

*Submitted to the
Council of Ministers*

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TOURISM LAW

OF THE KINGDOM OF CAMBODIA

Submitted by
Ministry of Tourism

Phnom Penh, Cambodia
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Chapter I: General provisions

Article 1: This law shall apply to all economic activities relating to tourism, travel, entertainment, recreation and leisure businesses in the Kingdom of Cambodia, whether owned or operated by the private or public entities for the purpose specified below:

- Develop in a sustainable manner the tourism sector in order contribute to poverty reduction;
- Protect and conserve the unique cultural and natural resources on which the tourism industry is based;
- Improve and maintain the quality of tourism services in the Kingdom of Cambodia by introducing a quality assurance system, in order to provide security and increase the satisfaction of tourists;
- Create an effective marketing and promotion program through a public/private sector partnership effort; and
- Contribute to the international friendship and understanding through tourism industry.

Article 2: The following terms where used in this law shall have the meanings ascribed thereto:

- **"tourism operator"** means natural person or legal entities who operates the tourism business activities.
- **"tourism"** means the activities of person travelling to and staying in any places outside their usual places for not less than one day and one night but not more than one year for leisure, not for business and other purposes.
- **"tourist"** mean any person who travelling but not include persons who seek to establish residence or to engage in a profit activity there.
- **"tourism activities"** are the activities set out in Article 4 of this Law.
- **"tourism license"** means license issued by the Ministry of Tourism related to the tourism activities.

Article 3: The Ministry of Tourism shall prepare both National and Regional Tourism Development Plans in consultation with the relevant institutions and the private sector all of which shall be approved by the Royal Government.

The National Tourism Development Plan shall:

- Identify important policies, strategies and planning for the development of tourism; and
- Propose measures for ensuring the sustainability of the national tourism development.

The Regional Development Plans shall contain:

- Tourism development strategies for the respective regions; and
- Measures for ensuring the sustainability of the development and management of tourism in the said regions;
- Comply with the National Tourism Development Plan.

The National and Regional Tourism Development Plans shall be reviewed and revised at least once every five (5) years.

Chapter II: Tourism Activities and Tourism Licenses

Article 4: The tourism activities are classified into the following categories:

- Accommodation services;
- Food and beverages services;
- Tourist transportation;
- Tourism information and advertising services;
- Tour operator;
- Travel agency;
- Leisure activities;
- Sale of souvenirs and gifts to tourists;
- Tourism sports;
- Vocational Training School for Tourism; and
- Any other tourism related services.

Article 5: The Ministry of Tourism shall define in a *Sub-Decree* of tourism activities that required a license as stipulated in the Article 4. However, in any case, the tour guide must be Khmer Nationality and the travel agency shall be obtained tourism license PROVIDED THAT such travel agency shall be qualified as Khmer Company in accordance with the Commercial Law of the Kingdom of Cambodia and shall be operated and managed by a Cambodian.

Article 6: Each tourism activity shall have a tourism license. Where an operator performs more than one type of tourism activity on the same premises, each type of activity must be licensed separately as if it were a separate business operated from separate premises.

Where an operator operates tourism activities more than one premise, he/she must obtain a tourism license for each branch.

Article 7: Upon the entry into force of this Law, no person shall be entitled to engage in any tourism activity without holding a current tourism license issued by the Ministry of Tourism under the terms of the present law.

Article 8: The Ministry of Tourism shall determine standards and other criteria for each type of tourism license designed to establish, improve and maintain the quality of tourism services in the Kingdom of Cambodia.

Such standards and criteria shall determine the issues that related to such matter as the Ministry of Tourism deems appropriate for the type of licence including all or any of the following matters: location of the premises, types of equipment and vehicles, and the qualifications, experiences of the operators and key personnel.

Article 9: In general, all tourism activities shall be complied with a common standard and generic for all types of tourism and only differ with respect to the specific features of each type of activity.

In case any requirement shall be approved as a legal fulfilment by another ministry, the Ministry of Tourism shall recognize that the operator has fulfilment of the said requirement.

Article 10: The operator of the tourism shall make the application for the issuance or the renewal of a tourism business license in the prescribed form and accompanied by the fee and other support documents as determined by a *Prakas* of the Ministry of Tourism.

