

THE GOVERNMENT

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THE SOCIALIST REPUBLIC OF VIETNAM

Independence - Freedom - Happiness

Hanoi, December 31, 2017

CIRCULAR

ELABORATION OF SOME ARTICLES OF THE LAW ON TOURISM

Pursuant to the Law on Government Organization dated June 19, 2015;

Pursuant to the Law on Tourism dated June 19, 2017;

At the request of the Minister of Culture, Sports and Tourism;

The Government hereby promulgates a Decree on elaboration of some articles of the Law on Tourism.

Chapter I

GENERAL PROVISIONS

Article 1. Scope

This Decree elaborates some articles of the Law on Tourism regarding survey, assessment and categorization of tourism resources; measures for keeping tourists safe from tourism products; measures for keeping tourists safe from tourism products that may threaten the tourists' health and life; conditions for recognition of a tourist attraction or tourism area; deposit payment by travel service providers; issuance, replacement, reissuance and revocation of badges for means of tourist transport, mandatory requirements for infrastructure and services provided for tourists to be satisfied by a tourist accommodation establishment, and sources for creation of the Tourism Development Assistance Fund.

Article 2. Regulated entities

1. Vietnamese organizations and individuals involved in tourism activities in Vietnam and abroad.
2. Foreign organizations and individuals involved in tourism activities in Vietnam.
3. Tourism authorities, other authorities, organizations, individuals and local communities related to tourism activities.

Chapter II

SURVEY INTO, ASSESSMENT AND CATEGORIZATION OF TOURISM RESOURCES

Article 3. Surveys into tourism resources

1. The Ministry of Culture, Sports and Tourism shall decide on general surveys into tourism resources. According to realistic demand or at the request of the People's Committee of the province, the Ministry of Culture, Sports and Tourism shall decide on additional surveys to update information concerning tourism resources.

2. The Ministry of Culture, Sports and Tourism shall take charge and cooperate with the People's Committee of the province in deciding on time for carrying out surveys.

Article 4. Contents of a survey into a tourism resource

1. General information about a tourism resource: its name, location, scope, area of land, (land with) water surface that is being used, manager and user.
2. Current use of the tourism resource.
3. Characteristics of the tourism resource.
4. Value of the tourism resource.

Article 5. Assessment and categorization of tourism resources

1. According to the survey results, a tourism resource shall be assessed in terms of value, capacity, attraction, scope of influence and capacity for tourism development.
2. According to the assessment results, the tourism resources prescribed in Article 15 of the Law on Tourism shall be categorized as national tourism resources and provincial tourism resources.

Article 6. Responsibilities of Ministries, ministerial authorities and People's Committees of provinces

1. The Ministry of Culture, Sports and Tourism shall:

- a) take charge and cooperate with People's Committees of provinces, relevant Ministries and ministerial authorities in formulating a plan for tourism resource survey in line with targeted tourism development strategy. The survey plan must include all or some of results from the tourism resource survey carried out by the People's Committee of provinces and regulatory authorities;
- b) cooperate with People's Committees of provinces in implementing the tourism resource survey plan;
- c) consolidate survey results and survey and categorize tourism resources;
- d) publish and retain results of surveys into, assessment and categorization of tourism resources.

2. Ministries and ministerial authorities shall:

- a) cooperate with the Ministry of Culture, Sports and Tourism in formulating and implementing the tourism resource survey plan;
- b) provide tourism resource data within their competence.

3. People's Committees of provinces shall:

- a) cooperate with the Ministry of Culture, Sports and Tourism, relevant Ministries and ministerial authorities in carrying out surveys into tourism resources according to the survey plan of the Ministry of Culture, Sports and Tourism;
- b) provide tourism resource data within their competence.

Article 7. Funding for surveying, assessing and categorizing tourism resources

1. The funding for surveying, assessing and categorizing tourism resources shall be covered by state budget, voluntary contribution by organizations and individuals, and other legal sources.

2. Funding for surveying, assessing and categorizing tourism resources shall be managed and used in accordance with regulations of law.

