

## **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, 10<sup>th</sup> session, on December 25, 2001;*

*This law provides for tourism.*

### **Chapter I**

#### **GENERAL PROVISIONS**

##### **Article 1.-** Scope of application

This Law provides for tourism resources and activities; rights and obligations of tourists, organizations and individuals doing tourism business and other organizations and individuals engaged in tourism-related activities.

##### **Article 2.-** Subjects of application

1. Vietnamese and foreign organizations and individuals engaged in tourism activities in the territory of Vietnam;
2. Agencies, organizations, individuals and local communities engaged in tourism-related activities.

##### **Article 3.-** Application of the law on tourism

1. The subjects stipulated in Article 2 of this Law shall abide by the provisions of this Law and other relevant provisions of Vietnamese law.
2. Where the treaties to which the Socialist Republic of Vietnam is a contracting party contain provisions different from those of this Law, the provisions of such treaties shall apply. In cases where the Vietnam laws or treaties to which the Socialist Republic of Vietnam is a contracting party do not stipulate, parties engaged in tourism activities may agree to apply international customs provided that as they are not against the fundamental principles of Vietnamese law.

##### **Article 4.-** Interpretation of terms

In this Law, the following terms are construed as follows:

1. *Tourism* means activities connected with trips taken by people outside their habitual residences aimed at satisfying their needs for sightseeing, study, leisure or recreation in a certain period of time.
2. *Tourist* means a person who travels for either tourism or for other purposes combined with tourism, except for those who go to study, work or practice their professions to get paid at the places of destination.
3. *Tourism activity* means activities of tourists, organizations and individuals doing tourism business, local communities, agencies, organizations and individuals engaged in tourism-related activities.
4. *Tourism resources* mean natural landscapes, natural elements, historical or cultural relics, works of creative human labor or humanity value which can be utilized to meet tourist needs and constitute a fundamental factor to form tourist resorts, tourist spots, tourist routes or tourist cities.
5. *Sightseeing* means activities of a tourist during a day at a tourism-resourced area in order to experience and appreciate the values of tourism resources.
6. *Tourist city* is a city having advantages to develop tourism and in which tourism plays an important part in its activities.
7. *Tourist resort* is an area which has attractive tourism resources, with natural tourism resources as its advantage, and has been properly planned and invested for development with the aim of meeting the various demands of tourists and bringing about socio-economic and environmental benefits.

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 advance for a tourist's trip from its beginning to end.
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* means a type of tourism that is based on the national cultural identity with the participation of local communities in order to preserve and bring into full play their traditional cultural values.
21. *Tourist environment* consists of natural and social ones where tourist activities take place.

**Article 5.-** Principles of tourism development

1. To develop sustainable tourism in line with master plans and plans, ensuring harmony between socio-economic development and environmental protection; develop cultural and historical tourism and eco-tourism in priority and key regions; and conserve, embellish and promote the values of tourism resources.
2. To ensure national sovereignty, national defense, security, social order and safety.
3. To ensure national and community interests, legitimate interests, security and safety of tourists, and the lawful rights and interests of organizations and individuals doing tourism business.
4. To ensure the participation of all economic sectors and people of all strata in the cause of tourism development.
5. To contribute to expanding foreign relations and international exchanges in order to promote the image of the country and people of Vietnam.
6. To develop both domestic and international tourism with a view to attracting increasing numbers of foreign tourists to Vietnam.

**Article 6.-** Tourism development policies

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;
  - f/ Construction of tourism infrastructure, physical and technical facilities, importation of high-quality means for transportation of tourists and modern equipment exclusively used for high-graded tourist accommodation establishments and national tourist resorts.
  - g/ Development of tourism in remote and isolated areas and in areas with socio-economic difficulties where there are tourism potentials so as to make use of the labor force, goods and services in the spot, contributing to raising the people's intellectual level and to hunger elimination and poverty reduction.
3. The State shall allocate budget for planning work; support investment in building infrastructures in tourist cities, tourist resorts and tourist spots and support tourism publicity and promotion, protection and embellishment of tourism resources and environment, research and application of science and technology, and training and development of human resources in tourism.
4. The State shall create favorable conditions for foreigners and overseas Vietnamese to visit Vietnam for tourist purposes, for Vietnamese citizens and foreigners living in Vietnam to travel in and out of the country for tourist purposes, respecting and protecting the lawful rights and interests of tourists.
5. The State shall create favorable conditions for organizations and individuals of all economic sectors and people of all strata to take part in tourism activities and enhance international exchanges and cooperation in tourism between Vietnam and other countries in the region and the world.
6. The State shall encourage and create favorable conditions for the establishment of a Tourism Development Assistance Fund from the source of contributions of those who benefit from tourism activities as well as voluntary contributions of organizations and individuals at home and abroad.

The State shall specify tourism development policies provided for in this Article.

