

CHAPTER 4

FINDINGS

4.1 Introduction

This section illustrates the results of the procedure that has been carried out in Chapter 3. The steps of the analysis process are outlined in ISO document (ISO 31022) and Health Service Executive manual. Most of the results were displayed in the Table form as the two main tables; Legal Risk Identification Matrix (LRIM) and Legal Risk Register (LRR) as per ISO document.

4.2 Research Objective 1: To Identify Legal Risks during Crisis in Malaysian Private Hospital

Diagram in Figure 4.1 shows the flow chart that has been developed from the bomb threat and evacuation procedure that happened in KPJSSH. The incident started with the bomb threat call and the evacuation process. Total time taken for the incident was 4 hours. During this incident, many potential Legal Risks can be identified. Therefore, by using the information from the real incident, compared with the Incident Planning Guide from HICS and relevant Legal Cases, the potential Legal Risk has been identified as per Table 4.1. The purpose to identify potential Legal Risk is to develop interview question and then to conduct Legal Risk Assessment. Besides, the potential Legal Risk also being used in Legal Risk Identification Matrix (LRIM) as per ISO 31022 in order to find the category of law related to the potential Legal Risk. For the

Interview 1, KPJ Hospital Director and Officer has been asked about the existence of potential Legal Risk regarding the bomb threat and evacuation incident.