Chapter III

MEASURES FOR KEEPING TOURISTS SAFE FROM TOURISM PRODUCTS THAT MAY THREATEN TOURISTS' HEALTH AND LIFE

Article 8. Tourism products that may threaten tourists' health and life

Tourism products are likely to threaten tourists' health and life if one of the following services is provided:

1. Paragliding, ballooning; parachuting; high ropes course.
2. Cycling, motorcycling, mountain and sand dune motorbike and car expedition; mountain climbing, rock climbing; waterfall rope swing.
3. Underwater diving; white-water rafting; jetskiing; windsurfing; parasailing.
4. Cave, forest and mountain discovery.

Article 9. Measures for assuring safety during sale of tourism products that may threaten tourists' health and life

1. Give warning and instructions about climate, weather, health and relevant factors upon provision of tourism products that may threaten tourists' health and life.
2. Introduce rescue plans, establish rescue departments in charge of prompt response to accidents; maintain contact with tourists during provision of tourism products.
3. Employ qualified trainers, technicians and tour guides.
4. Disseminate regulations on assurance of safety of tourists; provide guidance on technical operating procedure for tourists before provision of tourism products.
5. Provide, provide instructions on and supervise use of equipment according to regulations and standards to ensure safety of tourists.

Article 10. Responsibilities of organizations and individuals

1. Responsibilities of traders of tourism products specified in Article 8 of this Decree:
 - a) Adopt the measures specified in Article 9 of this Decree;
 - b) Send written notice to the Department of Tourism or the Department of Culture, Sports and Tourism of the area where tourism products are sold at least 15 days before the date of sale;
 - c) Comply with other relevant regulations of law.
2. Responsibilities of the Department of Tourism or the Department of Culture, Sports and Tourism:
 - a) Within 15 days from the receipt of the written notice sent by the trader of the tourism products specified in Article 8 of this Decree, the Department of Tourism or the Department of Culture, Sports and Tourism shall inspect and publish the list of traders adopting all safety measures specified in Article 9 of this Decree on its portal.

In case traders fail to adopt all safety measures, the Department of Tourism or the Department of Culture, Sports and Tourism shall request them to adopt all safety measures in writing and the sale shall be only made if all measures specified in Article 9 of this Decree are adopted;

b) Inspect and supervise traders of tourism products specified in Article 8 of this Decree.

3. Responsibilities of organizations and individuals in charge of managing tourism areas and tourist attractions:

a) Inspect and supervise compliance of Article 9 of this Decree by traders of tourism products under their management;

b) Comply with Clause 1 of this Article in case they directly trade in tourism products.

c) Cooperate with relevant organizations and individuals in rescue in case of accidents.

4. Responsibilities of travel service providers:

a) Comply with Clause 1 of this Article in case travel service providers directly trade in tourism products;

b) Use services provided by traders on the list of traders adopting all safety measures in case travel service providers do not directly provide such services.

Chapter IV

CONDITIONS FOR RECOGNITION OF TOURIST ATTRACTIONS OR TOURISM AREAS

Article 11. Conditions for recognition of a tourist attraction

An area will be recognized as tourist attraction if it:

1. has tourism resources and boundaries shown on a topographic map certified by a competent authority. The scale of the map varies depending on management requirements and topography.

2. has necessary infrastructure and services, including:

a) Transport and communications system;

b) Electricity and clean water;

c) Tourist attraction signs;

d) Food and shopping services.

3. satisfies requirements for security, social order and security, environmental protection. To be specific:

a) 24 hour security guards must be available;

b) Telephone and address of organizations and individuals in charge of managing tourist attraction must be published;

c) Methods for receiving and promptly settling tourists' complaints must be adopted;

d) Public toilets must be clean, ventilated and well lit. A sufficient number of public toilets must be provided at peak times.

dd) Measures for collecting and treating wastes and domestic wastewater must be adopted in accordance with the law on environmental protection. Environmental services personnel must be available;

e) Fire fighting measures must be adopted in accordance with regulations of law.

Article 12. Conditions for recognition of a provincial tourist attraction

A tourist attraction will be recognized as provincial tourist attraction if it:

1. has at least 01 provincial tourist attraction that has boundaries shown on a topographic map certified by a competent authority. The scale of the map varies depending on management requirements and topography.