**Article 7.-** Participation of local communities in tourism development

1. Local communities shall have the rights to participate in and enjoy lawful benefits from tourism activities; be responsible for preserving tourism resources and nurturing the local cultural identity; and maintaining security, safety, social order and environmental sanitation to generate the attractiveness of tourism.
2. Local communities shall be provided with conditions to invest in tourism development, restoration and promotion of various traditional cultures, folklore arts, crafts, and production of local goods in service of tourists, contributing to raising the material and spiritual life of local inhabitants.

**Article 8.-** Tourism association

1. The tourism association shall be established on the basis of voluntary participation of individuals and organizations engaged in tourism-related activities, protecting the lawful rights and interests and contributing to the development of its members.
2. The tourism association shall take part in organizing tourism publicity and promotion activities and in formulating and disseminating the provisions of law on tourism.

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.

3. People's Committees at all levels shall take measures 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.

4. People's Committees of provinces and centrally-run cities (hereinafter referred to as provincial-level People's Committees) must, within the scope of their duties and powers 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.
8. Abusing one's position and powers to take bribes from, harass or trouble organizations or individuals doing tourism business or tourists.

Chapter II

TOURISM RESOURCES

**Article 13.-** Categories of tourism resources

1. Tourism resources consist of natural and humanity tourism resources which are under exploitation or not yet exploited.

Natural tourism resources include elements of geology, topography, geomorphology, climate, hydrography, ecosystems and natural landscapes which can be used for tourism purposes.

Humanity tourism resources include cultural traditions; cultural factors; folk literature; historical, revolutionary, archaeological, and architectural relics; creative works by human beings; and other tangible and intangible cultural heritage which can be used for tourism purposes.

2. Tourism resources may come under the ownership of the State or of organizations and individuals.

**Article 14.-** Surveys of tourism resources

The central-level State administrative agency in charge of tourism shall assume the prime responsibility for and coordinate with relevant State administrative agencies and provincial-level People's Committees in conducting surveys, evaluation and classification of tourism resources for the formulation of tourism development master plans and to identify and promulgate tourist resorts, tourist spots, tourist routes and tourist cities.

**Article 15.-** Principles of protection and development of tourism resources

1. Tourism resources shall be properly protected, enhanced and rationally exploited for effective utilization and sustainable tourism development.
2. The State shall perform the uniform administration of tourism resources throughout the country and implement policies and take measures to protect, enhance and rationally exploit tourism resources.

**Article 16.-** Responsibility for administration, protection, embellishment and development of tourism resources

1. The central-level State administrative agency in charge of tourism, ministries, ministerial-level agencies and People's Committees at all levels shall manage tourism resources and coordinate with one another in protecting, rationally exploiting, utilizing, and developing tourism resources.

2. State agencies, organizations and individuals that own or manage tourism resources shall protect, invest in and enhance these resources, and create conditions for tourists to visit and appreciate their values according to the provisions of law.
3. Tourists, organizations, individuals doing tourism business and local communities must protect tourism resources.
4. Organizations and individuals that own or manage tourism resources shall coordinate with competent state agencies in charge of tourism in utilizing and exploiting tourism resources for any other economic purposes, ensuring that these activities shall not lessen the attractiveness of tourism resources.

### Chapter III

#### TOURISM DEVELOPMENT PLANS

##### **Article 17.-** Categories of tourism development plans

1. Tourism development plans shall be of the tourism industry, including master plans and specific plans for tourism development.

Master plans for tourism development shall be made for the whole country, tourist zones, key tourist areas, provinces, centrally-run cities and national tourist resorts.

3. Specific plans for tourism development shall be made for functional areas within national tourist resorts, local tourist resorts and national tourist spots having natural tourism resources.

##### **Article 18.-** Principles for formulation of tourism development plans

1. Compliance with the national socio-economic development strategy and master plan and with the strategy for tourism development.
2. Assurance of national sovereignty, defense, security, social order and safety.
3. Protection and development of tourism resources and environment and preservation and promotion of the national cultural identity.
4. Feasibility and balance between supply and demand in tourism.
5. Promotion of strengths of each region and locality to create unique tourist products for the purpose of rationally and efficiently utilizing tourism resources.
6. Publicity during the formulation and promulgation of plans.

##### **Article 19.-** Contents of tourism development plans

1. The contents of a master plan for tourism development shall include:

a/ The position, role and advantages of tourism in the socio-economic development of the locality, region and country;

b/ Analysis and evaluation of potentials and current status of tourism resources, tourism markets and resources for tourism development;

c/ Viewpoints, objectives, characteristics and scale of development for the area covered by the plan, including forecast target data and justifications of alternatives for tourism development;

d/ Organization of the tourism space and infrastructure and physical-technical facilities for tourism;

e/ List of prioritized areas and projects for investment and needs for land use, investment capital and manpower in tourism;

f/ Assessment of environmental impact and solutions to protecting both tourism resources and the environment; and,

g/ Proposed mechanisms, policies and measures for tourism management and development according to the plan.