Article 11: The Ministry of Tourism shall review and evaluate the application for tourism license and advise the applicant within thirty (30) days from its receipt of a complete application.

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The officer in charge handling the review and evaluation of the applicant's business shall refrain from processing the application, if he has a personal conflict of interest.

Article 12: With the compliance of Articles 8, a tourism license may be issued by the Ministry of Tourism may issue a tourism license for a validity of at least one (1) year. The partial compliance of Articles 8 and upon payment of the prescribed fees, the Ministry of Tourism may issue a provisional tourism license for a period not to exceed three (3) months.

Tourism operator who has a provisional tourism license and latter comply with the requirements of Article 8 may have a permanent tourism license.

Article 13: Before the expiration date of license, the licensee shall submit an application for renewal not earlier than two months and not later than one month of the expiration date, and accompanied by the fee and terms and conditions as the Ministry of Tourism shall determine.

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Article 14: Except for a temporary tourism license and a tour guide license, a tourism license issued under this Law shall be subject to transfer or sale under the following terms and conditions:

- the licensee shall make an application for transfer to the Ministry of Tourism in the prescribed form and accompanied by the fee and such other documents as determined by the Ministry of Tourism;
- the operator subject to transferable or sale has demonstrated that all other licensing requirements have been fulfilled.

Article 15: The Ministry of Tourism shall keep and maintain a register of tourism licenses. All tourism licenses issued shall be published in its bulletin.

The Register shall be open during working hour for public search and certified copy of a license by paying fee.

The Ministry of Tourism may publish in its bulletin and also post in public places or in newspapers or television, any decision to refuse, cancel or suspend a tourism license.

Article 16: The Ministry of Tourism shall have the right to cancel, suspend or downgrade a provisional status the tourism license when the licensee has engaged in either of the following:

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- provided false or misleading information in the application for the purpose of obtaining the license;
- did not maintain all or any of the licensing conditions, or

- failed to comply with all or any of the duties as stipulated under this law.
- sale the counterfeit souvenir gifts or mislead of its the sources to the tourist who is a buyer.

In making any cancellation, suspension or downgrading of tourism license the Ministry of Tourism shall provide one (1) month prior notice to the licensee specifying the reasons for such action.

In the event the continuing operation of a tourism business poses an imminent and serious potential risk to health, morality, safety or security, the Ministry of Tourism shall immediately suspend or cancel the tourism license without advance notice. But shall inform within seven (7) days to the licensee of the decision specifying the reason for such action.

Article 17: A business whose tourism license has been cancelled or suspended or one which operated without having a valid tourism license, can be closed down immediately by the Ministry of Tourism

A tourism operator or applicant may file an appeal to any court against a decision of the Ministry of Tourism to refuse to grant, renew, suspend, cancel a tourism license, or to issue or downgrade a provisional tourism license within one month of written notice from the latter.

Chapter III: Monitoring and Inspection

Article 18: For the purpose of implementing this law, the Ministry of Tourism may:

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- Dispatch its tourism inspectors to enter any place of business or premises, facilities, its machinery and equipment used or being used for conducting a tourism business. The Ministry of Tourism may collaborate and co-ordinate the inspection with officers from other competent Ministries and may ask the assistance of judicial police authorities.
- If the premises are used as residences, inspections can only take place during working hours. Outside working hours, permission from a prosecutor and the presence of local authority shall be required.

Article 19: Tourism inspectors shall present their identity cards or mission authorization letters prior to conducting the inspection.

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When in the course of the inspection, the tourism inspector discover or have reasonable ground to believe that there has been a violation of a criminal law, including the provisions of the said law, he/she shall immediately report to the competent judicial police authorities so that action can be taken under the law.

Article 20: Tourism operators subject to inspections shall be required to cooperate with tourism inspectors so that they may carry out their tasks.

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No person shall prevent, obstruct or interfere with the inspections under this law.

Chapter IV: Incentives for Quality Assurance

Article 21: A hotel classification system based on international standards shall be established by a *Prakas* prepared by the Ministry of Tourism.

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Article 22: To encourage quality assurance in the tourism industry the Ministry of Tourism shall develop a special Eco-label as an award to any tourism operator who strictly complied with the environmental standards of the Ministry of Environment.

