



Medical Protection

the journey
with you

Your guide to
membership

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Medical Protection

17 November 1954,
we welcomed our first
member in Hong Kong

Thank you for choosing Medical Protection

We started out in Hong Kong over 70 years ago, and our history as an organisation dates back even further, to 1892. Ever since we formed, our sole focus has been supporting the people on the frontline of healthcare. Today, we have more than 300,000 members across the globe.

As the world's largest member-owned, not-for-profit medical defence organisation, we're here to protect your career, reputation and finances. We're here to help you navigate the rocky landscape of medical risk and ethics. And we're here to campaign for regulatory and legal reforms on your behalf.

We know the intensity of your world because we've lived it. Our in-house medicolegal consultants are doctors like you. They bring their expertise and empathy to help you navigate complex and daunting legal challenges, supported by specialist lawyers, and our cases and claims experts.

To help prevent problems arising in the first place, you have a huge range of online risk management and essential skills courses included in your membership, along with counselling and wellbeing support if you need it.

We are the only medical defence organisation to run a global, not-for-profit research initiative, The MPS Foundation, dedicated to improving patient safety, reducing risk, and enhancing the wellbeing of all healthcare professionals.

And because everyone's wellbeing is inextricably linked to the health of the planet, we are working hard to support a greener, safer world, from investing responsibly to meeting our target of net zero by 2027.



Dr Rob Hendry
Chief Member Officer

Medical Protection

top of every detail

Indemnity and medicolegal protection explained

When we talk about protecting you as a healthcare professional, we mean two things. Firstly, we can provide indemnity for clinical negligence claims, if you need it. Secondly, we provide support and advice for other medicolegal challenges that arise from your clinical practice, such as inquests, Medical Council investigations, and even criminal investigations. Our comprehensive protection means that we can help with investigations by the regulator, arising from personal as well as professional conduct.

Access to indemnity and assistance for medicolegal problems is not a legal requirement, but most doctors see it as essential. These problems can have a serious impact on your career, finances, and reputation – which can be made much worse if you don't have medicolegal advice and, if appropriate, legal representation.

Limitations of indemnity provided by employers

Many healthcare professionals have indemnity arrangements through their place of work, which cover some of their clinical negligence liabilities, such as indemnity offered by the Hospital Authority (HA).

Indemnity through Medical Protection

It's important to make sure your Medical Protection membership gives you access to claims indemnity for any work that's not protected by indemnity offered to employees of the Hospital Authority (HA). And remember, HA indemnity only protects you for clinical negligence claims. If you are a hospital doctor, your Medical Protection membership gives you comprehensive protection and support for all the other medicolegal challenges you may face.



Medical Protection

your side through
every challenge

Your Medical Protection indemnity explained

Medical Protection offers discretionary indemnity and not insurance. Exactly what's included in your membership depends on your practice. You can find out more about this on **page 21**.

First, here's an overview of the type of indemnity most members in Hong Kong get with Medical Protection: occurrence-based discretionary indemnity for clinical negligence arising from your clinical practice.

Let's break that down.

What is occurrence-based indemnity?

There are two types of professional protection: claims-made and occurrence-based.

• Occurrence-based indemnity

– the type Medical Protection provides to most members in Hong Kong – protects you for incidents that occur during your period of membership, even if a claim related to the incident is not made until years after. Providing you were in membership and paying the correct subscription at the time of an incident that's given rise to a case or claim, we can protect you even if you're retired or no longer in membership. That means you are protected for future claims arising from any year in which you were a member.

• Claims-made indemnity

is what insurance policies are usually based on. This type of indemnity protects you for claims related to your practice that arose from, and are reported during, a continuous policy period. This means that if a claim arose outside that period, you would not be able to seek assistance unless you bought 'run-off' cover, also known as extended reporting benefits.

While the majority of members in Hong Kong are protected by occurrence-based indemnity, a small number of obstetric, gynaecology and paediatric members hold claims-made protection. If this applies to you, you can find out more about what it means for you at medicalprotection.org/hongkong



What is 'discretionary' indemnity?

The principle of discretion means having the freedom to decide what should be done in any given situation.

The discretionary approach to indemnity gives us the flexibility to help members where a tightly worded contract might rule out help. It also means that unlike insurance, your indemnity isn't restricted by financial limits*, and there are no excesses to pay.

Discretionary protection is particularly suited to medicine, where new challenges are constantly arising. It's a flexible approach that reflects the nuances of your chosen career.

This is why we use people, rather than contracts, to decide how best to help members. At the heart of our team are specialist solicitors and medicolegal consultants – doctors who understand the challenges you face. They use their insight to determine the right course of action, and bring their expertise and understanding to supporting you every step of the way.