2. A specific plan for tourism development shall, in addition to the contents specified in Clause 1 of this Article, include the following principal contents:

a/ Functional areas, ground scheme, infrastructure works, physical-technical facilities for tourism, and land use alternatives;

b/ List of investment projects and investment schedule;

- 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-level People's Committee shall formulate master plans for tourism development for their provinces or centrally-run cities and submit them to the People's 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 People's Committee after obtaining the opinions of the central-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

1. After a tourism development plan has been decided upon and approved, the formulating agency shall have to announce and provide necessary information about the plan to concerned organizations and individuals for implementation and implementation monitoring.

2. The formulation and implementation of tourism development projects, projects having impacts on tourism resources and other tourism-related projects shall comply with the tourism development plans which have been approved by competent state agencies and be subject to the endorsement of competent state agencies in charge of tourism.

3. Provincial-level People's Committees shall allocate land for tourism infrastructure works, physical-technical facilities in tourist cities, tourist resorts and tourist spots in accordance with decided, approved and promulgated tourism development plans; and shall not assign or lease land to investment projects which are contrary to tourism development plans or investment projects or which will exert negative impacts on tourism resources and environment.

4. All organizations and individuals must strictly follow the approved, decided tourism development plans and shall neither encroach upon or illegally use land areas already planned for tourism development.

#### Chapter IV

### TOURIST RESORTS, TOURIST SPOTS, TOURIST ROUTES AND TOURIST CITIES

#### Section 1. TOURIST RESORTS, TOURIST SPOTS, TOURIST ROUTES

**Article 22.-** Classification of tourist resorts, tourist spots, tourist routes

Tourist resorts, tourist spots, and tourist routes shall be classified at the national or local level based on their scale, attractiveness to tourists, service-provision capability and service quality.

**Article 23.-** Conditions for recognition as a tourist resort

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

a/ Having particularly attractive tourism resources with natural landscapes as an advantage and capable of attracting a large number of tourists.

b/ Having an area of at least 1,000 hectares, including a necessary area for construction of tourist service works and facilities in conformity with the landscape and environment of the tourist resort, although in particular cases where the area is narrower, the central-level

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 tourism resources to meet tourists' sightseeing needs;

b/ Having necessary infrastructure and tourist service facilities capable of providing services for at least 100,000 tourist arrivals a year.

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

a/ Having attractive tourism resources to meet tourists' sightseeing needs;

b/ Having necessary infrastructure and tourist service facilities capable of providing services for at least 10,000 tourist arrivals a year.

**Article 25.-** Conditions for recognition as a tourist route

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

a/ Linking various tourist resorts and tourist spots, including national, inter-regional and inter-provincial tourist resorts and tourist spots, and linked to international border gates; and,

b/ Taking measures to preserve landscapes, environment and service facilities for tourists along the route.

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

a/ Connecting tourist resorts and tourist spots within a locality; and,

b/ Taking measures to preserve landscapes, environment and service facilities for tourists along the route.

**Article 26.-** Dossiers for recognition as tourist resorts, tourist spots or tourist routes

1. A dossier for recognition as a tourist resort shall consist of:

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

b/ A report on the master plan or specific plan for development of the tourist resort, enclosed with the decision of a competent State administrative agency as stipulated at Article 20 of this Law.

2. A dossier for recognition as a tourist spot shall consist of:

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

b/ An explanatory document on the tourist spot proposed for recognition.

3. A dossier for recognition as a tourist route shall consist of:

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-level People's Committee shall decide on the recognition of local tourist resorts, local tourist spots, and local tourist routes at the proposal of provincial-level State administrative agencies in charge of tourism.

3. The central-level State administrative agency in charge of tourism shall announce national tourist resorts, national tourist spots, and national tourist routes upon receipt of the decisions of their recognition.

4. Provincial-level People's Committees shall announce local tourist resorts, local tourist spots, and local tourist routes upon receipt of the decisions of their recognition.

**Article 28.-** Management of tourist resorts

1. Scope of management of tourist resorts shall include:

a/ Management of development planning and investment work;

b/ Management of business service activities;

c/ Protection of tourism resources and assurance of environmental hygiene, social order and safety; and,

d/ Implementation of relevant provisions of law.

2. The management of tourist resorts is organized as follows:

a/ A Management Board must be established for a tourist resort, but where a tourist resort is assigned to an investor being an enterprise, the investor must manage the tourist resort in accordance with the scope specified in Clause 1 of this Article;

b/ The presidents of provincial-level People's Committees shall decide on the establishment of the Management Board of tourist resorts located within the administrative boundaries of their provinces.

Where a tourist resort lies within the administrative territories of two or more provinces or centrally-run cities, the president of the People's Committee of each province or centrally-run city shall decide on the establishment of the Management Board within the administrative boundary of his/her province or city. The Management Boards shall coordinate their activities according to the Regulation on management of tourist resorts issued by the central-level State administrative agency in charge of tourism and the master plan for development of the tourist resort already approved by a competent state agency.

Where a tourist resort is associated with an area endowed with natural tourism resources or historical and cultural relics for which a specialized management board has been established, its management board must include a representative from that specialized management board.

