

The Myanmar Tourism Law
(The Pyidaungsu Hluttaw Law No. 26, 2018)
The 8th Waxing of Tawthalin, 1380 M. E.
(17 September, 2018)

The Pyidaungsu Hluttaw hereby enacts this Law.

Chapter I

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 below:
 - (a) **Tourism** means the business of providing services for people visiting places for their pleasure. This expression includes provisions of tour operation, hotel and guest-house business, tour guiding and other services related to tourism;
 - (b) **Types of tourism** means recreation tourism, cultural heritage tourism, eco-tourism, marine tourism, hiking, mountaineering and adventure tourism, off-road driving and racing, cycling tour, hot air balloon tour, pilgrimage tourism, cruise tourism, charter flight tour, sport tourism, medical tourism and other activities related to tourism;
 - (c) **Tourist** means a visitor who travels to any other place from their permanent residence for different purposes. This expression includes Myanmar visitors travelling within Myanmar, foreign tourists entering into Myanmar and Myanmar visitors travelling abroad;
 - (d) **Tourist accommodation** means all forms of accommodation offered to visitors, with charges on a commercial basis;
 - (e) **Tour itinerary** means a systematically developed programme for travelling from one starting destination to another;
 - (f) **Tourist destination** means a place where tourists can visit and explore;
 - (g) **Tour operating business** means a commercial business which makes arrangements for smooth transportation of tourists from one place to another, accommodation and tour guide services;

- (h) **Hotel business** means a commercial business which has a specified number of rooms and standards to accommodate tourists, and provides food, beverage and other services;
- (i) **Guest-house business** means a commercial business which provides only accommodation for visitors. This expression includes motels and lodges;
- (j) **Tour guide business** means a business which provides commentary or explanation about tourist attractions on a commercial basis, and arranges for smooth and convenient trips;
- (k) **Other tourism-related services** means other services which are conducted under specific guidelines and notifications classified as “Other types of tourism business” by the Ministry;
- (l) **Licence** means a licence issued under this Law to operate any business linked to tourism. This expression includes licences for tour operating business, hotel and guest-house business, tour guide business and other tourism-related services;
- (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 of the Ministry of Hotels and Tourism;
- (p) **Inspectorate** means a body formed under this Law in order to inspect tourism business;
- (q) **Central Committee** means the National Tourism Development Central Committee formed under this Law;
- (r) **Tourism Executive Committee** means the Tourism Working Committee formed under this Law;
- (s) **Regional Tourism Executive Committee** means the Tourism Working Committee in Regions or States formed under this Law. This expression includes the Union Territory Tourism Executive Committee;

- (t) **Ministries concerned** means ministries prescribed by the Union Government for the development of national tourism, by notification;
- (u) **Private Tourism Organization** means an organization or association which represents the private sector for tourism services under this Law.

Chapter II

Objectives

3. The objectives of this Law are as follows:
 - (a) to support Myanmar as an international tourist destination by creating domestic and international markets effectively;
 - (b) to protect the rights of tour operators and tourists, and to understand and comply with their obligations;
 - (c) to ensure the quality and safety of tourism services;
 - (d) to enhance coordination and cooperation for the development and management of the tourism sector;
 - (e) to create employment opportunities and develop human resources by enhancing the awareness of tourism;
 - (f) to develop responsible tourism activities that will contribute to the country's sustainable development, eco-tourism and conservation of the natural environment;
 - (g) to develop local business, small and medium enterprises based on tourism and economic opportunities for local communities, as well as Community-Based Tourism(CBT);
 - (h) to coordinate and cooperate with local and international institutions and tourism experts in conducting research for tourism development.

Chapter III

Formation of the National Tourism Development Central Committee and its Functions

4. The Union Government shall:
 - (a) form the National Tourism Development Central Committee as follows:

(i) One Vice- President	Chairman
(ii) Minister	Vice-Chairman

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| (iii) | Union Ministers or Deputy Ministers from the Ministries concerned | Members |
| (iv) | Chairman of Naypyitaw Council or its member assigned by the Chairman of Naypyitaw Council | Member |
| (v) | Chief Ministers from the respective States and Regions or Ministers assigned by Chief Ministers | Member |
| (vi) | Director Generals from the Ministries concerned | Member |
| (vii) | Three tourism experts | Members |
| (viii) | Three representatives from private tourism organizations | Members |
| (ix) | Permanent Secretary or a senior official assigned by the Minister | Secretary |
| (x) | Director General of the Ministry of Hotels and Tourism | Joint-Secretary |

(b) re-form the Central Committee, if necessary.