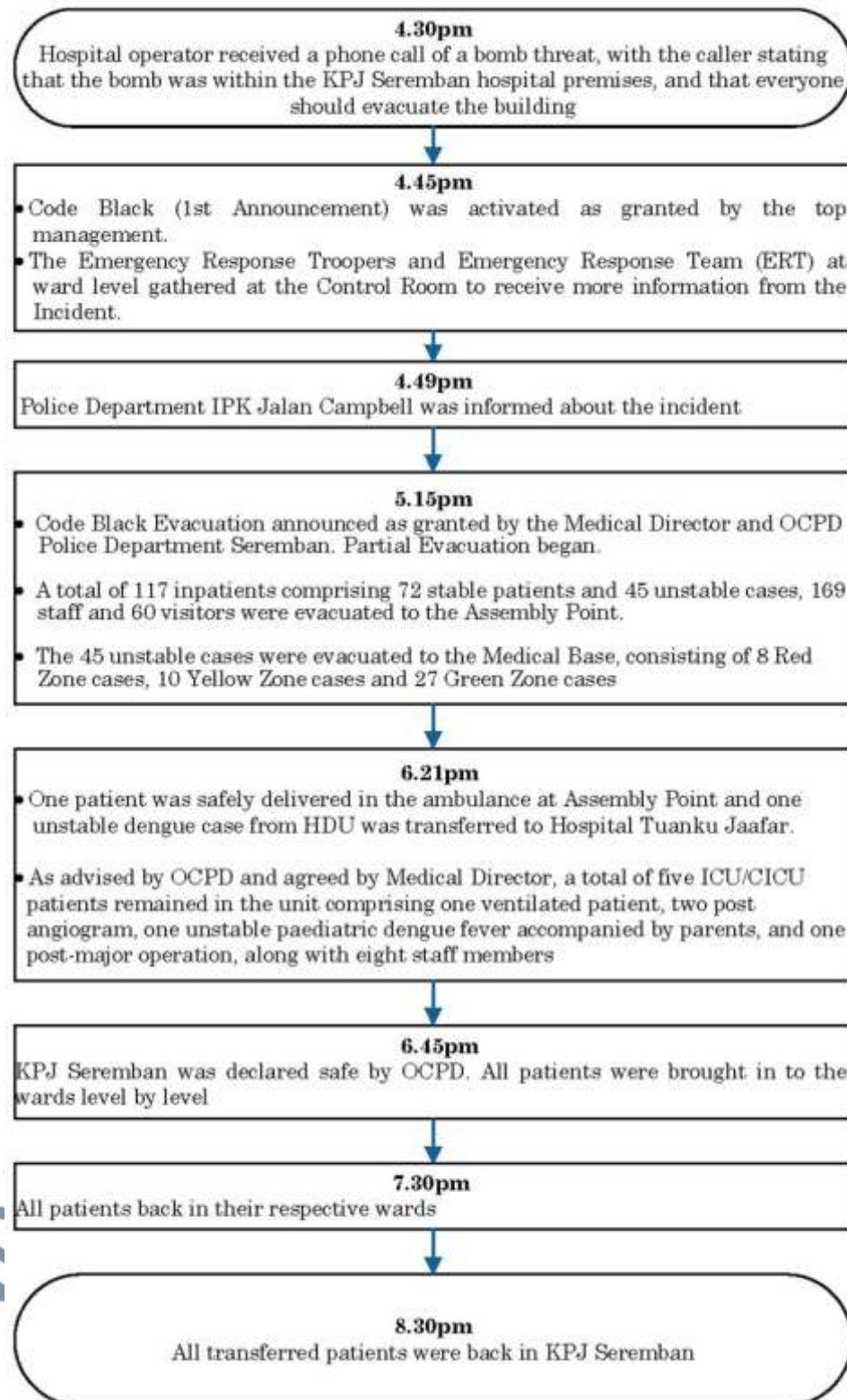


Figure 4.1: Chronological order of KPJSSH Incident

Then, after identify the potential Legal Risk involved, the respondents then choose the category of law for each Legal Risk, also in LRIM. The filled LRIM for potential Legal Risk as Table 4.2. From the LRIM, it can be found that the KPJ Hospital Director and Officer has good knowledge in Occupational Safety and Health Act (OSHA) legislation. This can be found in the Legal Risk regarding safe escape route and injury to legally entrée.

Table 4.1: Potential Legal Risk for Bomb Threat and Evacuation

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
1	4.30 PM Hospital operator received a phone call of a bomb threat, with the caller stating that the bomb was within the KPJ Seremban hospital premises, and that everyone should evacuate the building	IMMEDIATE AND INTERMEDIATE RESPONSE-EXPLOSIVE INCIDENT Does your hospital have procedures to quickly obtain incident specific details (e.g., voicemail messages, witnesses, security cameras, surveillance tapes, and other data) for evidence and intelligence gathering?	Literature Reference (Dunlop, 2004) (Mohamad, 2019),	Potential Legal Risk Failure to gather the evidence for criminal and civil litigation in Bomb Threat and Evacuation process
			Relevant Caselaw Area of Law : Evidence Law <i>PP v Ong Cheng Heong [1998] 6 MLJ 678</i>	
2		IMMEDIATE AND INTERMEDIATE RESPONSE-EXPLOSIVE INCIDENT Does your hospital have an evidence collection policy developed in conjunction with local law	Literature Reference (Huang et al., 2019)	Potential Legal Risk Tainted evidence which has been collected for criminal and civil litigation in Bomb Threat and Evacuation process

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
		enforcement and prosecutorial authorities?	Relevant Case law Area of Law : Evidence Law <i>Ahmad Najib bin Aris v PP [2009] 2 MLJ 613, PP v Lim Kang Wee [2015] 3 MLRH</i>	
3	4.45pm Code Black (1st Announcement) was activated as granted by the top management. The Emergency Response Troopers and Emergency Response Team (ERT) at ward level gathered at the Control Room to receive more information from the Incident.	PREPAREDNESS-EXPLOSIVE INCIDENT Does your hospital provide annual training for staff in the Explosive Incident Plan, including the use and location of bomb threat phone call documentation forms, recognition of suspicious packages or items, including initial response safety and notification procedures and recognition of suspicious persons and threatening behavior, to include initial safety and notification procedures?	Literature Reference (Taaffe et al., 2005), (Aziz & Yusof, 2015) Relevant Caselaw Area of Law : Tort Law <i>Kanagasabapaty v Narsingham (1979) 2 MLJ 69</i>	Potential Legal Risk Tort Claim from Employee to the Organization in Bomb Threat and Evacuation process
4	5.15pm Code Black Evacuation announced as granted by the Medical Director and OCPD	IMMEDIATE AND INTERMEDIATE RESPONSE-EXPLOSIVE INCIDENT Does your hospital train staff in their roles and	Literature Reference (Wang et al., 2013), (Hanfling et al., 2012), (Courtney & Hodge Jr, 2011; Pou, 2013)	Potential Legal Risk Medical Negligence to emergency patient in Bomb Threat and Evacuation process

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
	Police Department Seremban. Partial Evacuation began.	responsibilities when the code is announced? Has training been provided to visiting staff?	<p>Relevant Caselaw</p> <p>Area of Law : Tort Law <i>Lowns v Woods (1996) Aust Torts Reports 81-376</i></p>	
5		<p>IMMEDIATE AND INTERMEDIATE RESPONSE-EVACUATION, SHELTER-IN-PLACE, & HOSPITAL ABANDONMENT</p> <p>Does your hospital have criteria and a rapid decision making process to determine the need to activate the Evacuation, Shelter-in-Place, and Hospital Abandonment Plan?</p>	<p>Literature Reference</p> <p>(Taaffe et al., 2005), (Hassan,2015),</p> <p>Relevant Caselaw</p> <p>Area of Law : Tort Law <i>Abdul Aziz bin Awang @ Muhammad & Ors v Tenaga Nasional Bhd [2020] 7 MLJ</i></p>	<p>Potential Legal Risk</p> <p>Late Evacuation Order – Liability of Public Authorities and The Organization during Bomb Threat and Evacuation process</p>
6	<p>5.15pm</p> <p>A total of 117 inpatients comprising 72 stable patients and 45 unstable cases, 169 staff and 60 visitors were evacuated to the Assembly Point.</p> <p>The 45 unstable cases were evacuated to the Medical Base, consisting of 8 Red Zone cases, 10 Yellow Zone cases</p>	<p>IMMEDIATE AND INTERMEDIATE RESPONSE-EVACUATION, SHELTER-IN-PLACE, & HOSPITAL ABANDONMENT</p> <p>Does your hospital's Evacuation, Shelter-in-Place, and Hospital Abandonment Plan include designated evacuation locations, assembly areas, and routing options,</p>	<p>Literature Reference</p> <p>(D. E. Alexander, 2015),(Cocanour et al., 2002),(Huang et al., 2019),(Pheng & Detta, 2018)</p>	<p>Potential Legal Risk</p> <p>Failure of the organization to provide safe escape route for Bomb Threat and Evacuation process</p>

