

LAW ON TOURISM

(Law No. 44/2005/QH11)

Pursuant to the 1992 Constitution of the Socialist Republic of Vietnam, which was amended and supplemented under Resolution No. 51/2001/QH10 of the Xth National Assembly, 10th session, on December 25, 2001;

8. *Tourist spot* means a place having attractive tourism resources that satisfy the sightseeing demand of tourists.
9. *Tourist route* means an itinerary which links various tourist resorts, tourist spots and tourist service-providing establishments associated with land, rail, waterway and air transport routes.
10. *Tourist product* means a combination of necessary services provided in order to meet the needs of tourists during a trip.
11. *Tourist service* means the provision of services in travel, transportation, accommodation, meals and drinks, entertainment, information, guidance and other services to satisfy the needs of tourists.
12. *Tourist accommodation establishment* means an establishment which rents rooms and beds and provides other related services for guests, of which hotels constitute a major form.
13. *Tour program* comprises an itinerary and services at tour price which has been fixed in

14. *Travel business* means the formulation, sale and organization of a part or the whole of a tour program for tourists.
15. *Tourist guiding* means an activity of guiding tourists under a tour program. A person who conducts the guiding activity is called a tourist guide and is paid for the tour guiding service.
16. *Specialized means of transport of tourists* is a means with sufficient conditions to cater tourist services, which is used to carry tourists under a tour program.
17. *Tourism promotion* means an activity of public information, publicity and marketing aimed at seeking and stimulating opportunities for tourism development.
18. *Sustainable tourism* means development of tourism that meets the needs of the present without harming the ability of the future to meet tourism needs.
19. *Eco-tourism* means a type of tourism that is based on nature, connected with the local cultural identity and with the participation of local communities for the sake of sustainable development.
20. *Cultural tourism*

1. The State shall create mechanisms and adopt policies to mobilize every resource for increased investment in tourism development to ensure tourism is a national spearhead industry.
2. The State shall implement incentive and preferential policies on land, finance and credit for foreign and domestic individuals and organizations investing in the following fields:
 - a/ Protection and embellishment of tourism resources and environment;
 - b/ Tourism publicity and promotion;
 - c/ Training and development of human resources in tourism;
 - d/ Research into, and investment and development of, new tourism products;
 - e/ Modernization of tourism activities;

3. The organization and operation of the tourism association shall comply with the provisions of law on associations.

Article 9.- Protection of the tourism environment

1. The natural and social humanity environment shall be protected, enhanced and developed with the aim of ensuring a green, clean, sound, safe, secure, wholesome and civilized tourism environment.

2. Ministries and ministerial-level agencies shall, within the scope of their duties and powers, issue regulations in order to protect, enhance and develop the tourism environment.

to protect, enhance and develop

the tourism environment in conformity with local conditions.

4. Organizations and individuals doing tourism business must collect and treat wastes discharged during their business operations; remedy negative impacts on the environment caused by their business operations; and take measures to prevent and fight against social evils in their business establishments.

5. Tourists, local communities and other organizations and individuals must protect and preserve landscapes, the environment, national cultural identity and fine national customs and practices, and behave in polite and civilized manners in order to promote the image of the country, people and tourism of Vietnam.

Article 10.- Scope of State administration of tourism

1. To formulate, and direct the implementation of, tourism strategies, master plans, plans and policies on tourism development;

2. To formulate, issue and direct the implementation of, legal documents, economic and technical norms and standards in tourism activities;

3. To propagate, disseminate and educate laws and regulations, and provide information on tourism;

4. To organize and manage the training of human resources, research into and application of sciences and technology.

5. To conduct surveys and evaluation of tourism resources in order to formulate tourism master plans and identify tourist resorts, tourist spots, tourist routes and tourist cities;

6. To undertake international cooperation in tourism and tourism promotion activities inside and outside Vietnam;

7. To provide for the apparatus of state administration of tourism and coordination among relevant state agencies in state administration of tourism;

8. To issue and withdraw licenses and certificates of tourism;

9. To monitor, inspect and settle complaints and denunciations and handle violations of tourism law.

Article 11.- Responsibility for State administration of tourism

1. The Government shall perform uniform State administration of tourism.

2. The State administrative agency in charge of tourism at the central level shall be responsible for assisting the Government in performing State administration of tourism and organizing and coordinating with other state agencies in performing State administration of tourism.