3. For a tourist resort with its tourism resources managed by another state agency through a specialized management board already established, the specialized management board shall have to coordinate with the tourist resort's management board in order to facilitate the rational exploitation and utilization of tourism resources in service of visitors and tourists.

**Article 29.-** Management of tourist spots

Depending on the scale and nature of tourist spots, ministries or agencies in charge of state administration of natural resources and provincial-level People Committees shall provide for the mode of management thereof, ensuring the following:

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-level People's Committees shall, within the scope of their duties and powers, 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, meeting the diversified needs of tourists, and having a labor structure suitable to requirements of tourism development.
3. Tourism plays an important role in the economic structure, achieving a ratio between tourism revenue and the total revenues of services as stipulated by the Government.

**Article 32.-** Dossiers, procedures and competence for recognition of tourist cities

1. A dossier for recognition as a tourist city shall consist of:

a/ A written statement requesting recognition as a tourist city, made by the provincial-level People's Committee and submitted to the Prime Minister;

b/ A copy of the province's or centrally-run city's master plan on tourism development; and,

c/ A project proposal for recognition as a tourist city, made according to the provisions of Article 31 of this Law.

2. Provincial-level People's Committees shall submit the dossiers for recognition as tourist cities to the Prime Minister and send copies to the Ministry of Construction and central-level State administrative agency in charge of tourism.

The Ministry of Construction shall assume the prime responsibility for, and coordinate with the central-level State administrative agency in charge of tourism and relevant agencies in, evaluating these dossiers and submit their evaluations to the Prime Minister.

3. The Prime Minister shall consider and decide the recognition as tourist cities, and the central-level State administrative agency in charge of tourism shall make public the tourist-city status.

**Article 33.-** Management of tourist city development

1. The management of tourist city development must ensure the following:

a/ Management of the planning and construction of the tourist city in line with the tourism development orientations set forth by competent state agencies;

b/ Management of investment projects for tourism development in conformity with the approved plans;

c/ Protection of tourism resources, landscapes, and environment, and maintenance of security, social order and safety;

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.

2. The People's Committees of provinces or centrally-run cities in which tourist cities are located shall formulate and submit regulations on the management of tourist cities to the Prime Minister for promulgation. These regulations must be in conformity with the requirements on protection of tourism resources, landscapes, environment and tourism development orientations of the cities.

#### Chapter V

#### TOURISTS

##### **Article 34.-** Tourists

1. Tourists include domestic and international visitors.
2. Domestic tourists are Vietnamese citizens and foreigners permanently residing in Vietnam who travel for tourist purposes within the territory of Vietnam.
3. International tourists are foreigners, overseas Vietnamese visiting Vietnam for tourist purposes and Vietnamese citizens and foreigners permanently residing in Vietnam making overseas trips for tourist purposes.

##### **Article 35.-** Rights of tourists

1. To choose the form of travel either by individual or group; to choose a part of or whole of a tour program or tourist services provided by organizations or individuals doing tourism business.
2. To request organizations or individuals doing tourism business to supply necessary information on tour programs and tourist services.
3. To be facilitated in the clearance of entry, exit, transit, customs and stay procedures; to be allowed to travel within the territory of Vietnam except in prohibited areas for the purpose of excursion and tourism.
4. To be provided with sufficient tourism services according to contracts between them and organizations or individuals doing tourism business; be covered with tourism insurance and other types of insurance according to the provisions of law;
5. To be treated equally, to request organizations or individuals doing tourism business to take measures to ensure the safety of their lives, health and property while using tourism services; to be provided with relief aid and rescued in case of emergency during their travel within the territory of Vietnam.
6. To be compensated for the damage caused by the fault of organizations or individuals doing tourism business in accordance with the provisions of law.
7. To complain, denounce or file lawsuits against acts of violation of tourism law.

##### **Article 36.-** Obligations of tourists

1. To observe the Vietnamese laws on security, social order and safety; to respect and preserve natural landscapes, places of scenic beauty, environment, tourism resources, cultural identity, and fine traditional habits and customs in places of tourist destination.
2. To abide by rules and regulations of tourist resorts, spots, cities and tourist accommodation establishments.
3. To pay tourist services charges as contracted and other fees and charges in accordance with the provisions of law.

To compensate for the damage caused by their fault to organizations and individuals doing tourism business.

##### **Article 37.-** Assurance of safety for tourists

1. State agencies shall, within the scope of their duties and powers, take necessary measures to prevent risks and ensure the safety of life, health and property of tourists and to stop acts of making illicit profits from tourists.
2. In cases of emergency, competent state agencies shall take timely and necessary salvage and rescue measures in order to minimize the damage to tourists.

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.

**Article 41.-** Overseas branches and representative offices of Vietnamese tourist enterprises  
The establishment of overseas branches and representative offices of Vietnamese tourist enterprises shall comply with the laws of Vietnam and host countries and with the treaties to which the Socialist Republic of Vietnam is a contracting party.