5. The functions of the Central Committee are as follows:

- (a) coordinating and cooperating with Ministries, government departments and government organizations, Naypyitaw Council and State and Region Governments on matters which are necessary for the development of Myanmar tourism;
- (b) upgrading the living standard of the community by providing tourism development plans in potential destinations for tourism businesses tailored to domestic and international visitors;
- (c) determining the matters submitted by the Tourism Executive Committee and the Regional Tourism Executive Committee;
- (d) guiding and supervising the development and implementation of tourism master plans, strategies and projects, and laying down procedures to promote tourism- related businesses, and create economic opportunities for the local community and the development of Community-Based Tourism;

- (e) reporting to the Union Government to establish the policies required for obtaining technical assistance and other forms of support from other countries, local and international organizations in order to implement the development of tourism knowledge and basic infrastructure;
- (f) designing short-term and long-term plans to achieve a responsible tourism which adheres to social and economic ethical guidelines, conserves the natural environment, and respects cultural tradition for sustainable development of tourism ;
- (g) establishing tourism policies which respect Myanmar cultural tradition.

Chapter IV

Formation of the Tourism Executive Committee and its Functions

6. The Central Committee:

- (a) shall form the Tourism Executive Committee comprising the following persons:

(i) Minister	Chairman
(ii) One representative from Naypyitaw Council	Member
(iii) Each representative from respective Region or State Government	Members
(iv) Five tourism experts	Members
(v) Ten representatives from private tourism organizations	Members
(vi) Senior official assigned by the Chairman	Secretary
- (b) may select and assign the vice-chairman and joint-secretary among the members in forming the Tourism Executive Committee, if necessary;
- (c) may re-form the Tourism Executive Committee, if necessary.

7. The functions of the Tourism Executive Committee are as follows:

- (a) implementing the tourism policies and guidelines laid down by the Central Committee;
- (b) supervising and guiding the activities of Regional Tourism Executive Committees;

- (c) coordinating and cooperating with relevant government departments and government organizations in respect of local and international investments in the tourism sector;
- (d) coordinating with relevant government departments and government organizations on activities which will support tourism sector and environmental conservation in order to preserve Myanmar's natural beauty and biodiversity;
- (e) coordinating with relevant government departments and government organizations on activities which will support conservation of Myanmar's cultural heritage, traditions and environment;
- (f) classification of tourism businesses, encouraging to meet the standard guidelines and rewarding qualified persons;
- (g) implementing plans for the tourism development of existing tourist destinations throughout Myanmar;
- (h) managing tourism development by exploring new tourist destinations throughout Myanmar;
- (i) coordinating and cooperating with relevant government departments and government organizations to provide solutions for the difficulties reported by tourism stakeholders.

Chapter V

Stipulation of types of Tourism Business, Licence Fees and Formation of Inspectorates

8. The Ministry shall:
- (a) stipulate the types, requirements and regulations of tourism businesses;
 - (b) stipulate the licence fees, renewal fees, fines and other service fees related to tourism businesses, with the approval of the Union Government, the Region or State Government and Naypyitaw Council;
 - (c) form and assign the inspectorates, as necessary, to inspect the tourism business, whether it meets qualifications or not;
 - (d) stipulate tours and tourist destinations for the public in consultation with the Regional Tourism Executive Committee.

Chapter VI

Formation of the Regional Tourism Executive Committee

9. The Tourism Executive Committee shall:
- (a) form the Regional Tourism Executive Committee comprising the following persons:
 - (i) Chairman of Naypyitaw Council or Chief Minister Chairman
of the respective Region or State
 - (ii) A member of Naypyitaw Council or Vice-Chairman
a Minister from the respective Region or State
assigned by the Chairman
 - (iii) Six officials assigned by the respective Members
government departments
 - (iv) One tourism expert Member
 - (v) Three local representatives from the private Members
tourism organization
 - (vi) Person in charge of the Region or State Subordinate Secretary
Offices under the Ministry of Hotels
and Tourism and Naypyitaw Council of
the Union Territory
 - (b) select and assign the joint-secretary among the members in forming the Regional Tourism Executive Committee, if necessary;
 - (c) re-form the Regional Tourism Executive Committee, if necessary.