We are owned by members, so our starting point is always to see how we can help. We will never exercise our discretion in an arbitrary and irrational way. It's only in a small minority of circumstances that we're unable to help – for example, if a member wasn't in membership when the incident occurred, or had under-paid their subscription or underdeclared their scope of work. We are dedicated to treating members fairly and placing them at the heart of everything we do.

You can find out more about the limitations of membership on **page 23**.

* For a small number of obstetric, gynaecology, and paediatric members we offer claims-made membership which does have limits.



Medical Protection

hand to help

Advice and complaints handling support

Our team are here for you via our advice line. The team includes legal experts, case managers and medicolegal consultants. Between them, they've helped countless members successfully navigate a broad range of medicolegal challenges.

A complaint can happen to any doctor at any time. If it happens to you, we're here to support you. With more than 130 years of specialist experience behind us, we can advise how best to respond, helping to resolve the issue before it escalates into a more serious problem.

“I don't know where I'd be without Medical Protection! You are always so helpful and reassuring.”

Medical Protection Member, Hong Kong

Medical Protection

**a case-by-case basis,
we go to extraordinary
lengths for our members**

Protection for clinical negligence claims

*Included as standard in specialist membership
for private practice*

Because we're a member-owned, not-for-profit organisation, we don't have shareholders to pay; we invest members' subscriptions straight back into the organisation for the benefit of members. As part of the global MPS group, we have the strongest mutual fund of any medical defence organisation, which we grow by investing responsibly on your behalf.

The indemnity we provide to protect most of our members in Hong Kong isn't restricted by financial caps* or contractual terms and protects you even in the most unusual circumstances.

So, if we are assisting you with a clinical negligence claim, you can depend on us to support you through what can be a stressful and complex process.

Whenever you need us, we're here

If your membership includes protection for claims arising from your private practice, and you receive a claim from work that is not indemnified by the state, here's an outline of how the process works.

The most crucial step is the first. This is down to you. It's vital you let us know as soon as you receive the first sign of a claim, so we can act quickly for you.

The first sign might be correspondence from solicitors, or a patient or their representative seeking compensation. From the moment you alert us to the problem, we can take on the complexities of managing the claim on your behalf. We can take care of all legal costs and compensation payments for the period of time of the claim where you were a member, working closely with you at every stage to get the best outcome.

As part of this process, we will investigate the allegations fully, seeking expert opinion when necessary. Based on our findings, we will work with you to decide whether to prepare a letter defending the claim, or make a settlement offer with a view to compensating the patient as quickly as possible.

Your dedicated team includes medicolegal consultants and claims managers, and, if necessary, solicitors in Hong Kong with specialist knowledge of clinical negligence.

*For a small number of obstetric, gynaecology, and paediatric members we offer claims-made membership which does have limits.

"Medical Protection collectively put an enormous amount of effort into my case. They went above and beyond daytime duties, and I was humbled by the support they gave me in every aspect."

Medical Protection member, Hong Kong





“I am deeply appreciative of Medical Protection for their continued backing.”

Medical Protection member, Hong Kong

Regulatory proceedings

*Included as standard in specialist membership for private practice
Optional to include for state indemnified members*

Being investigated by the Medical Council can be one of the most daunting experiences of your career. Every day we see the impact these investigations can have, not only on the professionals involved, but also on their careers, their families, and their lives outside of work.

If you ever find yourself in this position, we'll do everything we can to minimise that impact.

We can support you with advice and legal representation for Medical Council investigations arising from health, professional performance, and professional conduct. However long the proceedings take, we'll be by your side throughout. From drafting a letter in response to a Medical Council inquiry to providing world-class legal defence at a full hearing, we'll be there to fight your corner.

Disciplinary, inquests and other inquiries

Included as standard for all members in Hong Kong

We can advise on and represent you at disciplinary proceedings relating to your clinical practice. We can also support you with inquests and inquiries; by advising and helping you prepare a report for the coroner – and if necessary, arranging legal representation on your behalf.

And because your commitment to helping people doesn't start and end at work, we can support you with legal challenges related to Good Samaritan acts, wherever in the world they might happen.

Protection for work in the Greater Bay Area

Included as standard for all members in Hong Kong

From 1 April 2025, we extended the territorial limits of your protection to include the Greater Bay Area (GBA) of China, at no additional cost. The territorial extension applies to all new requests for assistance that relate to incidents or new matters occurring from 1 April 2025.

This means we can now support you when you are practising across the GBA, which includes Macao, and the nine municipalities of Guangzhou, Shenzhen, Zhuhai, Foshan, Huizhou, Dongguan, Zhongshan, Jiangmen, and Zhaoqing.

Medical Protection

**demand professional
development and support**

We're not just here for when things go wrong. We're also here to help make sure things go right. One of the ways we do this is by equipping you to combat the risk that comes with being a medical professional.