2. has infrastructure and services that meet food and accommodation demands and other demands from tourists, including:

a) Electricity and clean water supply system;

b) Food and shopping establishments qualified for provision of services for tourists and serving at least 100,000 tourists per year, tourist accommodation establishments serving at least 50,000 tourists per year;

c) Tourism area signs and regulations, traffic signs, service and attraction signs;

d) Tour guiding services.

3. The provincial tourist attraction must be connected to national traffic and telecommunications infrastructure system.

4. satisfies requirements for security, social order and security, environmental protection. To be specific:

a) Rescuers and security guards must be available;

b) Telephone and address of organizations in charge of managing tourism area must be published;

c) There must be a department responsible for providing information for tourists. Methods for receiving and promptly settling tourists' complaints must be adopted;

d) Public toilets must be clean, ventilated and well lit. A sufficient number of public toilets must be provided at peak times;

dd) There must be a waste collection system and waste treatment measures, a domestic wastewater collection and treatment system or a domestic wastewater collection system connected to a centralized wastewater treatment system in accordance with the law on environmental protection, and environmental services personnel;

e) Fire fighting measures must be adopted in accordance with regulations of law.

Article 13. Conditions for recognition of a national tourist attraction

A tourist attraction will be recognized as national tourist attraction if it:

1. has at least 02 tourism resources, including a national tourism resource and have boundaries shown on a topographic certified by a competent authority. The scale of the map varies depending on management requirements and topography.

2. is included in the list of areas with potential for development of national tourism area approved by a competent authority.
3. has infrastructure and services that meet food and accommodation demands and other demands from tourists, including:
 - a) Food, shopping, sports, entertainment, recreation and healthcare establishments qualified for provision of services for tourists and serving at least 500,000 tourists per year, tourist accommodation establishments serving at least 300,000 tourists per year and of which there must be establishments assigned a 3 star and higher rating;
 - b) Conditions specified in Points a, c and d Clause 2 Article 12 of this Decree;
4. is connected to national traffic and telecommunications infrastructure system.
5. satisfies requirements for security, social order and security, environmental protection. To be specific:
 - a) There must be a waste and wastewater collection and treatment system in accordance with the law on environmental protection, and environmental services personnel.
 - b) Conditions specified in Points a, c, d and e Clause 4 Article 12 of this Decree;

Chapter V

TOURISM BUSINESS

Section 1. PAYMENT OF DEPOSIT BY TRAVEL SERVICE PROVIDERS

Article 14. Deposit and deposit methods

1. The domestic travel service deposit is VND 100,000,000 (one hundred million dong).
2. International travel service deposit:
 - a) Provision of travel services for inbound tourists: VND 250,000,000 (two hundred and fifty million dong);
 - b) Provision of travel services for outbound tourists: VND 500,000,000 (five hundred million dong);
 - c) Provision of travel services for inbound and outbound tourists: VND 500,000,000 (five hundred million dong).
3. The travel service provider shall pay the deposit in Vietnamese dong to a commercial bank, cooperative bank or branch of a foreign bank established and operating in Vietnam and be entitled to enjoy interest under the agreement between the provider and the depository bank in accordance with regulations of law. The deposit must be maintained during the period over which a provider provides travel services.

Article 15. Payment of deposit and issuance of certificate of deposit

1. When a travel service provider wishes to pay a deposit to its account at a bank, the depository bank and the travel service provider shall enter into a deposit agreement. Under the deposit agreement, the depository bank shall freeze the provider's deposit at the bank.
2. A deposit agreement shall consist of names, addresses, representatives of the provider and the depository bank; reasons for deposit payment; deposit; deposit interest rate; payment of the

deposit interest; use of the deposit; withdrawal of the deposit; refund of the deposit; responsibilities of relevant parties and other agreements in accordance with regulations of law and regulations of this Decree.

3. After freezing the deposit, the depository bank shall issue a certificate of deposit for the travel service provider using the Form 01 in the Appendix hereof.

Article 16. Management and use of deposit

1. In case a tourist dies, has an accident, faces any risk or infringes human life and needs to be taken to the accommodation establishment or receive emergency treatment while the travel service provider fails to promptly provide funding therefor, the provider shall submit a written request for a temporary freeze on the deposit to the authority in charge of issuing the license for provision of travel services. Within 48 hours from the receipt of the written request, the licensing authority shall consider requesting the bank to let the provider to withdraw money from its deposit account or refuses the request.