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
	and 27 Green Zone cases	including within the hospital (atrium, auditorium, gym, etc.)? and external to the hospital (adjacent building, nursing home, other hospitals, schools, etc.)?	<p>Relevant Caselaw</p> <p>Area of Law : Tort Law <i>Sri Inai (Pulau Pinang) Sdn Bhd. V. Yong Jit Swee & Ors (2003) 1 MLJ 273</i></p>	
7		<p>MITIGATION-EVACUATION, SHELTER-IN-PLACE, & HOSPITAL ABANDONMENT</p> <p>Does your hospital participate in pre-incident local response planning with public safety officials (e.g., emergency medical services, fire, and law enforcement), local emergency management officials, other area hospitals, regional healthcare coalition coordinators, and other appropriate public and private organizations, including meetings and conference calls to plan and share status?</p>	<p>Literature Reference</p> <p>(Huang et al., 2019), (Ricci, Griffin, Heslin, Kranke, & Dobalian, 2015),(O'Neill, 2005)</p> <p>Relevant Caselaw</p> <p>Area of Law : Tort Law <i>Yeap Cheng Hock v Kajima-Taisei Joint Venture [1973] 1 MLJ 230</i></p>	<p>Potential Legal Risk</p> <p>Failure to provide safe temporary shelter to patient and victim for Bomb Threat and Evacuation process</p>

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
8		MITIGATION-EXPLOSIVE INCIDENT Does your hospital identify all potential entry and exit points of the hospital and contain this information in a single document or file for rapid access?	Literature Reference (Kansagra et al., 2008; Simon, Khan, & Delgado, 2003), (Tuck, 2013)	Potential Legal Risk Occupier's Liability Claim for Criminal Acts of Third Parties during Bomb Threat and Evacuation process
			Relevant Caselaw	
			Area of Law : Tort Law <i>Al-Najar and others v The Cumberland Hotel (London) Ltd [2019] EWHC 1593 (QB)</i>	
9	6.21pm One patient was safely delivered in the ambulance at Assembly Point and one unstable dengue case from HDU was transferred to Hospital Tuanku Jaafar.	EXTENDED RESPONSE AND SYSTEM RECOVERY-EVACUATION, SHELTER-IN-PLACE, & HOSPITAL ABANDONMENT Does your hospital have procedures for repatriation of patients and staff, Medical records management?	Literature Reference (Cocanour et al., 2002), (Uppal et al., 2013) (Read & Ashford, 2004), (P. N. J. Kassim & Ramli, 2016)	Potential Legal Risk Leak of Patient Medical information during Patient Transfer in the event of Bomb Threat and Evacuation process
			Relevant Caselaw	
			Area of Law : Tort Law <i>Dr Tan Ah Ba v Dr Wong Foot Meow [2012] 7 MLJ 467</i>	
10	6.21pm As advised by OCPD and agreed by Medical Director, a total of five ICU/CICU patients remained in the unit comprising	EXTENDED RESPONSE AND SYSTEM RECOVERY-EVACUATION, SHELTER-IN-PLACE, & HOSPITAL ABANDONMENT	Literature Reference (Long-fei, Ming, Wu-yuan, & Yu-chen, 2011)	Potential Legal Risk Injury to Legally Authorized Entree in Bomb Threat and Evacuation

No.	KPJ Bomb Threat Event	HICS Incident Guideline (IPG)	Source of Legal Risk Reference	Legal Risk Identification
	one ventilated patient, two post angiogram, one unstable paediatric dengue fever accompanied by parents, and one post-major operation, along with eight staff members	Does your hospital maintain hazardous materials, including isotopes, in a safe and secure area of the hospital? Is the inventory routinely checked?	<p>Relevant Caselaw</p> <p>Area of Law : Tort Law <i>Shamsuddin v Yap Choh Teh & Anor [1969] 1 MLJ 26</i></p>	
11		<p>MITIGATION - EXPLOSIVE INCIDENT</p> <p>Does your hospital maintain potentially explosive and combustible materials (e.g., oxygen, propane, acetylene) in a safe and secure environment? Are the sites routinely observed? Is there a policy or procedure in place if materials are tampered with or missing?</p>	<p>Literature Reference</p> <p>(Jiang, Zhang, Shang, & Tian, 2014)(Long-fei et al., 2011) (Edward et al., 2017), (Dass, 2015)</p> <p>Relevant Caselaw</p> <p>Area of Law : Insurance Law <i>Glücksman v Lancashire and General Assurance Co Ltd [1925] 2 KB 593</i> <i>Chung Kuo Ping @ Richard v Malaysian Assurance Alliance Berhad [2007] MLJU 587</i></p>	<p>Potential Legal Risk</p> <p>Misrepresentation/Nondisclosure of Insurable Interest from The Organization for Bomb Threat and Evacuation event</p>