Vietnamese tourist enterprises which have overseas branches and/or representative offices shall take responsibility for the operation of such branches and/or representative offices before the laws of Vietnam and host countries.

**Article 42. -** Vietnam-based branches and representative offices of foreign tourist enterprises

The establishment and operation of branches and representative offices of foreign tourist enterprises in Vietnam shall comply with regulations of the Government.

#### Section 2. TRAVEL BUSINESS

##### **Article 43.-** Travel enterprises

1. Any organizations or individuals wishing to do travel business must set up an enterprise.

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. -** Rights and obligations of domestic travel enterprises

Apart from the rights and obligations of organizations or individuals doing tourism business provided for in Article 39 and Article 40 of this Law, domestic tourist enterprises shall have the following rights and obligations:

1. To develop, advertise, sell and conduct tour programs for domestic tourists.

2. To secure tourism insurance for domestic tourists during the tour at their requests.

3. To abide by, disseminate and guide tourists to observe State laws and regulations on security, social order and safety, and environment protection; preserve national identity, fine traditional habits and customs of the people; and observe rules at places of tourist destination.

4. To employ tourist guides to serve tourists at their requests; be responsible for tourist guides' performance during the tour as contracted with the enterprises.

**Article 46.-** Conditions for doing international travel business

1. Having an international travel business license granted by the central-level State administrative agency in charge of tourism.

2. Having plans for travel business operations; having tour programs prepared for international tourists within the scope of travel business provided for in Clause 1, Article 47 of this Law.

3. Operators of international travel business must have at least four years of experience in travel operations.

4. Employing at least three tourist guides accredited as tourist guides for international tourists.

5. Having deposited capital as stipulated by the Government.

**Article 47.-** International travel business licenses

1. International travel business licenses shall be granted according to the scope of business, covering:

a/ Travel business for inbound tourists.

b/ Travel business for outbound tourists.

c/ Travel business for inbound and outbound tourists.

2. International travel business licenses shall not be granted to the following:

a/ Enterprises which have been administratively sanctioned for illegal travel business activities within 12 months before the date they apply for a license;

b/ Enterprises which have had their international travel business licenses withdrawn within 12 months before the date they apply for a renewed license.

3. International travel business licenses shall be withdrawn in the following cases:

a/ The enterprise stops its operations;

b/ The enterprise does not carry out any international travel business activities for consecutive 18 months;

c/ The enterprise seriously violates the provisions of this Law; or

d) The enterprise commits acts of violation which are subject to withdrawal of license according to law;

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 consist of

a/ An application for an international travel business license;

b/ Copies of the international travel business registration certificate, plans for international travel business operations, papers evidencing the operator's working experience in travel business, copies of the tourist guide's cards and labor contracts between the tourist guides and the enterprise, and a certificate of deposited amount.

2. Procedures for the grant of an international travel business license are stipulated as follows:

a/ The enterprise submits the dossier of application for an international travel business license to the provincial-level state agency in charge of tourism in the place where the enterprise is headquartered;

b/ Within 10 working days after the receipt of the valid dossier, the provincial-level state agency in charge of tourism shall complete an evaluation thereof and forward a proposal document together with the dossier to the central-level State administrative agency in charge of tourism for consideration and grant of a license; in case of ineligibility for a license, the provincial-level state agency in charge of tourism shall issue a written notice to the enterprise, clearly stating the reason therefor.

c/ Within 10 working days after the receipt of the dossier and the proposal from the provincial-level state agency in charge of tourism, the central-level State administrative agency in charge of tourism shall consider the dossier and grant an international travel business license to the enterprise; in case of refusal, it shall have to issue a written notice to the provincial tourism administration and the enterprise, clearly stating the reason therefor.

**Article 49.-** Change of international travel business licenses

1. Change to an international travel business license can be made in the following cases:

a/ Change in the scope of international travel business;

b/ Change in the at-law representative of the enterprise;

c/ Change in the name, transaction name or abbreviated name of the enterprise; or,

d/ Change in the form of the enterprise.

2. A dossier of application for change of an international travel business license shall consist of:

a/ An application for change of the international travel business license;

b/ The granted international travel business license; and,

c/ Documents related to the changes stated in Clause 1 of this Article.

3. The procedure for changing an international travel business license is stipulated as follows:

a/ Within 30 days after the date on which there is a change in one of the contents mentioned in Clause 1 of this Article, the enterprise shall submit the dossier of application for a new international travel business license to the central-level State administrative agency in charge of tourism;

b/ Within 15 working days after the date of receiving the valid dossier as provided for in Clause 2 of this Article, the central-level State administrative agency in charge of tourism shall consider and change the license and inform the concerned provincial-level state administration agency in charge of tourism.

**Article 50.-** Rights and obligations of international travel enterprises

In addition to the rights and obligations of individuals and organizations doing tourism business specified in Articles 39 and 40 of this Law, international travel enterprises shall have the following rights and obligations:

1. Travel business for inbound tourists:

- 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.

