

MYANMAR TOURISM LAW
UNION HLUTTAW LAW NO.26 /2018
(SEPTEMBER 17, 2018)

[The Union Hluttaw has enacted the following Law:]

CHAPTER (1)

TITLE AND DEFINITIONS

1. This Law shall be called the Myanmar Tourism Law.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - a) **Tourism** means business undertaken related to travelling. This definition includes businesses engaged in offering tours, hotel and guest house accommodation, tourist guiding and other services related to travelling. It also includes representatives of such related businesses.
 - b) **Classification of Tourism Business** means Leisure Tourism, Cultural and Heritage tourism, Eco-tourism, Marine Tourism, Hiking and Adventure Tourism, Off-road Driving and Off-road Racing, Cycling Tours, Hot Air Balloon Tours, Pilgrimage Tours, Cruise Tours, Charter Tours, Sport Tourism, Medical Tourism and other types of tourism based services.
 - c) **Tourist** means an individual who makes a trip for any purposes to a destination away from their usual place of residence. It includes Myanmar tourists travelling within the country and foreign tourists entering into Myanmar, and Myanmar tourists travelling to other countries.
 - d) **Tourist Accommodation** includes all forms of overnight accommodation offered to visitors on a commercial basis.

- e) **Itinerary** means a systematically developed programme for travel from a starting destination to another destination.
- f) **Tourist Destination** means a destination in which tourists can visit.
- g) **Tour Operator Business** means a commercial business that makes arrangements to transport tourists smoothly from one place to another, and arranges accommodation and guide services.
- h) **Hotel Business** means a commercial business that provides overnight accommodation that meets the prescribed number and standard of rooms, as well as food, beverage and other services.
- i) **Guesthouse Business** means a commercial business that only provides overnight accommodation for visitors. This expression includes motels and lodges.
- j) **Tour Guide Business** means the commercial provision of explanations or commentary about tourist attractions and arrangements of smooth and convenient journeys for tourists.
- k) **Other Tourism related services** mean services which are conducted under the specific guidelines and notification classified as “Other Types of Tourism Business” by the Ministry of Hotel and Tourism.
- l) **Licence** means a Licence issued under this Law, to operate any Tourism service. This covers Tour Operator Licences, Hotel Licences and Accommodation Licences, Tourist Guide Licences and Licences for Other Tourism related Service Licences.
- m) **Ministry** means the Ministry of Hotels and Tourism of the Republic of the Union of Myanmar.
- n) **Minister** means the Union Minister of the Ministry of Hotels and Tourism.
- o) **Directorate** means the Directorate of Hotels and Tourism.

- p) **Inspectorate** means a body formed under this Law in order to inspect tourism businesses.
- q) **Central Committee** means the Central Committee formed under this Law, for the development of the national tourism sector.
- r) **Tourism Working Committee** means the working committee that was formed under this Law.
- s) **Regional Tourism Working Committee** means all Tourism Working Committees formed in all states and regions formed under this Law. This includes the Union Territory Tourism Working Committee.
- t) **Relevant Ministry** means the Ministries which the Union Government shall notify as responsible for national tourism sector development
- u) **Private Sector Tourism Association** means the private sector organisation (or) association that represents the private sector in tourism under this Law.

CHAPTER (2)

OBJECTIVES

3. The main objectives of this Law are as follows:
- (a) To support effective domestic and international tourism marketing activities in visioning Myanmar as one of the International Tourist Destinations;
 - (b) To protect the rights of Tourism operators and Tourists and ensure they understand and adhere to their responsibilities;
 - (c) To ensure the adequate quality and safety of Tourism services;
 - (d) To enhance cooperation and coordination in developing and managing tourism;
 - (e) To develop human resources and increase employment opportunities by enhancing knowledge of Tourism;

- (f) To promote responsible tourism activities that will contribute to the country's sustainable development, ecotourism and conservation of the natural environment.
- (g) To support community tourism related businesses, SMEs and to create regional economic opportunities for communities, as well as the development of Community based Tourism by relying on the tourism sector.
- (h) To coordinate with domestic and international institutions and tourism experts in conducting tourism sector development research.