3. Ministries and ministerial-level agencies shall, within the scope of their duties and powers, and under the assignment of the Government, be responsible for coordinating with the central-level State administrative agency in charge of tourism in performing State administration of tourism.

-run cities (hereinafter referred to as

provincial-

and under decentralization of the Government, perform State administration of tourism in

their localities; formalize tourism development strategies, master plans, plans, mechanisms and policies in conformity with local conditions; and take measures to ensure security, social order and safety, and environmental sanitation at tourist resorts, tourist spots, tourist routes and tourist cities.

Article 12.- Prohibited acts

1. Causing harm to national sovereignty, national interests, defense, security, social order and safety, cultural traditions, ethics and fine national customs and practices.
2. Constructing tourism projects which are not in compliance with approved tourism plans.
3. Damaging tourism resources and environment;
4. Discriminating against tourists and making illicit profits from tourists.
5. Scrambling for customers or insisting on or forcing customers to purchase goods or services.
6. Running a tourism business without license and registration or out of their registered business line or scope.
7. Abusing the legal status of other organizations or allowing other persons to use their legal status to do illegal business.

or individuals doing tourism business or tourists.

Chapter II

TOURISM RESOURCES

Article 13.-

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c/ Analysis of socio-economic and environmental benefits; and,

d/ Recommendations on measures for management and implementation of the plan.

Article 20.- Competence to formulate, approve and decide on tourism development plans

1. The central-level State administrative agency in charge of tourism shall assume the prime responsibility for formulating master plans for development of the tourism industry and development of tourist zones, key tourist areas and national tourist resorts and submit them to the Government and the Prime Minister for approval according to competence.

2. Provincial-

development for their provinces or centrally-

Councils of the same level for decision after obtaining the opinions of the central-level State administrative agency in charge of tourism.

Specific plans of functional zones within national tourist resorts, local tourist resorts and national tourist spots having natural tourism resources shall be decided by provincial-level -level state administrative

agency in charge of tourism.

3. The agency which is empowered to approve or decide on any tourism development plan shall be competent to approve and decide on the revision of such tourism development plan.

Article 21.- Management and implementation of tourism development plans

State administrative agency in charge of tourism shall submit a proposal to the Prime Minister for consideration and approval; and,

c/ Having comprehensive infrastructure and tourist physical-technical facilities, capable of providing services for at least one million tourist arrivals a year, including necessary accommodation and tourism service facilities suitable to the characteristics of the tourist resort.

2. A tourist resort that fully meets the following conditions shall be recognized as a local tourist resort:

a/ Having appealing tourism resources capable of attracting tourists;

b/ Having an area of at least 200 hectares, including a necessary area for construction of tourist service works and facilities; and,

c/ Having necessary infrastructure, tourist physical-technical facilities, accommodation and tourist service facilities suitable to the characteristics of the locality and capable of providing services for at least 100,000 tourist arrivals a year.

Article 24.- Conditions for recognition as a tourist spot

1. A tourist spot that fully meets the following conditions shall be recognized as a national tourist spot:

a/ Having particularly attractive tou

b/ Having necessary infrastructure and tourist service facilities capable of providing

a/ A written statement, requesting recognition as a tourist route, made by a competent State administrative agency in charge of tourism; and,

b/ A map of the tourist route at a scale of 1/1,500,000 for a national tourist route, or a scale of 1/100,000 for a local tourist route, and an explanatory document on the proposed tourist route.

Article 27.- Competence to recognize tourist resorts, tourist spots, tourist routes

1. The Prime Minister shall decide on the recognition of national tourist resorts, national tourist spots, and national tourist routes at the proposal of the central-level State administrative agency in charge of tourism.