Chapter VII

Functions of the Regional Tourism Executive Committee

10. The functions of the Regional Tourism Executive Committee are as follows:
- (a) implementing policies and guidelines laid down by the Central Committee;
 - (b) forming licence scrutiny teams and stipulating their functions with regard to licence applications;
 - (c) permitting or rejecting the application for prior permission or amending the permission for construction or renovation of hotels or guest-houses;

- (d) issuing or rejecting, extending or rejecting and transferring or rejecting licences;
- (e) suspending licences within a limited period, cancelling or invalidating licences;
- (f) carrying out supportive activities for tourism development in each tourist destination, improvement of quality and standards, cultural heritage, environmental conservation and human resources development by coordinating with relevant Region and State Governments, Naypyitaw Council and private tourism organizations;
- (g) coordinating and resolving with regional government departments and government organizations to ensure security, safety, lack of annoyances and mutually compatible satisfaction for tourists and local community;
- (h) transferring licence fees, licence renewal fees, fines and other income related to tourism collected by the branch offices of the Region and State under the Ministry of Hotels and Tourism to the relevant fund;
- (i) evaluating and reporting the implementation progress to the Tourism Executive Committee;
- (j) exploring new tourist destinations;
- (k) specifying accommodations including homestay in tourism less developed regions by the permission of the Central Committee;
- (l) issuing notifications related to safety, epidemic outbreaks, and natural disasters to tourists according to tourist destinations;
- (m) coordinating and cooperating with relevant government departments and government organizations to resolve difficulties reported by tourism stakeholders;

Chapter VIII

Functions and Duties of the Directorate

11. The functions and duties of the Directorate are as follows:
 - (a) implementing tourism policies set by the Central Committee, and the guidance of the Tourism Executive Committee, Regional Tourism Executive Committee and the Ministry;

- (b) giving training and education, conducting workshops in local and abroad to systematically improve the quality and standards of tourism;
- (c) supervising all tourism businesses;
- (d) stipulating terms and conditions of a licence;
- (e) cooperating with foreign countries, international and local organizations to develop tourism industry;
- (f) supervising the tourism businesses to provide services with international standards;
- (g) evaluating and submitting the report of tourism activities to the Ministry;
- (h) performing research studies and making reports for tourism development;
- (i) reporting the difficulties encountered by tourism stakeholders to the relevant Tourism Executive Committees for guidance.

Chapter IX

Finance

12. For sustainable development of tourism, the Ministry shall:
- (a) submit projects approved by the Central Committee to the Union Government in order to be included in the annual budget for these projects;
 - (b) obtain financial and technical assistance from foreign countries, local and international organizations.

Chapter X

Rights and Responsibilities of a Person who Operates Tourism Business

13. Any person who operates a tourism business has the right to:
- (a) apply for a tourism business licence in accordance with the stipulations;
 - (b) report difficulties with regard to tourism services to the Tourism Executive Committee, the Ministry, the Regional Tourism Executive Committee or the Directorate, if necessary.
14. Any person who operates a tourism business has the responsibility to:
- (a) operate in a responsible and sustainable manner;
 - (b) respect Myanmar cultural heritage, customs and traditions, and conserve the natural environment;

- (c) abide by the provisions of this Law, rules, notifications, orders and directives issued by this Law;
- (d) ensure the fundamental health, security and safety of tourists;
- (e) protect the privacy and personal data of tourists;
- (f) pay taxes and fees to the relevant departments in accordance with the existing laws;
- (g) abide by terms and conditions of the licence.

Chapter XI

Applying for Prior Permission

15. Any person who intends to operate a hotel business or guest-house business shall apply for prior permission to build or renovate any building of hotel or guest-house to the Regional Tourism Executive Committee in accordance with the prescribed manners unless otherwise described in any existing laws.
16. If any person who intends to operate a hotel or guest-house business, has obtained prior permission for construction of a building issued by the Ministry before the enactment of this Law, he shall need only to apply to the Regional Tourism Executive Committee for a licence without resubmitting the application for construction of a building.
17. The Regional Tourism Executive Committee may approve, reject or amend the application for prior permission as mentioned in section 15 of this Law.

Chapter XII

Licence

18. Any person who intends to operate any tourism business listed below shall apply to the Regional Tourism Executive Committee to obtain the licence in accordance with the stipulations:
 - (a) tour operation business;
 - (b) hotel business;
 - (c) guest-house business;
 - (d) tourist guide business;
 - (e) other tourism-related services.