Table 4.2: Legal Risk Identification Matrix (LRIM)

Parameter	Category 1 Unpredictability	Category 2 Noncompliance with applicable laws	Category 3 Breach of contract	Category 4 Infringement of rights	Category 5 Omission in exercising rights	Category 6 Improper choice
Legal risk						
Misrepresentation/ Nondisclosure of Insurable Interest from The Organization			Insurance Law where the contract did not valid <i>ab initio</i>			
Failure to provide safe escape route		Occupational Safety & Health Act (OSHA)			Law of Tort - Occupier's Liability	
Injury to Legally Authorized Entree		Occupational Safety & Health Act (OSHA)			Law of Tort - Occupier's Liability	
Leak of Patient Medical information during Patient Transfer Process					Law of Tort – Medical Confidentiality	
Medical Negligence to emergency patient					Law of Tort – Medical Negligence	
Failure to gather the evidence for criminal and civil litigation		Evidence Act			Law of Tort – the organization cannot establish defenses against claim	
Failure to provide safe temporary shelter to patient and victim					Law of Tort – Breach Duty of Care	

Parameter	Category 1 Unpredictability	Category 2 Noncompliance with applicable laws	Category 3 Breach of contract	Category 4 Infringement of rights	Category 5 Omission in exercising rights	Category 6 Improper choice
Legal risk						
Late Evacuation Order – Liability of Public Authorities or The Organization					Law of Tort – Breach of Statutory Duty	
Tainted evidence which has been collected for criminal and civil litigation		Evidence Act				
Tort Claim from Employee to the Organization					Law of Tort – Breach Duty of Care	
Occupier's Liability Claim for Criminal Acts of Third Parties					Law of Tort – Occupier's Liability	

4.3 Research Objective 2: To Identify Relevant Area of Law Governing the Legal Risks

For Interview 2, the potential Legal Risk as per LRIM has been brought to the expert respondent who has broad experience in legal profession. The purpose is to validate the LRIM based on the Legal Risk and its types of law. All the categories of law that have been chosen by KPJ Hospital Director and Officer as the potential Legal Risk have been validated. These risks then turn into legally valid Legal Risks. Besides LRIM, the Legal Risk Register (LRR) has been filled in order to move into detail Legal Risk Assessment. LRR is very important as the Legal Principle based on the precedent court cases may help the organization to find an action plan. Thus, the LRR also must be validated by the expert respondent in order to make it legally valid. Most of the legal consequences finally end into monetary compensation. Most of the cases and the legal principle that have been identified having similar situations with the Legal Risk have been chosen. After scrutinizing the LRR, the expert respondent has validated the LRR based on the validated Legal Risk in LRIM. In LRR as per Table 4.3, the respondent also validates the applicable relevant law, legal consequences and past cases.

Table 4.3: Legal Risk Register (LRR)

No.	Event	Legal Risk Category	Applicable Relevant Laws	Legal Consequences	Past Cases	Action Plan by KPJ Hospital
1.	Failure to gather the evidence for criminal and civil litigation in Bomb Threat and Evacuation process	Omission in exercising rights	Law of Tort – the organization cannot establish defenses against claim	Monetary Compensation for loss in litigation	<i>PP v Ong Cheng Heong [1998] 6 MLJ 678</i>	Adequate power supply backup and CCTV recording storage during emergency has been prepared by the hospital. Besides, the person who enter the premise for work need to apply Permit To Work (PTW) from the management before starting the work. The record of person enter and exit certain area in the hospital also has been made compulsory
2.	Tainted evidence which has been collected for criminal and civil litigation in Bomb Threat and Evacuation process	Noncompliance with applicable laws	Evidence Law – the evidence cannot be used in litigation	Possibility of loss in Court Trial	<i>Ahmad Najib bin Aris v PP [2009] 2 MLJ 613, PP v Lim Kang Wee [2015] 3 MLRH</i>	To secure the evidence especially in the electronic form, layer of protection has been used to safeguard the data. This including the usage of password to prevent unwanted intrusion for tampering the data
3.	Tort Claim from Employee to the Organization	Omission in exercising rights	Law of Tort – Breach Duty of Care	Monetary Compensation	<i>Kanagasabapathy v Nar-singham (1979) 2 MLJ 69</i>	KPJ always inform the employee about evacuation order guideline for safe escape route during emergency situation and this also including preventing them to use the lift service. Besides, Group Personal Accident Insurance/Takaful also being subscribe to cover any staff who met with accident
4.	Medical Negligence to emergency patient	Omission in exercising rights	Law of Tort – Medical Negligence	Monetary Compensation	<i>Lovins v Woods (1996) Aust Tort's Reports 81-376</i>	KPJ prepare the medical staff with adequate training especially when moving patient during emergency. Among the training including Basic Life Support (BLS) and Advanced Cardiac Life Support Training (ACLS). All level of staff need to underwent this training
5.	Late Evacuation Order – Liability of Public Authorities or The Organization	Noncompliance with applicable laws	Administration Law- Government Proceeding Act	Monetary Compensation	<i>Abdul Aziz bin Awang @ Muhammad & Ors v Tenaga Nasional Bhd [2020] 7 MLJ</i>	The KPJ Emergency Response Team (ERT) will conduct risk assessment in the event of emergency situation. KPJ ERT is the hospital asset since all the member of ERT has underwent training during emergency situation with Royal Malaysian Police and Fire Brigade. The output of risk assessment