CHAPTER (3)
FORMATION OF THE CENTRAL COMMITTEE ON NATIONAL
TOURISM SECTOR DEVELOPMENT AND ITS FUNCTIONS AND
DUTIES

4. The Union Government shall-

- a) form a Central Committee for National Tourism Sector Development with the following persons:-
 - 1. Vice-President (Chairman)
 - 2. Union Minister of Hotel and Tourism (Vice-Chairman)
 - 3. Ministers or Deputy Ministers from relevant Ministries) (Members)
 - 4. Chairman of Nay Pyi Taw Council or an official assigned by the Chairman of NPT Council Member
 - 5. Chief Ministers of All States and Regions or respective ministers assigned by respective chief Minister (Member)
 - 6. Director Generals of the relevant ministries (Members)
 - 7. Tourism Experts (3) (Members)
 - 8. Representatives of Private Sector Tourism Associations (3) (Members)

9. Permanent Secretary or an individual assigned by the Union Minister of Hotel and Tourism (Secretary)
 10. Director General of the Ministry of Hotel and Tourism (Joint-Secretary)
 - (b) The Union Government can modify Central Committee for National Tourism Development if necessary.
5. The functions and duties of the Central Committee of National Tourism Sector Development are as follows:-
- a) Coordinating with ministries, government agencies, organizations, Nay Pyi Taw Council and State and Regional Governments on matters necessary for the development of Myanmar's Tourism sector;
 - b) Promoting the standard living of local people and community development by providing a plan for tourism development that has great potential for tourism businesses tailored to domestic and international visitors;
 - c) Making decisions concerning matters reported by the Tourism Working Committee and the State and Regional Tourism Working Committee;
 - d) Guiding and supervising the development and implementation of Tourism master plans, strategies and projects, and providing the guidelines to promote community tourism related businesses to create employment opportunities for the local community, and the development of community-based tourism;
 - e) Reporting to the union government to establish necessary policies in order to seek technical assistance and other forms of support from other countries, international and domestic organizations to enable the development of Tourism sector knowledge and basic infrastructure;
 - f) Developing short-term and long-term plans to achieve a responsible tourism sector that respects the cultural practices of Myanmar and conservation of

- natural environment by abiding to the existing Myanmar social and economic principles and supports sustainable development of tourism sector;
- g) To establish policy in promoting responsible tourism which respects traditions and culture of Myanmar.

CHAPTER (4)

FORMATION OF THE TOURISM WORKING COMMITTEE AND ITS FUNCTIONS AND DUTIES

6. The Central Committee shall-

(a) form the Tourism Working Committee as follows:-

1. Union Minister (Chairman)
2. Representative of the Nay Pyi Taw Council (Member)
3. Representatives of each State and Regional Government (Members)
4. Tourism Experts (5) Members
5. Representatives of Tourism Associations (10) Members
6. One official appointed by the Chairman (Secretary)

(b) The central committee may appoint a Deputy Chairman and Joint Secretary from existing members if necessary.

(c) The central committee can modify the Tourism Working Committee if necessary.

7. The functions and duties of the Tourism Working Committee are as follows:-:

- a) Implement the policies and guidelines related to the tourism sector as set by the Central Committee.
- b) Provide oversight and guidance for the activities of the Regional Tourism Working Committees.
- c) Coordinate with relevant government Departments and organizations for domestic and international investment in tourism sector.
- d) Coordinate with Relevant Government Departments and organizations on activities which will support the environmental conservation together with the Tourism sector that can contribute to preserving Myanmar's natural beauties and biodiversity ;
- e) Coordinate with Relevant Government Departments and organizations on activities that help to safeguard Myanmar's cultural heritage, traditions and conserve the environment;
- f) Provide standard guidelines for the classification of tourism businesses, encourage tourism businesses to meet the standard guidelines and reward those who abide by the standard guidelines;
- g) Develop plans and guidance for tourism sector development in current tourist destinations;
- h) Manage and plan for the development of the tourism sector by developing new tourist destinations;
- i) Coordinate with relevant Government Departments and Organizations to provide solutions for the challenges reported by Tourism Businesses.

CHAPTER (5)

CLASSIFICATION OF TOURISM BUSINESSES, LICENCE FEES AND FORMATION OF THE INSPECTORATE

8. The Ministry shall –

- a) classify the types of Tourism businesses and determine the industry requirements and regulations;
- b) set fees for obtaining and renewing licences, fines, and fees for Other Tourism related Services with the approval from the Union Government, State or Regional Government and the Nay Pyi Taw Council;
- c) assign inspection teams as necessary to inspect Tourism businesses to determine whether or not they meet the required standards;
- d) identify tourism activities and tourist destinations in coordination with regional tourism working committee.

CHAPTER (6)

FORMATION OF THE REGIONAL TOURISM WORKING COMMITTEE

9. The tourism working committee shall –

a) form a regional tourism working committee as follows:-

1. Chairman of the Nay Pyi Taw Council or Chief Minister of respective State and Region – Chairman
2. A member of the Nay Pyi Taw Council appointed by the Chairman or State and Regional Minister– Deputy Chairman

3. Representatives appointed by the relevant Regional Government (6) - Members
 4. Tourism Expert (1) - Member
 5. Representatives of the Regional Private Tourism Associations (3) - Members
 6. A representative from the relevant State and Regional Ministry of Hotel and Tourism or Nay Pyi Taw Council - Secretary
- (b) While forming the regional tourism working committee, a joint secretary might be selected from the existing members if necessary.
- (c) Regional Tourism Working Committee might be re-organised if necessary.