2. The presidents of provincial-

1. Protection and development of tourism resources and assurance of environmental sanitation;
2. Creation of favorable conditions for the sightseeing visits of tourists;
3. Assurance of the participation by local communities in tourism activities; and,
4. Maintenance of security, social order and safety and assurance of safety of tourists.

Article 30.- Management of tourist routes

Provincial-

coordinate with the Transport Ministry in managing local tourist routes and the portion of national tourist routes within the territories of their provincial or centrally-run cities, ensuring the following:

1. Protection of security, order, landscapes and environment along the tourist routes.
2. Creation of favorable conditions for the traffic circulation of the specialized means of transport of tourists.
3. Management of investment and construction of tourist service facilities along the tourist routes in line with the plans which have been approved and decided by competent state agencies.

Section 2. TOURIST CITIES

Article 31.- Criteria for recognition as a tourist city

A city that fully meets the following criteria shall be recognized as a tourist city:

1. Having appealing tourism resources within its boundary or within the boundary of the city and its adjacent areas.
2. Having comprehensive infrastructure and tourist physical and technical facilities,

- d/ Assurance of the quality of goods and services to be provided for tourists; and,
 - e/ Mobilization of all resources of the city for the sake of tourism development.
- provinces or centrally-run cities in which tourist cities are

3. Tourist resorts, tourist spots and tourist cities shall take preventive measures against risks and establish units to provide guard, rescue, salvage and emergency aid services for tourists.

4. Organizations and individuals doing tourism business must inform tourists of emergency cases, epidemics and dangers; and take necessary measures and collaborate with the related agencies in providing rescue, salvage and emergency aid for tourists.

Chapter VI

TOURISM BUSINESS

Section 1. GENERAL PROVISIONS ON TOURISM BUSINESS

Article 38.- Tourism business lines

Tourism business is a trade in services, including the following lines:

1. Travel business;
2. Tourist accommodation business;
3. Tourist transportation business;
4. Business in development of tourist resorts or tourist spots; and,
5. Business in other tourist services.

Article 39.- Rights of organizations or individuals doing tourism business

1. To select tourism business lines and register for one or more tourism business lines.
2. To be protected by the State in lawful tourism business activities.
3. To organize and take part in tourism promotion activities and be included in the common promotion list of the tourism industry.
4. To join domestic and international tourism associations and professional organizations.

Article 40.- Obligations of organizations or individuals doing tourism business

1. To set up a tourist enterprise and register for the tourism business in accordance with the provisions of law.
2. To run tourism business in line with the specifications stated in their business registration certificates or tourism business licenses for trades where licensing is required.
3. To notify competent tourism state agencies in writing of the time to start their business or of any changes in the content of their business registration certificates or tourism business licenses.
4. To publicize clearly and honestly the quantity, quality and price of services and goods to be supplied to tourists and to fulfil all of the obligations committed to tourists and to compensate for losses which they have caused to tourists.
5. To take measures to assure safety of life, health and property of tourists and to promptly inform competent agencies of accidents or dangers and risks which may occur to tourists.
6. To comply with regulations on reporting, statistics and record-keeping in accordance with the provisions of law.

2. Travel enterprises include domestic travel enterprises and international travel enterprises.

3. International travel enterprises may do domestic travel business. Domestic travel enterprise shall not be allowed to do international travel business.

Article 44.- Conditions for doing domestic travel business

1. Having domestic travel business registered at a competent business registry.

2. Having business plans for domestic tourist operations, offering tour programs for domestic tourists.

3. Operators of domestic travel business must have at least three years of experience in doing travel operations.

Article 45. -

4. The collection and remittance of the fee for the grant of international travel business licenses shall comply with the provisions of law on fees and charges.

Article 48.- Dossiers and procedure for the grant of international travel business licenses

1. A dossier of application for an international travel business license shall consists of
a/ An ar

- a/ To develop, advertise, sell and operate tours for inbound tourists and domestic tourists;
- b/ To assist tourists in clearing entry, exit, transit and customs procedures;
- c/ To abide by, disseminate and instruct tourists to observe the laws and regulations of the State of Vietnam on security and social order, to protect the environment and preserve Vietnamese cultural identity and fine customs and practices, and observe the rules of the places of tourist destination; and,
- d/ To employ tourist guides to guide foreign tourists and take responsibility for their guiding operations during the time of their contracts with the enterprise.

