pm on Oct 20, 2007. When he returned to his car at about 9.40pm, he found the door on the driver's side unlocked and the items missing. He said he paid RM2.40 to the company as parking charges for the duration, and the company had a duty of care to watch over the vehicles parked in the car park. Heah said he parked in a bright spot near a lamppost, adding that there were only 50 to 60 cars there at the time when the car park had a capacity for about 250 to 300 cars. He also said one or two of the car park's workers were patrolling the area on motorcycle. Magistrate Mohamed Aznin Mohamed Ariff allowed Heah's claim for the sum, with interest and costs. Heah was represented by Tan Beng Hong while Su Tiam Leong appeared for Timur Car Park. In October 2007, the car park ceased operations and piling works began at the site for the construction of the 11-storey 1st Avenue Penang shopping complex which is scheduled for completion later this year.