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Only tourism operators who has been awarded the special Eco-label shall have the right to affix this label onto their products or services with the general public and their customers.

Article 23: Tourism operators holder of the special Eco-label may receive supplemental privileges and incentives from the Royal Government of Cambodia in priority to other tourism operators, such as, *inter alias*:

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- the rights to engage business in restrict zone;
- a reduction of tourism license fees; and
- other incentives.

Article 24: Tourism operator with excellent service records may be awarded a Excellent Royal Award from the Ministry of Tourism, the Royal Government and His Majesty the King. The Ministry of Tourism shall set up detailed criteria for this award in a separate *Prakas*.

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The Ministry of Tourism shall recommend and prepare an annual list of qualified tourism operators for submission to the Royal Government of Cambodia for the special award. Only tourism operators who have bestowed this special award shall have the right to use this special title in their dealings with the general public and their customers.

Article 25: Tourism organizations or tourism associations shall establish its professional code of conduct or code of ethics and submit to the Ministry of Tourism for approval. These organizations or associations shall respect the laws and regulations of the Kingdom of Cambodia.

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Chapter V: Rights and Duties of Tourism Stakeholders

Article 26: All tourism operators licensed under this law shall at all times have the responsibilities to:

- Comply with all laws and regulations relating to the construction and operation of the tourism business such as zoning, building construction, fire safety, security public order, environmental hazards, health, food hygiene, drug used and prevention, and sexual exploitation of children, labour, taxation, accounting, and cultural heritage protection.
- Provide prompt written notice to the Ministry of Tourism of any change in information as supplied in the tourism license application.
- Co-operate with the inspection referred to in Article 18 of this law.
- Provide promptly, upon request, to the Ministry of Tourism such statistical and other information in relation to the tourism business.
- Display the tourism license on a prominent place in the business premises. The hotel keepers shall also display the hotel grade classification.
- Mention in all their dealings with the public or their customers the type of tourism license and its registration number.

Article 27: All tourism operators licensed under this law shall at all times:

- Comply with the code of conduct or code of ethics of their professional organisation or association;
- Behave in an honest, helpful, hospitable, responsible and professional manner, respectful of the interests of customers as well as of the customs, traditions and culture of the Khmer people;
- Provide honest and objective information to tourists. Ensure that the contractual clauses proposed to the customer are readily understandable as to the nature, price and quality of the services;
- Promptly issue to the tourist for any amount of money received from him, a voucher, ticket or a written receipt stating the details;
- Display clearly all tariffs, price-lists, tolls and fees of tourist services and with reference as the case may be to the applicable regulations on which they are based;
- Provide at all times means of identification and uniforms for all their staff on duty collecting tourist attraction fees or tolls.

Article 28: Tourism officials shall have the following duties to:

- Provide tourists with honest and objective information;
- Behave in an honest, helpful, hospitable, responsible and professional manner, respectful of the interests of customers as well as of the customs, traditions and culture of the Khmer people;
- Facilitate tourist travels by simplifying administrative procedures and formalities;
- Refrain from making differential treatment or discrimination on the basis of nationality; and
- Take necessary measures to provide the safety and security of tourists and their belongings and in all circumstances ensure the respect of their fundamental human rights.

Chapter VI: Tourism Development Fund

Article 29: A Tourism Development Fund shall be established and administered by the Ministry of Tourism in accordance with the Finance Law for the purpose of:

- providing education and training in the tourism sectors;
- the promotion of tourism and tourism products in Cambodia and abroad;
- the promotion of historical and cultural heritage in Cambodia and abroad; and
- the protection and restoration of historical and cultural monuments, support and protection of natural, historical and cultural heritage.

The Fund shall be financed through the annual state budget allocation, grants from national and international organizations, donations from charitable individuals, customers and from other funding sources not prohibited by law.

The administration of the funds shall be stipulated in a *Sub-Decree*.

Chapter VII: Tourism Marketing and Promotion Board

Article 30: In order to promote and enhance the tourism sector, the Ministry of Tourism shall establish the Tourism Marketing and Promotion Board (“TMPB”) with the composition detailed in its drafted *Sub-Decree*.