2. Travel business for outbound tourists:

- a/ To develop, advertise, sell and operate tours for outbound tourists and domestic tourists;
- b/ To buy tourism insurance for Vietnamese tourists when they take outbound trips;
- c/ To assist tourists in clearing entry, exit, transit and customs procedures;
- d/ To abide by, disseminate and instruct tourists to observe laws and regulations of the visited country;
- e/ To manage tourists in accordance with the tour program signed with them.

Article 51.- Foreign-invested travel enterprises

1. Foreign enterprise may do travel business in Vietnam in the form of a joint venture or other forms in accordance with the provisions of, and concrete roadmaps stipulated in, treaties to which the Socialist Republic of Vietnam is a contracting party.

In case of a joint venture with a Vietnamese enterprise, the Vietnamese enterprise must have international travel business licenses.

2. Foreign-invested travel enterprises must satisfy the conditions on international travel business specified in Clauses 2, 3, 4 and 5, Article 46 of this Law and shall have the rights and obligations specified in Articles 39, 40 and 50 of this Law and in accordance with the scope of international travel business stated in their investment licenses.

Article 52.- Contracts of travel

1. A contract of travel is an agreement between the travel enterprise and a tourist or his/her representative on the performance of a tour program.

2. Contracts of travel shall be made in writing.

1. A contract of travel agency shall be made in writing between a principal being a travel enterprise and a travel agent being an individual or organization that meets the condition specified at Point a, Clause 2, Article 53 of this Law.
2. A contract of travel agency shall contain the following principal details:
 - a/ The names and addresses of the principal and the agent;
 - b/ Tour programs and prices of tour programs to be handled by the agent;
 - c/ The rate of agency commission and timing of payment by the principal to the agent;
 - d/ The term of the contract.

Article 55.- Responsibilities of travel principals

1. To check and supervise the performance of the contract by the agent.
2. To conduct the tour programs that have been sold by its travel agent; to bear responsibility to tourists for tour programs sold by the travel agent;
3. To guide and provide the travel agent with information relating to the tour programs.

Article 56.- Responsibilities of travel agents

1. Not to copy tour programs designed by the principal in any form.
2. To file and keep records of the tours sold to tourists.
3. Not to sell tours higher than the price offered by the principal.
-to-notice position at its office.
5. To inform the provincial-level state agency in charge of tourism of the time to start their operation.

Section 3. TOURIST TRANSPORTATION BUSINESS

Article 57.- Tourist transportation business

1. Tourist transportation business is the provision of transportation services for tourists along tourist routes, according to tour programs and at tourist resorts, tourist spots and tourist cities.
2. Individuals and organizations doing tourist transportation business shall have to register and meet the conditions for doing business in the carriage of passengers according to the provisions of law.

Article 58.- Conditions on tourist transportation business

1. Having specialized means of transport for tourists up to standards and given a particular logo as provided in Article 59 of this Law.
2. Employing drivers and other staff on the specialized means of transport for tourists who have professional qualifications, are physically fit and have been trained in tourism services.

transportation; and to buy passenger insurance for tourists on board the means of transport.

Article 59.- Issuance of logos for specialized means of transport of tourists

1. Specialized means of transport for tourists must meet standards of technical safety, environmental protection and service quality and display a particular logo in a uniform form issued by the Ministry of Transport after consulting the central-level State administrative agency in charge of tourism.
2. The Ministry of Transport shall organize the issuance of logos for specialized means of transport of tourists after obtaining the opinions of the central-level State administrative agency in charge of tourism.
3. Means of transport for tourists with their particular logos shall be prioritized to have places to stop and park for pickup and discharge of tourists at bus stations, railway stations, airports, seaports, tourist resorts, tourist spots and tourist accommodation establishments.