3. Besides contents as provided by civil law, a contract of travel shall contain the following details:

- a/ Description of the quantity, quality, time, and mode of provision of services during the tour;
- b/ A provision on responsibility for default in the case of force majeure;
- c/ Financial conditions and liability relating to the change, supplementation and cancellation of the contract; and,
- d/ Provisions on insurance for the tourist.

4. When a tourist buys a tour program through a travel agent, the contract of travel shall be the one concluded between the tourist and the principal travel enterprise, in which the name and address of that authorized travel agent shall be also indicated.

**Article 53.-** Conditions on travel agency business

1. Travel agency business is a business whereby organizations or individuals sell for commissions tour programs designed by travel enterprises to tourists. Travel agents shall not be allowed to operate tours.

2. Organizations or individuals doing travel agency business must meet the following conditions:

- a/ Having travel agency business registered at a competent registry; and,
- b/ Having a contract of agency signed with the travel enterprise.

**Article 54.-** Contract of travel agency

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.
4. To display the travel agent's signboard at an easy-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.
3. Taking measures to ensure tourist's life, health and property during the process of 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:
  - a/ Hotels and tourist villages shall be classified in 5 categories which are “1 star”, “2 stars”, “3 stars”, “4 stars” and “5 stars”;
  - b/ Tourist villas or tourist apartments shall be classified in two categories of “standard” and “high standard”; and,
  - 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.

4. The collection, remittance and use of classification charges on tourist accommodation establishments shall comply with the provisions of law on fees and charges.

5. After every three years of operation, a graded tourist accommodation establishment shall be appraised to renew its grade in accordance with the current conditions of its physical facilities and services.

**Article 64.-** Conditions for doing tourist accommodation business

To do tourist accommodation business, organizations and individuals shall have to fully satisfy the following conditions:

1. General conditions:

a/ Having registered tourist accommodation business; and,

b/ Taking measures to ensure security and order, environmental sanitation, safety, fire prevention and extinguishing in compliance with the provisions of law on tourist accommodation establishments.

2. Specific conditions:

a/ Hotels and tourist villages must have construction, facilities and equipment, services, and professional and foreign language skills of managers and staff which meet the minimum standard as required for each type and grade of the establishment;

b/ Tourist villas and tourist apartments must have facilities, equipment and services which meet the minimum standard as required for each type and grade of the establishment;

c/ Tourist campsites, tourist guest houses, houses with rooms for tourist rental and other tourist accommodation establishments shall have facilities and equipment which meet the minimum standard as required for tourist accommodation business.

**Article 65.-** Registration of classes of tourist accommodation establishments

1. Within three months after commencement of operation, the owners of tourist accommodation establishments shall submit dossiers of registration of the class of tourist accommodation establishments to competent state agencies in charge of tourism for appraisal and classification of their establishments.

2. Dossiers and procedures for classification of tourist accommodation establishments shall be prescribed by the central-level State administrative agency in charge of tourism.

**Article 66.-** Rights and obligations of organizations and individuals doing tourist accommodation business

1. Besides the rights specified in Article 39 of this Law, organizations and individuals doing tourist accommodation business shall have the following rights:

a/ To hire foreign and domestic individuals or organizations to manage, execute and work in the tourist accommodation establishments;

b/ To issue internal rules and regulations of the tourist accommodation establishments;

c/ To refuse to receive tourists or cancel the accommodation contracts with tourists in cases where tourists commit illegal acts, acts of violation of internal rules of the establishments, or where the establishment is no longer capable of accommodating or the tourist's needs are beyond the ability of the establishment; and,

d/ To select types of services and products not contrary to the provisions of law for sale at the establishments' premises.

2. Besides the obligations specified in Article 40 of this Law, organizations and individuals doing tourist accommodation business shall have the following obligations:

a/ To abide by the provisions of law pertaining to tourist accommodation business activities and conduct business operations as registered;

b/ To display the name, type and class of the tourist accommodation establishment and advertise the type and class of the tourist accommodation establishment exactly as recognized by a competent state agency in charge of tourism;

- 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 of tourist's life, health and property;
- f/ To adhere to the regulations of State administrative agencies in charge of health in case of discovering tourists infected with contagious disease;
- g/ To declare a tourist's temporary stay as provided for by law; 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 tourist spots shall formulate projects in compliance with tourism development plans and submit them to competent state agencies for approval
3. Procedures for approval of projects shall comply with the provisions of law on investment and other relevant provisions of law.

##### **Article 68.-** Rights and obligations of organizations and individuals doing business in development of tourist resorts and tourist spots

Besides the rights and obligations specified in Article 39 and Article 40 of this Law, organizations and individuals doing business in development of tourist resorts and tourist spots shall have the following rights and obligations:

1. To be granted investment preferences and provided land with tourism resources which are suitable to the projects approved by competent state agencies according to the provisions of law;
2. To collect charges in accordance with the provisions of law on fees and charges;
3. To manage and protect tourism resources and environment, and ensure security, social order and safety; and,
4. To manage service business in accordance with this Law and other relevant provisions of law.