2. Within 30 days from the date of withdrawal, the travel service provider shall make additional payment to maintain the deposit prescribed in Article 14 of this Decree. In case of failure to do so, the bank shall inform the licensing authority.

3. The travel service provider shall submit a written request for refund of deposit to the bank in the following cases:

- a) A licensing authority's written notice of refusal to issue the license of provision of travel services is received or the provider wishes to change its depository bank;
- b) A licensing authority's written notice of refund of deposit after revocation of the license for provision of travel services is received.

Section 2. ISSUANCE, REPLACEMENT, ISSUANCE AND REVOCATION OF BADGES FOR MEANS OF TOURIST TRANSPORT

Article 17. Application and procedures for issuance of badges for means of tourist transport

1. An application for issuance of badge for means of tourist transport includes:

- a) An application form (Form No. 02 in Appendix hereof);
- b) A list of information about equipment, service quality and staff on the means of tourist transport that must satisfy conditions prescribed in Clause 3 Article 45 of the Law on Tourism;
- c) A copy of the vehicle registration certificate or appointment sheet for receipt of the vehicle registration certificate or copy of the certificate of technical safety and environmental safety. In case the means of tourist transport is not under the ownership of the transport service provider, it is additionally required to present a copy of the vehicle lease agreement with the vehicle owner or a copy of the service contract between the member and the cooperative.

2. Procedures for issuance of badges:

- a) The tourist transport service provider shall submit 01 application, directly or by post, to the Department of Transport of the area where the provider's headquarters or branch is located;
- b) Within 02 working days and 07 working days from the receipt of a valid application, the Department of Transport shall carry out appraisal and issue the badge to the motor vehicle and

inland waterway vehicle respectively. In case of refusal, a written notice specifying reasons thereof must be sent or notify the provider through its electronic transaction office;

c) During appraisal, the Department of Transport shall inspect the certificate of technical safety and environmental safety of the vehicle in Vietnam's register system and transport service license issued to the transport service provider, update information to the cruise control system and only issue the badge to a vehicle if its cruise control device satisfies all regulations on installation and data transmission prescribed by the Ministry of Transport.

3. The badge for means of tourist transport (Form No. 03 in the Appendix hereof) shall be valid for 07 years which shall not exceed the remaining useful life of the means.

Article 18. Issuance of badges

1. A badge shall be replaced in the following cases:

- a) Change of owner of means of tourist transport or change of tourist transport service providers;
- b) Expiry.

2. Applications, procedures for and power over replacement of badges are specified in Article 17 of this Decree.

Article 19. Reissuance of badges

1. A badge shall be reissued in case it is lost or damaged.

2. Procedures for reissuance of a badge:

- a) The transport service provider shall submit an application form using Form No. 02 in the Appendix hereof to the Department of Transport which issued the badge;
- b) Within 02 working days from the receipt of the application form, the Department of Transport shall consider reissuing the badge to the means of transport. In case of refusal, a written notice specifying reasons thereof must be sent or notify the provider through its electronic transaction office.

3. The expiry of the lost or damaged badge is the same as that of the old badge.

Article 20. Revocation of badges

1. The badge of the inland waterway vehicle shall be revoked in the following cases:

- a) Conditions to be met by the vehicle operator, staff, equipment and quality of the vehicle are not met.
- b) The vehicle is involved in an accident and no longer satisfies technical requirements or the certificate of technical safety and environmental safety of the vehicle is revoked;
- c) The issued badge is lent to be attached to another vehicle.

2. The badge of the motor vehicle shall be revoked in accordance with Government's regulations on provision and conditions for provision of transport services by motor vehicles.

3. The Department of Transport shall revoke the badge.

4. The transport service provider shall return the badge if a revocation notice of the Department of Transport is obtained.