CHAPTER (7)

FUNCTIONS AND DUTIES OF THE REGIONAL TOURISM WORKING COMMITTEE

10. The following are the functions and duties of the State, Region or Union Territory Tourism Working Committee.
- a) Implementation of the policies and guidelines set by the Central Committee;
 - b) Formation of teams to scrutinize licence applications and determining the teams' functions and responsibilities;
 - c) Approval, refusal or modification of pre-approval for building or renovation of hotels or guesthouses;
 - d) Issuance or refusal of licences, and extension or rejection of licence extension applications, and approval or refusal of the transfer of licences;
 - e) Temporary suspension, cancellation or invalidation of Licences;

- f) Coordination with the Nay Pyi Taw Council, relevant State or Regional Governments, Regional Government Organization and Private Sector Tourism Associations to implement activities which support the development of tourism in various tourist destinations, enhance standards and service quality, protect culture and environment, and develop human resources;
- g) Coordination with local government departments and authorities to promote enjoyment and good relations between tourists and local people, and as well as to prevent and address safety issues and inconveniences for both parties;
- h) Remittance to the Relevant Regional fund of Licence fees, Licence renewal fees and fines under this law and other routine income from tourism which has been collected by relevant state or region, or township branch offices under the Ministry;
- i) Analyze and provide progress reports on the tourism sector to the Tourism Working Committee;
- j) Development of new tourist destinations;
- k) Providing homestay and other accommodation programmes approved by the Central Committee in regions where the tourism sector is underdeveloped ;
- l) Issuing warnings for tourists regarding safety and security, disease outbreaks and natural disasters in tourist destinations;
- m) Coordinate with relevant regional government departments and organizations to resolve challenges reported by Tourism Businesses.

CHAPTER (8)

FUNCTIONS AND DUTIES OF THE DIRECTORATE

11. The functions and duties of the Directorate are as follows:

- a) Implement the policies set by the National Central Committee of Tourism Development and the guiding principles of Tourism Working Committee, Regional Tourism Working Committee and the Ministry;
- b) Provide workshops, training and practical educational opportunities in-country and overseas to systematically improve quality and standards of the tourism sector;
- c) Oversee matters related to the Tourism sector;
- d) Establish rules related to Licensing;
- e) Cooperate with foreign countries, domestic and international organizations for the development of the Tourism sector;
- f) Oversee the development of tourism services in order for them to meet international standards;
- g) Review and report relevant activities to the Ministry;
- h) Undertake research, studies, and reports to support the development of the tourism sector;
- i) Report challenges faced by Tourism Businesses to the Regional Tourism Working Committee to seek guidance for support.

CHAPTER (9)

ACQUIRING FINANCIAL RESOURCES

12. The Ministry shall promote the sustainable development of the tourism sector by:
- a) Submitting projects approved by the Central Committee of National Tourism Development to the Union Government in order for these projects to be included in the union budget and implemented;
 - b) Obtaining financial and technical support from foreign countries, domestic and international organizations.

CHAPTER (10)

RIGHTS AND RESPONSIBILITIES OF TOURISM BUSINESSES

13. Businesses in the Tourism sector have the right to:
- a) apply for Licences related to the tourism sector as prescribed by law;
 - b) report any challenges they have related to Tourism Services to the Tourism Working Committee, Ministry, Regional Tourism Working Committee, or Directorate.
14. Businesses in the Tourism sector have the responsibility to:
- a) Operate in a responsible and sustainable manner;
 - b) Safeguard traditions and culture, and conserve the natural environment of Myanmar;
 - c) Comply with the provisions outlined in this Law, as well as any other rules, notifications, orders, and directives issued under this Law;

- d) Ensure basic health, security and safety of tourists;
- e) Protect the privacy and personal data of Tourists;
- f) Pay taxes in accordance with the existing laws to the relevant departments.
- g) Comply with Licence requirements.

CHAPTER (11)

APPLYING FOR PRIOR PERMITS

15. Anyone who intends to operate a hotel or guesthouse must seek prior permission from the Regional Tourism Working Committee before commencing to build or renovate a hotel or guesthouse, in accordance with the designated procedures, unless otherwise allowed under existing law.

16. Anyone, who has already obtained prior permission from the Ministry for building or renovating a Hotel or Guesthouse on the date this Law is enacted, is required to apply for a Licence from the Regional Tourism Working Committees without being required to resubmit the application.

17. Regional Tourism Working Committees have the right to approve, reject or amend the application for prior permission as mentioned in section 15 of this law.