#### Section 6. BUSINESS IN TOURIST SERVICES IN TOURIST RESORTS, TOURIST SPOTS AND TOURIST CITIES

**Article 69.-** Business in tourist services in tourist resorts, tourist spots and tourist cities  
Business in tourist services in tourist resorts, tourist spots and tourist cities shall include businesses in travel, tourist accommodation, tourist transportation, restaurant, shopping, sports, entertainment, information and other services provided for tourists.

**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 cities.

2. Provincial-level state agency in charge of tourism shall appraise and issue signboards of satisfaction of tourist service standards to establishments which provide tourist services in tourist resorts, tourist spots and tourist cities under their administration.

**Article 71.-** Rights and obligations of organizations and individuals doing tourist service business in tourist resorts, tourist spots and tourist cities

1. Organizations and individuals doing travel, tourist accommodation, and tourist transportation businesses shall have the rights and obligations specified in Articles 39 and 40 of this Law and relevant rights and obligations specified in Articles 45, 50, 60 and 66 of this Law.

2. Organizations and individuals doing tourism service business in tourist resorts, tourist spots and tourist cities, which are not regulated in Clause 1 of this Article, besides the rights and obligations specified in Articles 39 and 40 of this Law, shall have the following rights and obligations:

a/ To bear signboards of satisfaction of tourist service standards;

b/ To be chosen by travel enterprises as a partner to provide services and goods for their clients;

c/ To maintain tourist service standards throughout the course of doing business;

d/ To observe regulations at tourist resorts, tourist spots and tourist cities issued by competent agencies.

Chapter VII

TOURIST GUIDING

**Article 72.-** Tourist guides, tourist guide's cards

1. Tourist guides include guides for domestic tourists and guides for international tourists. International tourist guides may guide both international tourists and domestic tourists; domestic tourist guides may guide domestic tourists who are Vietnamese but not foreign tourists.

2. Tourist guide's cards include domestic tourist guide's cards and international tourist guide's cards. Tourist guide's cards shall be valid for three years and effective nationwide.

**Article 73.-** Conditions for practicing as a tourist guide and criteria for issuance of tourist guide's cards

1. Tourist guides may practice once they have obtained a tourist guide's card and signed a contract with a travel enterprise.

2. A person who fully meets the following criteria shall be issued a domestic tourist guide's card:

a/ Having Vietnamese nationality, residing in Vietnam and having full civil act capacity;

b/ Having no contagious diseases and not using any addictive substances; and,

c/ Having a vocational secondary or higher degree in tourist guiding, or, if having a degree in another discipline, a certificate of a tourist guide's professional skills issued by a competent training establishment is required.

3. A person who fully meets the following criteria shall be issued an international tourist guide's card:

a/ Having Vietnamese nationality, residing in Vietnam and have full civil act capacity;

b/ Having no contagious diseases and not using any addictive substances;

c/ Having a bachelor's or higher degree in tourist guiding, or, if having a bachelor's degree in another discipline, a certificate of a tourist guide's professional skills issued by a competent training establishment is required.

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

**Article 74.-** Issuance of tourist guide's cards

1. A dossier of application for a tourist guide's card shall consist of:

a/ An application for a tourist guide's card;

b/ Curriculum vitae attested by the People's Committee of the commune, ward or township 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 tourist guide's cards or Point c and d, Clause 3 of Article 73 of this Law for those who apply for international tourist guide's cards;

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 guide's card to the applicant; in case of refusal, it shall have to reply to the applicant in writing, clearly stating the reason therefor.

3. The provincial-level state agency in charge of tourism shall organize the issuance of international tourist guide' and domestic tourist guide's cards according to common forms set by the central-level state agency in charge of tourism.

**Article 75.-** Renewal, re-issuance and revocation of tourist guide's cards

1. Renewal of tourist guide's cards is stipulated as follows:

a/ At least 30 days before the card expires, the tourist guide shall have to complete procedures to renew it;

b/ A dossier of application for change of a tourist guide's card shall consist of an application for changing the card; certificate of periodic refresher training in tour guiding skills issued by a competent state agency in charge of tourism; and a copy of the expired tourist guide's card;

c/ The applicant for renewing the tourist guide's card shall submit the dossier to the provincial-level state agency in charge of tourism.

2. The reissuance of tourist guide's cards is stipulated as follows:

a/ Tourist guide's cards shall be reissued in case of loss or damage;

b/ Applicants for the reissuance of tourist guide's cards shall submit a dossier consisting of an application for reissuance of a card enclosed with 2 photos as stated in Clause 1, Article 74 of this Law, and the certification of the loss of the card or the damaged card to the provincial-level state agency in charge of tourism.

3. Within fifteen days after the date of receipt of full dossiers, the provincial-level state agency in charge of tourism shall have to examine the dossiers, and renew or re-issue the tourist guide's cards for the applicants; in case of refusal, it shall have to reply to the applicant in writing, clearly stating the reason therefor.