19. After scrutinizing the application for a licence as to whether it is in conformity with the stipulations, the Regional Tourism Executive Committee shall:
 - (a) issue a licence without any delay upon receipt of the stipulated licence fee if it is in conformity with the stipulations;
 - (b) reject to issue the licence if it is not in conformity with the stipulations.
20. The renewal of a licence shall be performed as follows:
 - (a) any person who intends to renew a licence shall apply to the Regional Tourism Executive Committee in accordance with the stipulations;
 - (b) the Regional Tourism Executive Committee shall scrutinize the application under sub-section (a), and cause to pay stipulated fees, and renew the term of the licence.
21. The licence shall be valid for three years.
22. Any person who has been operating a tourism business before the enactment of this Law may continue to operate until the expiry of the current licence. If there is an intention to continue the business, such person shall apply to renew the term of the licence to the Regional Tourism Executive Committee in accordance with the stipulations.
23. If any person who has obtained a licence wants to transfer that licence to another person, except a licence for tourist guide business, he shall apply to the Regional Tourism Executive Committee in accordance with the stipulations.
24. The Regional Tourism Executive Committee received the application for transferring a licence under section 23 shall approve or reject to transfer it in accordance with the stipulations after scrutiny of the application as to whether it is in conformity with the stipulations.
25. In the case of temporary suspension, or cancellation, the licence holder shall return the licence to the Regional Tourism Executive Committee.

Chapter XIII

Administrative Actions and Appeal

26. The Regional Tourism Executive Committee may pass one of the following administrative orders, or more than one if the licence holder breaches any condition of the licence:

- (a) warning;
 - (b) suspension of a licence for a limited period;
 - (c) cancellation of a licence;
 - (d) blacklisting.
27. Any person who is dissatisfied with the administrative order passed by the Regional Tourism Executive Committee, may appeal to the Tourism Executive Committee within thirty days from the date of receiving the order.
28. The Tourism Executive Committee may approve, revise or cancel the order passed by the Regional Tourism Executive Committee upon the filing of an appeal under section 27.
29. The decision of the Tourism Executive Committee made under section 28 shall be final.

Chapter XIV

Prohibitions

30. No one shall:
- (a) provide tourist guide business without a licence;
 - (b) transfer or accept a tourist guide business licence;
 - (c) operate a tour operating business, hotel business, guest-house business or other tourism-related services without a licence.
31. No one shall transfer or accept the following business licence without permission under this Law:
- (a) hotel business licence;
 - (b) guest-house business licence;
 - (c) tour operating business licence and other tourism-related services licence.

Chapter XV

Penalties

32. Whoever violates a prohibition contained in sub-section (a) or (b) of section 30 shall, on conviction, be liable to a fine not exceeding five hundred thousand kyats.

33. Whoever violates the prohibition contained in sub-section (c) of section 30 shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty million kyats or both.
34. Whoever violates the prohibition contained in sub-section (a) of section 31 shall, on conviction, be liable to imprisonment for a term not exceeding one year or to a fine not exceeding ten million kyats or both.
35. Whoever violates the prohibition contained in sub-section (b) of section 31 shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding five million kyats or both.
36. Whoever violates the prohibition contained in sub-section (c) of section 31 shall, on conviction, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding three million kyats or both.

Chapter XVI

Miscellaneous

37. The members who are not civil service personnel in the Central Committee, the Tourism Executive Committee or the Regional Tourism Executive Committee shall be regarded as public servants under section 21 of the Penal Code while they are undertaking the functions and duties contained in this Law. These members have the right to enjoy a monthly salary, allowances and remuneration prescribed by the Union Government.
38. The offences contained in this Law shall be determined as cognizable offences.
39. In implementing the provisions of this Law:
 - (a) the Ministry may issue by-laws, rules and regulations with the approval of the Union Government;
 - (b) the Ministry and the Tourism Executive Committee may issue notifications, orders, directives and procedures with the approval of the Central Committee;
 - (c) the Regional Tourism Executive Committee may issue orders and directives with the approval of the Central Committee;
 - (d) the Directorate may issue notifications and directives with the approval of the Ministry.

40. The Myanmar Hotel and Tourism Law (State Law and Order Restoration Council Law No. 14/ 1993) is hereby repealed.

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

Sd./ Win Myint

President

Republic of the Union of Myanmar