No.	Event	Legal Risk Category	Applicable Relevant Laws	Legal Consequences	Past Cases	Action Plan by KPJ Hospital
6.	Failure to provide safe escape route	Omission in exercising rights	Law of Tort - Occupier's Liability	Monetary Compensation	<i>Sri Inai (Pulau Pinang) Sdn. Bhd. v Yong Yit Swee [2003] 1 MLJ 273</i>	conducted by the ERT will be used as valuable guidance for the hospital management to decide proper decision based on the situation occurred. Besides, the decision to evacuate the building can be proposed during office hour since the hospital staff still available before they going home; in order to ensure sufficient manpower to move the patient KPJ always comply with the building safety requirement as per Ministry of Health (MOH) Licensing requirement and Sec.15 and 17 of OSHA. Routine inspection always being conduct to ensure the exit signage visible and no blockage at the stairs and exit pathway
7.	Failure to provide safe temporary shelter to patient and victim	Omission in exercising rights	Law of Tort – Breach Duty of Care	Monetary Compensation	<i>Yeap Cheng Hock v Kajima-Taisei Joint Venture [1973] 1 MLJ 230</i>	KPJ has strategy on providing shelter to the victim by initiate horizontal evacuation follows by total building evacuation. Besides, KPJ routinely conduct exercise regarding the building evacuation to ensure the hospital staff familiar with the situation instead of making continuous assessment, the best evacuation distance.
8.	Occupier's Liability Claim for Criminal Acts of Third Parties	Omission in exercising rights	Law of Tort - Occupier's Liability	Monetary Compensation	<i>Al-Najjar and others v The Cumberland Hotel (London) Ltd [2019] EWHC 1593 (QB)</i>	KPJ has taken all the necessary measure to safeguard the premise from criminal act of the third party. This including safety magnetic door bar which only permit entry for authorize personnel. For safety reason, this magnetic bar will open during emergency situation. Besides, the application of PPW, adequate CCTV surveillance and 24 hours security monitoring has been employed to control this legal risk.
9.	Leak of Patient Medical information during Patient Transfer Process	Omission in exercising rights	Law of Tort – Medical Confidentiality	Monetary Compensation	<i>Dr Tan Ah Ba v Dr Wong Foot Meow [2012] 7 MLJ 467</i>	Patient's medical record being handle as per Malaysian Medical Council requirement and Personal Data Protection Act (PDPA) 2010. Besides, KPJ always conduct drill to familiarize the healthcare worker with the procedure to handle patient medical information during emergency/crisis

No.	Event	Legal Risk Category	Applicable Relevant Laws	Legal Consequences	Past Cases	Action Plan by KPJ Hospital
10.	Injury to Legally Authorized Entrée	Omission in exercising rights	Law of Tort - Occupier's Liability	Monetary Compensation	<i>Shamsuddin v Yap Choh Teh & Anor [1969] 1 MLJ 26</i>	<p>situation. This procedure has always been updated according to current legislation or situation</p> <p>During emergency situation, KPJ always inform the authorities about all the hazardous substance inside the building including the storage of oxygen tanks and other chemical substance. KPJ also provide the authority the premise floor plan to ensure their safety while entering the building</p>
11.	Misrepresentation/ Nondisclosure of Insurable Interest from The Organization	Breach of contract	Insurance Law where the contract did not valid <i>ab initio</i>	Contract Void	<p><i>Glicksman v Lancashire and General Assurance Co Ltd [1925] 2 KB 593</i></p> <p><i>Chung Kuo Ping @ Richard v Malaysian Assurance Alliance Berhad [2007] MLJU 587</i></p>	<p>KPJ has Imaging and Radiation Committee and Special Team on Chemical Substance which foresees the hazardous substance that has been stored in the premise. All this hazardous substance was being handle as per Government Legislation and the details of this chemical also been notified during the insurance/takaful renewal</p>