Article 60.- Rights and obligations of organizations and individuals doing tourist transportation business

Apart from the rights and obligations of organizations and individuals doing tourism business specified in Article 39 and Article 40 of this Law, organizations and individuals doing tourist transportation business shall have the following rights and obligations:

1. To select means of transport of tourists;
2. To transport tourists following tourist routes and under the contracts signed with tourists or travel enterprises;
3. To ensure the conditions specified in Article 58 of this Law in the process of doing business;
4. To purchase passenger insurance for tourists carried on means of transport;
5. To display the logos of specialized transportation of tourists in an easy-to-notice position on the means of transport.

Section 4. TOURIST ACCOMMODATION BUSINESS

Article 61.- Organizations, individuals doing tourist accommodation business

1. Individuals and organizations that fully meet the conditions specified in Article 64 of this Law may do tourist accommodation business.
2. Individuals and organizations may do tourist accommodation business at one or many tourist accommodation establishments simultaneously.

Article 62.- Types of tourist accommodation establishments

Types of tourist accommodation establishments include:

1. Hotel;
2. Tourist village;
3. Tourist villa;
4. Tourist apartment;
5. Tourist campsite;
6. Tourist guest house;
7. Houses with rooms for tourist rental; and,
8. Other tourist accommodation.

Article 63.- Classification of tourist accommodation establishments

1. Tourist accommodation establishment mentioned in Article 62 of this Law shall be classified according to quality standards, including:

b/ Tourist villas

c/ Tourist campsites, tourist guest houses, houses with rooms for tourist rent, and other tourist accommodation establishments shall be classified in one category which meets the standard of tourist accommodation business.

2. Criteria for classifying tourist accommodation establishments shall be issued by the central-level State administrative agency in charge of tourism and uniformly applicable nationwide.

3. The central-level State administrative agency in charge of tourism shall appraise and classify hotels and tourist villages of 3-, 4- and 5-star categories; and tourist villas and tourist apartments of high-standard category.

Provincial-level State agencies in charge of tourism shall appraise and classify hotels and tourist villages of 1 and 2-star categories; and tourist villas, tourist apartments of business standard category; campsites, tourist guest houses, houses with rooms for tourist rental and other tourist accommodation establishments of business standard category.

c/ To publicly post the sale prices of goods and services and the internal rules and regulations of the tourist accommodation establishment in Vietnamese and foreign language; to inform tourists clearly of sale promotion campaigns to be launched in each period of time;

d/ To guarantee the quality of services and facilities in a stable manner and maintain the standards of the tourist accommodation establishment corresponding to its type and class already certified by a competent state agency in charge of tourism;

e/ To take measures to ensure environmental sanitation, food hygiene and safety, and equipment safety; to strictly observe regulations on fire prevention and extinguishing, ensuring the safety

f/ To adhere to the regulations of State administrative agencies in charge of health in case of discovering tourists infected with contagious disease;

; and,

h/ To compensate tourists for losses caused by the fault of the tourist accommodation business.

3. For tourist accommodation establishments provided for in Clauses 1, 2, 3 and 4, Article 62 of this Law which have been classified to be of star class or high level, when dealing in conditional goods and services, they shall not be required to obtain business licenses for each type of such goods and services but must register with a competent state agency before doing so.

Section 5. BUSINESS IN DEVELOPMENT OF TOURIST RESORTS, TOURIST SPOTS

Article 67.- Business in development of tourist resorts and tourist spots

1. Business in development of tourist resorts and tourist spots shall include investment in conservation and upgrade of existing tourism resources; exploitation of potential tourism resources; development of new tourist resorts and sports facilities; construction and commercial operation of tourist infrastructure and tourist physical and technical facilities.

2. Organizations and individuals doing business in development of tourist resorts and

Article 70.- Issuance of signboards of satisfaction of tourist service standards

1. The central-level State administrative agency in charge of tourism shall provide the criteria and form of the signboard of satisfaction of tourist service standards to be issued to establishments which provide tourist services in tourist resorts, tourist spots and tourist

competent training establishment is required.

d/ Having a good command of at least one foreign language.

Article 74.-

b/ Curriculum vitae atte

where the applicant resides or by the agency where he/she is working;

c/ Notarized copies of documents stated at Point c, Clause 2, Article 73 of this Law for those who apply for domestic tour

d/ Health certificates issued by a competent health establishment within three months before the time of submission of the application; and,

e/ Two photos of 4 x 6 cm taken within three months before the time of submission of the application.