4. Withdrawal of a tourist guide's card is stipulated as follows:

a/ Tourist guides shall have their cards withdrawn if they violate any of the provisions of Article 77 of this Law.

b/ Tourist guides with their cards withdrawn shall be considered for reissuance of the cards only after the passage of six months following the date of withdrawal of their cards. In this case, dossiers and procedures for issuance of tourist guide's cards shall be the same as in the case of issuance of new tourist guide's cards.

**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 tourist guides and for accreditation of tourist guide's 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 tourist's request for detour, to report it to a competent person for decision;
- d/ To be responsible for ensuring the safety of life, health and property of tourists;
- e/ To act within the scope specified in Clause 1, Article 72 of this Law, to wear the tourist guide's card when working as a tourist guide;
- f/ To take part in periodical training courses for tourist guides organized by competent state agencies; and,
- g/ To compensate for losses caused by their fault to tourists and travel enterprises.

**Article 77.-** Prohibited acts of tourist guides

1. Providing information detrimental to national sovereignty, security, defense, social order and safety.
2. Committing acts that cause negative effects to the image, tradition, morality and fine customs and habits of the nation; misrepresenting the historical and cultural values of Vietnam.
3. To take tourists to restricted areas.
4. To gain illicit profits from tourists or force tourists to buy goods and services.
5. To arbitrarily change tour programs, or provide tourists with services of lower standards than they are entitled to.
6. To discriminate against tourists.
7. To lend their tourist guide's cards to others or use others' cards or use expired tourist guide's cards.

**Article 78.-** Narrators

1. Narrators are persons who deliver on-site narration to tourists at tourist resorts or tourist spots.
2. Narrators must have good knowledge of tourist resorts and tourist spots, and skills of communication with tourists and cultured behavior.
3. Competent state agencies in charge of tourist resorts and tourist spots shall stipulate the training in professional knowledge and skills and criteria for narrators, as well as issuance and withdrawal of narrator's certificates.

Chapter VIII

TOURIST PROMOTION

**Article 79.-** Content of tourism promotion

The State shall organize and guide tourism promotion activities with the following main contents:

1. To propagate and widely introduce the country and the people of Vietnam; beautiful landscapes; historical, revolutionary and cultural relics; man-made creative works; and national cultural identity to people in the country and in international communities.
2. To improve social awareness of tourism, and create a civilized, healthy and safe tourism environment, bringing into play the nation's traditions of hospitality.
3. To mobilize various resources to invest in tourist cities, tourist resorts, and tourist spots in order to make them diversified, unique, high-quality and deeply imbued with national cultural identities in each locality and region and the whole country; develop infrastructure and physical-technical facilities for tourism; and diversify and improve the quality of tourist services.
4. Conduct research into tourist markets and develop tourist products which meet tourists' needs; propagate and promote tourist products.

**Article 80.-** Tourism promotion policies

1. The State shall stipulate mechanisms for coordination between central and local State administrative agencies in charge of tourism and organizations and individuals doing tourism business in carrying out tourism information, publicity and promotion activities.
2. Ministries, branches and media agencies shall, within the scope of their respective duties and powers, coordinate with the central-level State administrative agency in charge of tourism in carrying out tourism information, publicity and promotion activities domestically and abroad.
3. The State shall create favorable conditions for the employment of foreign experts and mass media in tourism publicity and promotion activities to enhance the image of the people, country and tourism of Vietnam.
4. The State shall encourage and take measures to raise the awareness of tourism among all levels, branches and people.

**Article 81.-** Tourism promotion activities of State administrative agencies in charge of tourism

1. The central-level State administrative agency in charge of tourism shall assume the prime responsibility for, and coordinate with related ministries and branches in, formulating national strategies, plans and programs for tourism promotion, with provincial-level People's Committees and the involvement of tourist enterprises, in conducting tourism promotion activities domestically and abroad; and coordinate inter-regional and inter-provincial tourism promotion activities.
2. The central-level State administrative agency in charge of tourism shall establish overseas Vietnam tourist representative offices in key tourist markets to promote tourism in accordance with regulations of the Government.
3. The central-level State administrative agency in charge of tourism shall develop a national tourist database and organize the supply of tourist information at international border crossings.
4. Provincial-level People's Committees shall develop plans and programs for tourism promotion in their localities; organize the implementation of tourism promotion activities in their localities; coordinate with the central-level State administrative agency in charge of tourism and other local state administration agencies in charge of tourism in conducting tourism promotion activities.

**Article 82.-** Tourism promotion activities of tourist enterprises

Tourist enterprises may, on their own initiative or in cooperation with other organizations and individuals, conduct promotion activities domestically and abroad, and take part in the national tourism promotion programs. The costs of tourism promotion shall be accounted as enterprise business expenses.

Chapter IX

INTERNATIONAL COOPERATION IN TOURISM

**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 tourist guides who have been granted tourist guide's cards before this Law takes effect 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

*This Law was passed on June 14, 2005 by the 11<sup>th</sup> National Assembly of the Socialist Republic of Vietnam.*

Chairman of the National Assembly

NGUYEN VAN AN