Professional development that puts you in control

To help you protect and advance your career, we have a huge range of professional development resources and risk management courses, all available exclusively to Medical Protection members at our Online Learning Hub.

From short essential skills courses to on-demand webinars, everything is included in your membership at no extra cost.

Find out more at medicalprotection.org/professionaldevelopment

Twice a year we'll email you our digital publication *Casebook*, featuring the latest medicolegal insight and real-life case studies. You can also make the most of the Medical Protection library of podcasts, in which medical educators, medicolegal consultants, and global experts share their knowledge to help protect and connect doctors across the globe.

Search Medical Protection Podcast wherever you get your podcasts.

Wellbeing support to help you combat stress

Medicine is tougher than it's ever been. The pressure, the problems, the battle with burnout. When a patient complaint, or a claim, or a disciplinary gets added to the everyday stress, it can just feel too much.

To help support you, we include counselling from our trusted partners Lyra in your membership at no extra cost.

To access this benefit, just call Lyra on 2721 3939 and quote your Medical Protection membership ID. The service is confidential and is available in both Cantonese and English.

You can also make the most of a personalised online wellness service, and receive 50% off the Portal Premium app, which uses immersive technology to virtually transport you to some of the world's most beautiful and tranquil places. And to help you survive everything from a difficult workplace culture to a patient complaint, your membership includes an exclusive range of wellbeing-focused webinars and podcasts.

“Medical Protection membership means I can sleep at night”

Medical Protection member, Hong Kong

Medical Protection

how we protect you

Inclusions and limitations

Your membership gives you tailored protection for your individual personal practice. Membership benefits differ depending on whether you work in private practice or for the Hospital Authority. Here's a summary of what's included:

Representation for:

- ✓ Regulatory matters
- ✓ Disciplinary procedures
- ✓ Criminal allegations arising from clinical practice
- ✓ Coroners' inquests

Support with:

- ✓ Medicolegal advice
- ✓ Defamation cases (legal costs only)
- ✓ Complaints handling
- ✓ Unwanted media attention
- ✓ Confidential counselling and other wellbeing resources
- ✓ Professional development and online courses

Indemnity for clinical negligence arising from:

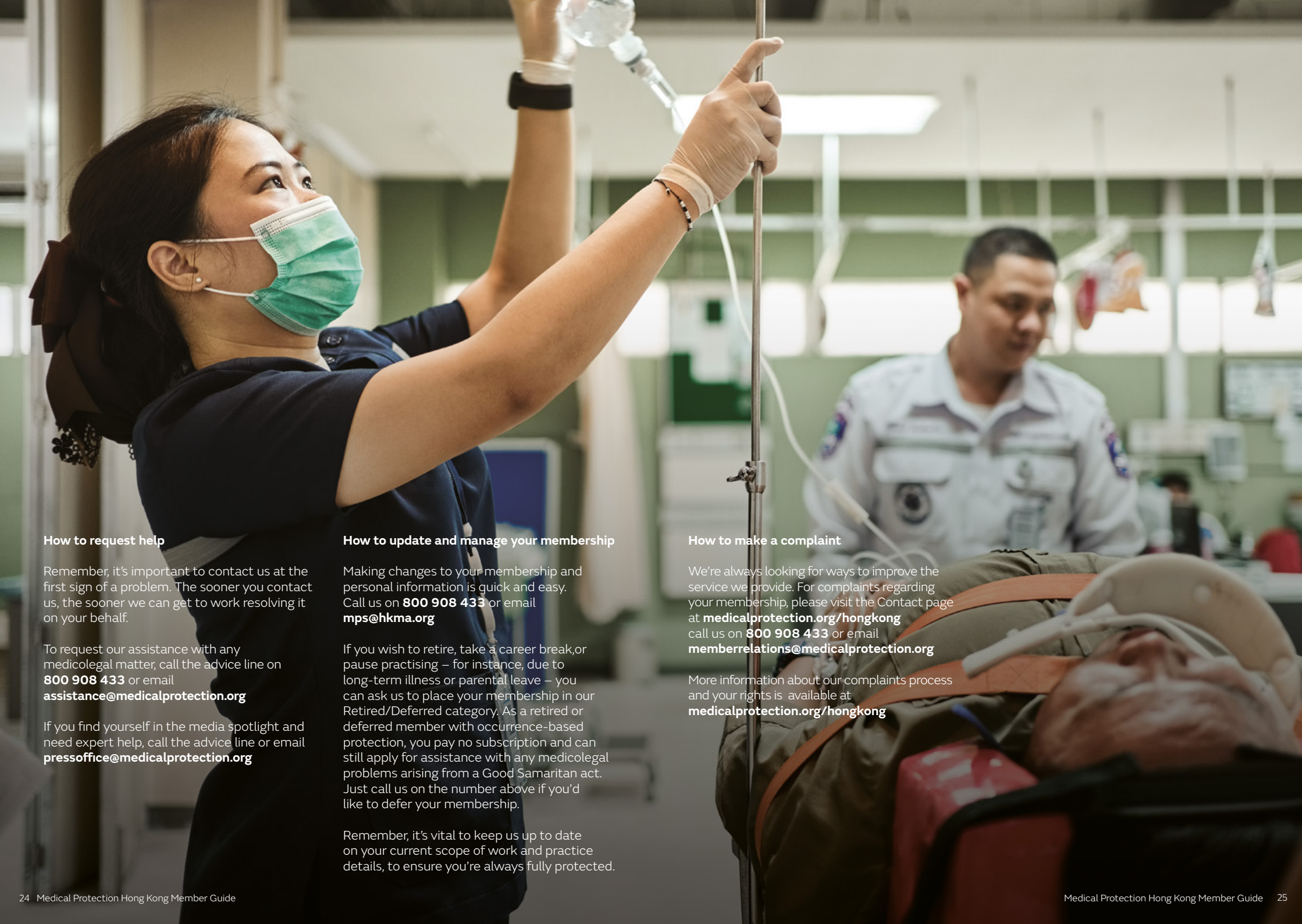
- ✓ Some fee-paying work (for example, medicolegal reports)
- ✓ Private practice
- ✓ Good Samaritan acts (worldwide)
- ✓ Voluntary, humanitarian or charity work (with prior approval)
- ✓ Telehealth work providing the patient is based in Hong Kong or the Greater Bay Area