CHAPTER (12)

LICENSING

18. Individuals intending to operate any of the tourism activities listed below must apply for a licence from the relevant regional tourism working committee, in accordance with the requirements:

- a) Tour Operator Business
- b) Hotel Business
- c) Guesthouse Business
- d) Tour Guide Business
- e) Other Tourism related Services

19. Relevant Regional Tourism Working Committee, after examining the licence application to determine whether or not it is in accordance with the requirements, shall:

- a) issue a licence without delay if it is in accordance with the requirements, following the receipt of the designated fee;
- b) refuse to issue the licence, if it is not in accordance with the requirements.

20. Anyone who desires to renew a Licence on expiry shall:

- a) apply to the relevant regional tourism working committee in accordance with the requirements;
- b) receive a Licence extension once the regional tourism working committee has scrutinized the application and the designated licence fees have been paid.

21. A Licence shall be valid for three years.

22. All holders of current Licences at the date of adoption of this Law shall be permitted to continue to operate until the date of expiry of their Licence. Upon expiry of their Licence, should they wish to continue operations, they should apply to the

relevant regional tourism working committee for a licence renewal in accordance with the requirements.

23. With the exception of a Tour Guide Licence, should any holder of a Licence for Tourism activities desire to transfer their Licence to someone else, they shall apply to the relevant regional tourism working committee in accordance with the requirements.

24. On receipt of the application to transfer the Licence under Section 23, the relevant regional tourism working committee shall examine it to determine whether or not it is in accordance with the requirements, and shall either approve or refuse the transfer of the Licence to the individual or organization concerned.

25. Where a Licence is temporarily suspended, withdrawn or cancelled, it shall be returned to the relevant regional tourism working committee.

CHAPTER (13)

ADMINISTRATIVE ACTIONS AND APPEAL

26. If a Licence holder violates any Licence terms, or violates any of the prohibitions mentioned, the relevant Regional Tourism Working Committee can impose one or more of the following administrative actions.

- a) Warning
- b) Temporary suspension of Licence
- c) Cancellation of Licence
- d) Blacklisting.

27. Any person who disagrees with the administrative action taken by the relevant Regional Tourism Working Committee may appeal to the Tourism Authority within 30 days of the date of receipt of that sanction.

28. The Tourism Working Committee may amend, cancel or confirm the sanction on an appeal taken under section 27, which is imposed by the Regional Tourism Working Committee.

29. The decision taken by the Tourism Working Committee under Section 28 shall be considered final.

CHAPTER (14)

RESTRICTIONS

30. No one shall:

- a) Provide tour guide services without a licence.
- b) Transfer or accept tour guide services.
- c) Operate Tour Operator Business, Hotel Business, Guesthouse Business, or other tourism related services without a licence.

31. No one, without a permission obtained according to this Law, shall transfer or accept the following licences:

- a) Hotel Business Licence;
- b) Guesthouse Business Licence;
- c) Tour Operator Licence and other Tourism related Services Licence.

CHAPTER (15)

PENALTIES

32. Whosoever commits an offence under section 30 (a) or (b) shall, if convicted, be liable to a fine of not exceeding five lakhs kyats.

33. Whosoever commits an offence under session 30 (c) shall, if convicted, be liable to imprisonment for a term not exceeding one year or a fine of two hundred lakhs kyats, or both.

34. Whosoever commits an offence under session 31 (a) shall, if convicted, be liable to imprisonment for a term not exceeding a year or a fine of one hundred lakhs kyats, or both.

35. Whosoever commits an offence under session 31 (b) shall, if convicted, be liable to imprisonment for a term not exceeding 6 months or a fine of fifty lakhs kyats, or both.

36. Whosoever commits an offence under session 33 (c) shall, if convicted, be liable to imprisonment for a term not exceeding 6 months or a fine of thirty lakhs kyats, or both.

CHAPTER (16)

General

37. Members of the Central Committee, Tourism Working Committee, Regional Tourism Working Committee who are not civil servants, shall be regarded as public servants for the purposes of the Criminal Code Section 21 while undertaking responsibilities related to this Law. These members shall have the right to enjoy gratuities and allowances as allowed by the Union Government.

38. Offences mentioned in this law shall be deemed as cognizable offences.

39. In implementing the provisions in this Law,

- a) the Ministry may, with the consent of the Union Government, issue by-laws, rules, and regulations.
- b) the Ministry and the Tourism Working Committee may, with the consent of the Central Committee, issue notifications, orders, directives and procedures.
- c) the Regional Tourism Working Committee may, with the consent of the Tourism Development Central Committee, issue orders and directives.
- d) the Directorate may, with the consent of Ministry, issue notifications and directives.

40. The Hotel and Tourism Law (State Law and Order Restoration Council Law No. 14/93) is hereby withdrawn by this Law.

I sign it in accordance with the Constitution of the Republic of the Union of Myanmar.

Win Myint
President
Republic of the Union of Myanmar