TMPB shall have the following duties and responsibilities:

- to conduct market research, marketing and promotion;
- to perform the tasks expressly referred to in the present law;
- to perform other tasks as prescribed in sub-decrees;
- to act as a platform dialogue of the tourism sector;
- to act as a think tank body to advise the Ministry of Tourism on the policy and development plan for tourism marketing and promotion.

Chapter VIII: Prohibition to Minor under 18 of Years of Age

Article 31: Minors under eighteen (18) years of age are not permitted to be in the accommodation services and leisure activities business that affected their teen unless they are accompanied by legal guardian.

Persons who manage the accommodation services and leisure activities business that affected persons under eighteen (18) years of age are under a duty to prevent them on their premises.

Chapter IX: Offences and Penalties

Article 32: Any person who is in violation of Articles 7 and 16 of this law shall be liable to a monetary fine ranging from One million (1,000,000) Riels to Ten million (10,000,000) Riels.

Article 33: Any person who is in violation of Article 20 of this law shall be liable to a monetary fine ranging from Five Hundred Thousand (500,000) Riels to One Million (1,000,000) Riels and to an imprisonment from one (1) week to one (1) month.

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The offenses stipulated in the first paragraph shall be applied to those who have:

- obstructed inspecting agents from fulfilling their duties;
- given by any means, deliberately false and misleading information in response to requests by inspecting agents;
- destroy, or delete, falsify documents regards to business operation in their possession.

Article 34: Any person who provided false or misleading information in the application for a tourism license shall be liable to a monetary fine ranging from Five Hundred Thousand (500,000) Riels to One Million (1,000,000) Riels.

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Article 35: Any person who sale the counterfeit souvenir gifts or mislead its source of origin to the tourist shall be subject to the revocation of tourism license in accordance with Article 16 and shall be subject to double fine of the price bought and to an imprisonment from one (1) week to one (1) month.

Article 36: The manager of accommodation services and leisure activities business who fails to take all reasonable measures to prevent the presence of minors on the premises of his business is in violation of Article 31 of this law and shall be liable to a fine ranging from Five Hundred Thousand (500,000) Riels to One Million (1,000,000) Riels.

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Article 37: Any minor under the age of 18 found on the premises of accommodation services and leisure activities business shall be liable to a fine ranging from One Hundred Thousand (100,000) Riels to Two Hundred Thousand (200,000) Riels.

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Article 38: If a violation causes bodily harm or danger to lives, to private and public property, the tourism operator shall be fined from Ten million (10 million) Riels to Fifty million (50 million) Riels or imprisoned from one (1) year to five (5) years, or both, and shall be responsible also for repairing damage and for compensation.

Article 39: Any person who in violation of Article 26 of this law shall be liable to a monetary fine ranging from One Hundred thousand (100,000) Riels to Two Hundred Thousand (200,000) Riels.

Any person who in violation of Article 27 of this law shall be liable to a monetary fine ranging from Fifty Thousand (50,000) Riels to One Hundred thousand (100,000) Riels.

Article 40: Tourism inspectors or competent officials who conspire with offenders or abuse their duties under Articles 26, 27, 28, 29 shall be fined Five Hundred Thousand (500,000) Riels to One Million (1,000,000) Riels or to an imprisonment from one (1) week to one (1) month, or both.

Article 41: Tourism inspectors as stipulated under Article 18 of this law shall be held liable for negligence which resulted in wrongdoings and other consequences in violations of the provisions of this law and other regulations under this law and shall be administratively accountable.

Article 42: In the event of repeated offenses under Articles 7, 26, 27, 28, 29, and 31 of this law, the monetary fines and criminal sanctions shall be doubled without prejudice to other serious crimes.

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Chapter X: Final Provisions

Article 43: Implementing regulations under this law and other rules and procedures governing the types of tourism activities, the requirements for obtaining tourism licenses, criteria for building tourism facilities, applications forms and fees, shall be determined by *Prakas* of the Ministry of Tourism.

Article 44: The Ministry of Tourism may for such requirements as it will determine, provide for a six (6) months transition period, so as to allow tourism operators to gradually adapt in order to meet the legal requirements by the time of expiry of this transition period.

Article 45: Any provision contrary to this Law shall be null and void.

Article 46: This Law shall be declared as urgent.