When we're unlikely to assist

We carefully consider each request for assistance on a discretionary basis, but there are some circumstances in which we probably won't be able to help. These include:

- Circumstances or claims arising from any malpractice incident, negligent act, error, omission, breach or loss that occurred before the membership start/retroactive date.
- Assistance with criminal investigations or proceedings arising from non-professional practice for example, drink-driving offences, possession of drugs or assault.
- Assistance with allegations of fraud.
- Payment of fines or financial penalties.
- Claims brought outside the territorial limits (excluding Good Samaritan acts that are worldwide).
- Matters that fall outside of healthcare indemnity, such as claims relating to property, including its damage or destruction or claims arising from cyber-attacks and/or cybersecurity breaches.
- Claims arising from your vicarious liability.
- Matters of commercial interest such as partnership, employment or agency disputes (whether contractual or otherwise), or compensation claims.
- Claims brought under the Hong Kong Personal Data (Privacy) Ordinance (Cap. 486). We may use our discretion to assist where the claim arises from a clinical consultation.
- Claims relating to making, distributing or selling any product or the use of any unsuitable or defective product (Product Liability).
- Other matters which may not be in the wider interests of our members, for example, damages awarded in a claim for defamation against you or personal costs arising from your attendance at court, hearings or meetings with us about a case.





How to request help

Remember, it's important to contact us at the first sign of a problem. The sooner you contact us, the sooner we can get to work resolving it on your behalf.

To request our assistance with any medicolegal matter, call the advice line on **800 908 433** or email **assistance@medicalprotection.org**

If you find yourself in the media spotlight and need expert help, call the advice line or email **pressoffice@medicalprotection.org**

How to update and manage your membership

Making changes to your membership and personal information is quick and easy. Call us on **800 908 433** or email **mps@hkma.org**

If you wish to retire, take a career break, or pause practising – for instance, due to long-term illness or parental leave – you can ask us to place your membership in our Retired/Deferred category. As a retired or deferred member with occurrence-based protection, you pay no subscription and can still apply for assistance with any medicolegal problems arising from a Good Samaritan act. Just call us on the number above if you'd like to defer your membership.

Remember, it's vital to keep us up to date on your current scope of work and practice details, to ensure you're always fully protected.

How to make a complaint

We're always looking for ways to improve the service we provide. For complaints regarding your membership, please visit the Contact page at **medicalprotection.org/hongkong** call us on **800 908 433** or email **memberrelations@medicalprotection.org**

More information about our complaints process and your rights is available at **medicalprotection.org/hongkong**



Medical Protection

the phone, online and
on your side

When we say we're always there for you, we mean it. Whether it's giving you advice by phone or email, helping you hone your skills with our online resources, or guiding you through any legal or regulatory challenges you face, everything we do is about supporting you.

Here are the contact details and links you'll need, all in one place for easy reference.

Medicolegal advice

800 908 433 or assistance@medicalprotection.org

Membership queries and support

800 908 433 or email mps@hkma.org

Medical Protection Hong Kong office

asiaenquiries@medicalprotection.org

Events and partnerships

asiaenquiries@medicalprotection.org

Media guidance

pressoffice@medicalprotection.org

Confidential counselling through Lyra

2721 3939

Professional development resources

medicalprotection.org/professionaldevelopment



medicalprotection.org
Always there for you



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