Section 3. MANDATORY REQUIREMENTS FOR INFRASTRUCTURE AND SERVICES TO BE SATISFIED BY A TOURIST ACCOMMODATION ESTABLISHMENT

Article 21. Categories of tourist accommodation establishments

1. Hotel: it must satisfy requirements for quality of infrastructure, equipment and services necessary to serve tourists, including hotel resort, motel, floating hotel and city hotel.
 - a) Hotel resort: it is built in the form of blocks or complex of villas, apartments and low-rise buildings and apartments in areas with beautiful natural landscape;
 - b) Motel: it is built near roads and has parking lots to serve accommodation demands of tourists who use road vehicle (mopeds, motor vehicles) to travel or take a break during a long drive;
 - c) Floating hotel: it floats on the surface of the water and is able to move when necessary;
 - d) City hotel: it is constructed in urban areas.
2. Tourist villa: it is built for lease and furnished with all necessary equipment and amenities so that tourists can serve themselves during their stay.
3. Tourist apartment: it is furnished with all necessary equipment and amenities so that tourists can serve themselves during their stay.
4. Cruise ship: it is a water way vehicle that is equipped with sleeping rooms to serve tourists' accommodation demands.
5. Tourist guest house: it is furnished with all necessary equipment and amenities to serve tourists.
6. Homestay: it is a house with areas furnished with necessary equipment and amenities to serve tourists' accommodation demands. Tourists live with the house owner's family.
7. Tourist campsite: it is an area planned in areas with beautiful natural landscape and necessary infrastructure and services provided for campers.

Article 22. Mandatory requirements for infrastructure and services to be satisfied by a hotel

1. There must be electricity system, clean water supply system and water drainage system.
2. There must be at least 10 bedrooms, reception and shared toilets.
3. Hotel resorts and motels must have parking lots.
4. Hotel resorts, floating hotels and motels must have kitchens, dining rooms and provide food services.
5. There must be beds, mattresses, duvets, pillows, face towels, towels. Mattress, duvet and pillow covers must be changed for every new guest.
6. Staff must be available 24 hours a day.
7. Manager and staff must be provided with training in tourism.

Article 23. Mandatory requirements for infrastructure and services to be satisfied by a tourist villa

1. Requirements specified in Clauses 1, 5 and 6 Article 22 of this Decree must be satisfied.
2. Seating area, bedrooms, kitchens, bathrooms and toilets must be available.

Article 24. Mandatory requirements for infrastructure and services to be satisfied by a tourist apartment

1. Requirements specified in Clauses 1 and 5 Article 22, Clause 2 Article 23 of this Decree must be satisfied.
2. The apartment manager must be provided with training in tourism.

Article 25. Mandatory requirements for infrastructure and services to be satisfied by a cruise ship

1. The ship must be in good condition and the register is still available. It also must carry life jackets, lifebuoys, means of communication and first aid cabinets.
2. There must be electricity and clean water supply system, equipment for collecting waste and wastewater to ensure environmental safety.
3. There must be a seating area, cabins, bathrooms, toilets, kitchens, dining rooms and food services.
4. Requirements specified in Clauses 5 and 7 Article 22 of this Decree must be satisfied.
5. Managers and staff must be provided with training in tourism and river and sea rescue.

Article 26. Mandatory requirements for infrastructure and services to be satisfied by a tourist guest house

1. There must be electricity system, clean water supply system and water drainage system.
2. There must be a seating area and bedrooms. A shared bathroom/toilet must be available in case bedrooms do not feature an en-suite bathroom/toilet.
3. Requirements specified in Clauses 5, 6 and 7 Article 22 of this Decree must be satisfied.

Article 27. Mandatory requirements for infrastructure and services to be satisfied by a homestay

1. There must be lights and clean water.
2. There must be a common area, accommodations, kitchens, bathrooms and toilets.
3. There must be beds, mattresses or mats; duvets, pillows, mosquito nets, face towels, towels. Mattress cover or mat must be changed. Duvet and pillow covers, face towels and towels must be changed for every new guest.
4. The homestay owner must be provided with training in tourism.

Article 28. Mandatory requirements for infrastructure and services to be satisfied by a tourist campsite

1. There must be a seating area, tented campsites, parking lots, shared bathrooms/toilets.
2. There must be clean water.
3. There must be camping equipment and tools and first aid kits.

4. There must be security guards upon arrival of tourists.
5. Requirements specified in Clause 6 Article 22 of this Decree must be satisfied.