4.4 Research Objective 3: To Analyze Legal Risk in the Crisis Management

Interview 3 was crucial as the Risk Ranking developed in this Research Objective. At the beginning, all the respondent choose the scale on Likelihood as per Table 2.3 and Impact/Consequences as per Table 2.5, ranging from 1 until 5. The criteria of each Potential Legal Risk also been explained to respondent. After completing the task, the Risk Score as Table 4.4 has been obtained. The Risk Score then has been ranked highest score to the lowest score as per Table 4.5 (Risk Ranking). From Table 4.5, it can be found that there are 2 Legal Risk which is categorized as Medium Risk while another 9 risk categorized as Low Risk. The highest Risk Score goes to Medical Negligence to emergency patient which has 10 Risk Score while Misrepresentation/ Nondisclosure of Insurable Interest from The Organization is the lowest risk which the score is 1. The first 3 ranking for Legal Risk are Medical Negligence to emergency patient, Late Evacuation Order – Liability of Public Authorities or The Organization and Tort Claim from Employee to the Organization.

Table 4.4: Risk Score

No.	Business Activities that Trigger Legal Risk	Respondents									Risk Score Average
		Prof. Dr. Wan Hazmy			Mr. Nordi			Sr. Farhab			
		L	I/C	Score	L	I/C	Score	L	I/C	Score	
1	Failure to gather the evidence for criminal and civil litigation in Bomb Threat and Evacuation process	2	2	4	1	2	2	2	2	4	3
2	Tainted evidence which has been collected for criminal and civil litigation after Bomb Threat and Evacuation process	1	2	2	1	2	2	1	2	2	2
3	Tort Claim from Employee to the Organization after Bomb Threat and Evacuation process	2	2	4	2	3	6	2	2	4	5
4	Medical Negligence to emergency patient in Bomb Threat and Evacuation process	3	3	9	2	3	6	3	5	15	10
5	Late Evacuation Order – Liability of Public Authorities and The Organization during Bomb Threat and Evacuation process	3	3	9	2	3	6	3	4	12	9
6	Failure of the organization to provide safe escape route for Bomb Threat and Evacuation process	1	1	1	1	1	1	1	4	4	2
7	Failure to provide safe temporary shelter to patient and victim for Bomb Threat and Evacuation process	1	1	1	1	2	2	1	3	3	2
8	Occupier's Liability Claim for Criminal Acts of Third Parties during Bomb Threat and Evacuation process	1	2	2	2	2	4	2	3	6	4
9	Leak of Patient Medical information during Patient Transfer in the event of Bomb Threat and Evacuation process	2	2	4	1	2	2	2	3	6	4
10	Injury to Legally Authorized Entree in Bomb Threat and Evacuation	2	2	4	1	3	3	1	3	3	3
11	Misrepresentation/Nondisclosure of Insurable Interest from The Organization for Bomb Threat and Evacuation event	1	1	1	1	1	1	1	1	1	1

Legend: L - Likelihood
I/C - Impact/Consequences

Table 4.5: Risk Ranking

No.	Business Activities that Trigger Potential Legal Risk	Respondents									Risk Score Average
		Prof. Dr. Wan Hazmy			Mr. Nordi			Sr. Farhab			
		L	I/C	S	L	I/C	S	L	I/C	S	
1.	Medical Negligence to emergency patient in Bomb Threat and Evacuation process	3	3	9	2	3	6	3	5	15	10
2.	Late Evacuation Order – Liability of Public Authorities and The Organization during Bomb Threat and Evacuation process	3	3	9	2	3	6	3	4	12	9
3.	Tort Claim from Employee to the Organization after Bomb Threat and Evacuation process	2	2	4	2	3	6	2	2	4	5

No.	Business Activities that Trigger Potential Legal Risk	Respondents									Risk Score Average
		Prof. Dr. Wan Hazmy			Mr.Nordi			Sr. Farhah			
		L	I/C	S	L	I/C	S	L	I/C	S	
4.	Occupier's Liability Claim for Criminal Acts of Third Parties during Bomb Threat and Evacuation process	1	2	2	2	2	4	2	3	6	4
5.	Leak of Patient Medical information during Patient Transfer in the event of Bomb Threat and Evacuation process	2	2	4	1	2	2	2	3	6	4
6.	Failure to gather the evidence for criminal and civil litigation in Bomb Threat and Evacuation process	2	2	4	1	2	2	2	2	4	3
7.	Injury to Legally Authorized Entree in Bomb Threat and Evacuation	2	2	4	1	3	3	1	3	3	3
8.	Tainted evidence which has been collected for criminal and civil litigation after Bomb Threat and Evacuation process	1	2	2	1	2	2	1	2	2	2
9.	Failure of the organization to provide safe escape route for Bomb Threat and Evacuation process	1	1	1	1	1	1	1	4	4	2
10.	Failure to provide safe temporary shelter to patient and victim for Bomb Threat and Evacuation process	1	1	1	1	2	2	1	3	3	2
11.	Misrepresentation/Nondisclosure of Insurable Interest from The Organization for Bomb Threat and Evacuation event	1	1	1	1	1	1	1	1	1	1