2. Within fifteen days after the date of receipt of a full and valid dossier, the provincial-level state agency in charge of tourism shall have to examine the dossier and issue a tourist

writing, clearly stating the reason therefor.

3. The provincial-level state agency in charge of tourism shall organize the issuance of

set by the central-level state agency in charge of tourism.

Article 75.- Renewal, re-

Article 76.- Rights and obligations of tourist guides

1. Tourist guides shall have the following rights:

a/ To guide tourists under assigned duties or under a contract signed with a travel enterprise;

b/ To join occupational organizations and associations of tourist guiding;

c/ To receive wages or honoraria as contracted with travel enterprises;

d/ To sit for exams for recruitment of tour professional ranks; and,

e/ In case of emergency or force majeure, tourist guides may adjust tour programs and standards of services provided for tourists, provided that they must inform the competent person thereof as soon as conditions permit, and be accountable for their decision.

2. Tourist guides shall have the following obligations:

a/ To abide by and instruct tourists to abide by laws, internal rules and regulations at visiting places and respect local customs and practices;

b/ To provide tourists with information about the tour program and itinerary and their lawful interests;

c/ To guide tourists in conformity with the tour program, be civilized, caring, and wholehearted to tourists; in case of a

Article 83.- Policies of international cooperation in tourism

The State shall promote international cooperation in tourism with other countries and international organizations on the basis of equality and mutual benefit, in conformity with the laws of each party and international laws and customs so as to develop tourism, attach the Vietnamese tourist market to regional and international tourist markets, and contribute to enhancing the cooperative relationship, friendship and understanding between nations.

Article 84.- Relations with national tourism agencies of other countries and regional and international tourism organizations

1. The central-level State administrative agency in charge of tourism shall base itself on their functions and within the scope of decentralization exercise the rights and responsibilities of representing Vietnam in bilateral and multilateral cooperation in tourism with national tourism agencies of other countries, and with regional and international tourism organizations.

2. The establishment of representative offices in Vietnam of foreign national tourism agencies and regional and international tourism organizations shall be decided by the Prime Minister.

Chapter X

TOURISM INSPECTORATE, SETTLEMENT OF TOURIST CLAIMS AND PETITIONS

Article 85.- Tourism inspectorate

1. The tourism inspectorate shall perform the functions of specialized inspection in tourism.

2. The organization and operation of the specialized tourism inspectorate shall comply with the provisions of law.

Article 86.- Settlement of tourist claims and petitions

1. Tourist claims and petitions must be received and promptly settled in accordance with the provisions of law so as to protect the legitimate rights and interests of tourists.

2. In tourist cities and tourist resorts visited by large numbers of tourists, the provincial-level state agencies in charge of tourism shall organize the receipt of tourist claims and petitions.

3. Tourist claims and petitions shall be sent to organizations and individuals doing tourism business or the agencies responsible for receiving tourist claims and petitions specified Clause 2 of this Article for settlement or for reference to relevant competent state agencies for settlement. In cases where organizations or individuals doing tourism business or the agencies responsible for receiving tourist claims and petitions specified Clause 2 of this Article fail to settle tourist claims or petitions or the tourists do not agree with their settlement decisions, the tourists may lodge complaints or initiate lawsuits in accordance with the provisions of law.

Chapter XI

IMPLEMENTATION PROVISION

Article 87.- Implementation provisions

1. This Law takes effect as of January 1, 2006.

2. The Tourism Ordinance of February 8, 1999, shall cease to be effective as of the date on which this Law takes effect.

3. National tourist zones and tourist cities which have been recognized; tourist accommodation establishments which have been classified; organizations and individuals doing tourism business which have been granted international travel business licenses; and

not in contravention of the provisions of this Law shall continue to be valid; in cases of non-compliance with the provisions of this Law, adjustment must be made to ensure compliance.

Article 88.- Detailing and guidance of implementation

The Government shall detail and guide the implementation of this Law