Article 29. Inspection and supervision of fulfillment of mandatory requirements for infrastructure and services by a tourist accommodation establishment

1. At least 15 days before operation, the tourist accommodation establishment shall send a written notice to the Department of Tourism or the Department of Culture, Sports and Tourism of the area where the tourist accommodation establishment is located. The notice consists of:

- a) Name, type and scope of the tourist accommodation establishment;
- b) Address of the tourist accommodation establishment, information about the legal representative;
- c) Commitment to fulfillment of conditions for provision of tourist accommodation services prescribed in Article 49 of the Law on Tourism and this Decree.

2. According to the approved working plan or regulations of law, the Department of Tourism or the Department of Culture, Sports and Tourism of the area where the tourist accommodation establishment is located shall inspect fulfillment of mandatory requirements for infrastructure and services provided for tourist. Within 07 working days from the end of the inspection, the Department of Tourism or the Department of Culture, Sports and Tourism shall send a written notice of inspection results to the tourist accommodation establishment

In case the tourist accommodation establishment fails to satisfy mandatory requirements applied to corresponding category of the tourist accommodation establishment prescribed in this Decree, the Department of Tourism or the Department of Culture, Sports and Tourism shall request the tourist accommodation establishment fulfill all mandatory requirements and change to an appropriate category. The tourist accommodation establishment shall send written notice of fulfillment of mandatory requirements or change of category to the Department of Tourism or the Department of Culture, Sports and Tourism.

3. In case the tourist accommodation establishment submits an application for rating at the same time as it starts its business, the authority that has power to carry out appraisal and assign ratings as prescribed in Clause 3 Article 50 of the Law on Tourism shall cooperate in inspecting fulfillment of mandatory requirements, carrying out appraisal and assign a rating to the tourist accommodation establishment.

Chapter VI

TOURISM DEVELOPMENT ASSISTANCE FUND

Article 30. Sources of the Tourism Development Assistance Fund

1. The Tourism Development Assistance Fund is derived from:
 - a) Charter capital of the Tourism Development Assistance Fund covered by the state budget for 03 first years. Capital shall be allocated after the Prime Minister decides to establish and approve the Fund's charter;
 - b) Annually, the state budget shall cover an additional amount equal to 10% of the total budget revenue from collection of fees for issuance of visas and documents relating to exit from and

entry to Vietnam to foreigners and 5% of total budget revenue from fees for tours of tourism areas and tourist attractions.

c) Voluntary and legal contribution of domestic and foreign enterprises, organizations and individuals;

d) Deposit interest;

dd) Other legal revenues.

2. The Fund's balance of the previous year shall be carried over the following year.

Chapter VII

IMPLEMENTATION CLAUSE

Article 31. Effect

1. This Decree comes into force from January 01, 2018.

2. The Government's Decree No. 92/2007/ND-CP dated June 01, 2007 on guidelines for some articles of the Law on Tourism; Government's Decree No. 180/2013/ND-CP dated November 14, 2013 on amendments to some articles of the Government's Decree No. 92/2007/ND-CP dated June 01, 2007 on guidelines for some articles of the Law on Tourism; Clause 4 Article 2 of the Government's Decree No. 01/2012/ND-CP dated January 04, 2012 on amendments, replacement or annulment of regulations on administrative procedures under the management of the Ministry of Culture, Sports and Tourism are null and void from the effective date of this Decree.

Article 32. Transitional clause

1. The tourist accommodation establishment that has been rated according to the competent authority's decision before the effective date of this Decree shall be recognized to satisfy mandatory requirements for infrastructure and services provided for tourists until the expiry of the rating decision.

2. While the Ministry of Culture, Sports and Tourism has not yet published the list of tourism resources, tourism areas shall be considered to be recognized as provincial/national tourism areas according to their current characteristics and fulfillment of the remaining conditions.

3. The owner of the means of transport that has been issued with a badge for means of tourist transport before the effective date of this Decree may use it until the expiry of the badge.

Article 33. Responsibility for implementation

Ministers, heads of ministerial agencies, heads of Governmental agencies, People's Committees of provinces and central-affiliated cities and relevant organizations and individuals are responsible for the implementation of this Decree./.

**PP. THE GOVERNMENT
THE PRIME MINISTER**

Nguyen Xuan Phuc

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