Legend: L : Likelihood S : Score
I/C : Impact/Consequences

4.5 Research Objective 4: To investigate current and additional Legal Risk

Mitigation action

For RO4, the information were obtained from all respondents which consist of Session Court Judge, Commander of Bomb Disposal Unit (BDU), Commander of Hazardous Material Team (HAZMAT) and KPJ Hospital Director and Officer. The information regarding mitigation action from and KPJ Hospital Director and Officer

has been used in LRR as per Table 4.3. Since the respondents are the group that directly in charge from the beginning until the end of incident, all the information that they have are very important. For the expert respondent recommendation for additional Legal Risk mitigation, all the crucial information has been completed in Table 4.6: Additional Legal Risk Mitigation. The expert's respondents has identified numerous additional Legal Risk Mitigation action for the bomb threat and evacuation incident.

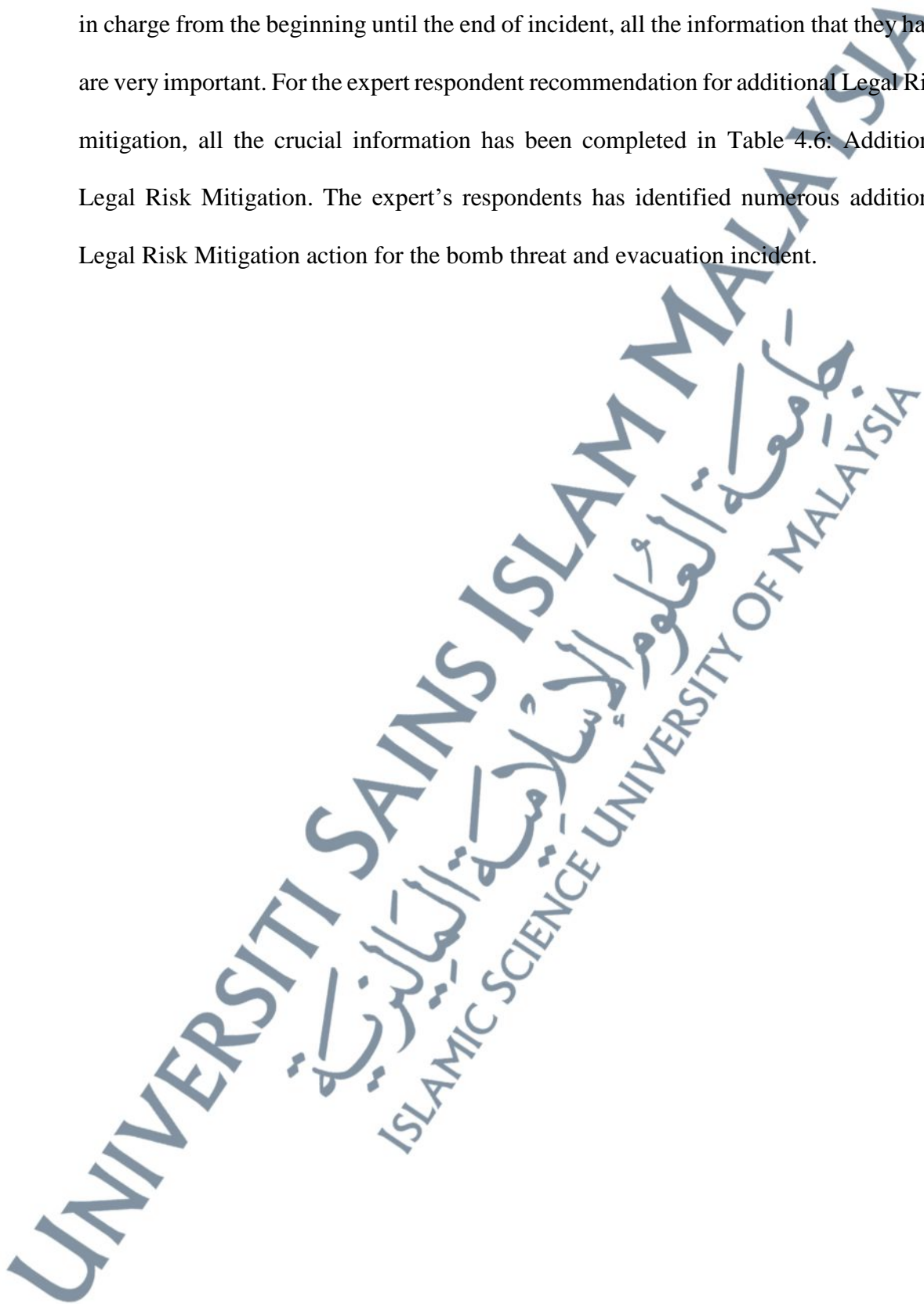


Table 4.6: Additional Legal Risk Mitigation

No.	Potential Legal Risk	Legal Risk Mitigation Additional Recommendation		
		Session Court Judge	Commander of Hazardous Material Team (HAZMAT)	Commander of Bomb Disposal Unit (BDU)
1.	Failure to gather the evidence for criminal and civil litigation in Bomb Threat and Evacuation process	Evidence gathering system can be done by creating good routine system. As example, by keeping the related documents such as maintenance record of important system, such as security system which recording the individual who entering and exiting the building. Plus, also for the CCTV recording footage.		
2.	Tainted evidence which has been collected for criminal and civil litigation after Bomb Threat and Evacuation process	For court trial, the person who produce the document (document maker) as evidence need to testify in court. This is to ensure the credibility of the evidence. If the person has practice good document keeping before, this practice will helps during court trial.		
3.	Tort Claim from Employee to the Organization after Bomb Threat and Evacuation process			
4.	Medical Negligence to emergency patient in Bomb Threat and Evacuation process			

Expert Respondent - Legal Risk Mitigation Additional Recommendation	
Potential Legal Risk	Session Court Judge
No.	Commander of Bomb Disposal Unit (BDU)
5. Late Evacuation Order – Liability of Public Authorities and The Organization during Bomb Threat and Evacuation process	<p>Commander of Hazardous Material Team (HAZMAT)</p> <p>The usage of Fire Alarm Panel to notify the premise owner about the current situation in the building, based on the heat and smoke detector. This will helps in finding the safe escape route during emergency. Besides, the information on the Fire Alarm Panel can helps the Authority and Premise Owner in decision making.</p>
6. Failure of the organization to provide safe escape route for Bomb Threat and Evacuation process	<p>Commander of Bomb Disposal Unit (BDU)</p> <p>The trained search team for the bomb threat is very important during the incident. Usually, this team has been trained by the Royal Malaysian Police Bomb Squad, in order to identify the suspicious item. After finding the item, they need to inform the Police for further action. This will decrease the time taken for search the suspicious item, especially in the situation where the premise has many stories.</p> <p>Instead of that, the BDU carry out their job by using the standardized explosive handling guidelines prepared by the Royal Malaysian Police. The time taken to advice for evacuation will be done in careful manner because improper decision can cause difficulties to other party.</p> <p>The usage of Public Address (PA) System important during bomb threat where the premise owner, at the beginning can call the trained search team which has been trained by Police, to gather and find the suspicious item in the building. This will reduce the</p>

No.	Potential Legal Risk	Expert Respondent - Legal Risk Mitigation Additional Recommendation	
		Session Court Judge	Commander of Hazardous Material Team (HAZMAT)
			Commander of Bomb Disposal Unit (BDU) panic among the victim and the safe escape route will not be crowded.
7.	Failure to provide safe temporary shelter to patient and victim for Bomb Threat and Evacuation process	The adequacy of preparedness for the crisis by the hospital will be observed during court trial. This including how the hospitals prepare against emergency situation. Besides, the reasonableness of the organization to prepare the shelter immediately also being taken into consideration. Thus, adequate exercises regarding the evacuation can be held to familiarize the hospital staff about the evacuation procedure.	play the important role as he needs to find safe escape route during evacuation and also to ensure everybody has left the premise. Besides, the premise owner also can use Public Address (PA) System to guide the victim to safely exit the building.
8.	Occupier's Liability Claim for Criminal Acts of Third Parties during Bomb Threat and Evacuation process		
9.	Leak of Patient Medical information during Patient Transfer in the event		

No.	Potential Legal Risk	Expert Respondent - Legal Risk Mitigation Additional Recommendation		
		Session Court Judge	Commander of Hazardous Material Team (HAZMAT)	Commander of Bomb Disposal Unit (BDU)
	of Bomb Threat and Evacuation process			
10.	Injury to Legally Authorized Entree in Bomb Threat and Evacuation			
11.	Misrepresentation/Nondisclosure of Insurable Interest from The Organization for Bomb Threat and Evacuation event	Good communication between the premise owners with the third party contractor must be made during the installation of firefighting and prevention equipment. This is very important as the failure of the equipment can cause the situation worsen during emergency and the premise owner will also bear liability. Thus, the insurer can enforce their right in the insurance/takaful contract		

4.6 Conclusions

All the results shown in this Chapter denote the process of Legal Risk Management that has been suggested by ISO 31022. There are few similarities with the procedure that has been introduced by ISO 31000, but the ISO 31022 has been in more specific as the latter deals with Legal Risk. Among the differences is that the ISO 31022 identify legal risk using Legal Cases and Principle where this principle and cases can provide the user clearly the type of potential risk.

