**「Tourism Law of the People’s Republic of China」**

[法律, 2013.4.25., 制定]

**Chapter I General Provisions**

Article 1 This law is made to protect the legitimate rights and interests of the tourists and tourism operators, regulate the order of the tourism market, protect and reasonably utilize tourism resources, and promote the sustained and healthy development of tourism.    
Article 2 The law applies to the tours, vacations, leisure activities and other forms of tourism activities organized within the territory of or to go beyond the territory of the People’s Republic of China, and the business operations providing relevant tourism services.   
Article 3 The State develops tourism, improves public tourism services, and protects tourists’ rights in tourism activities.   
Article 4 The development of tourism shall follow the principle of unifying social, economic and ecological benefits. The State encourages all categories of market entities to reasonably and legally utilize tourism resources under the premise of effectively protecting them. Sightseeing sites built with public resources shall demonstrate their public nature.    
Article 5 The State advocates healthy, civilized and environmental ways of tourism, supports and encourages various social institutions to launch public tourism promotion activities for public welfare, and gives awards to the employers and individuals making outstanding contributions to promoting tourism development.   
Article 6 The State builds and improves tourism service standards and market rules, and prohibits industrial monopoly and regional monopoly. Tourism operators shall run business with integrity, compete fairly, and undertake their social responsibilities to provide safe, healthy, sanitary and convenient tourism services for the tourists.   
Article 7 The State Council builds and improves an integrated tourism coordination mechanism to make overall coordination for tourism development.   
Local people’s governments above the county level shall strengthen the organization and leadership of tourism work, clearly designate specific tourism departments and institutions, and make the overall coordinate between tourism development, supervision and operation in their respective administrative regions.   
Article 8 Tourism industry organizations established in accordance with the law shall carry out self-regulation. 

**Chapter II Tourists**

Article 9 Tourists shall be entitled to select tourism products and services independently and refuse coercive trade behaviors of tourism operators.   
Tourists have the right to get the true information on the tourism products and services they buy.   
Tourists have the right to require tourism operators to provide products and services set forth in the contract.   
Article 10 The human dignity, national customs and religious beliefs of tourists shall be respected.   
Article 11 The disabled, the elderly and the minors shall enjoy due convenience and benefits in tourism activities in accordance with laws, regulations and relevant rules.   
Article 12 Tourists have the right to request for assistance and help in case their personal and property safety is in danger.   
Tourists have the right to be compensated for in accordance with the law in case their personal safety and property are infringed.   
Article 13 Tourists shall observe public order and respect social morality in tourism activities, respect local customs, cultural traditions and religious beliefs, care for tourism resources, protect the ecological environment, and abide by the norms of civilized tourist behaviors.  
Article 14 Tourists are not allowed to harm local people’s legitimate rights and interests, interfere with the tourism activities of others or harm the legitimate rights and interests of tourism operators and tourism practitioners in tourism activities or when settling a dispute.   
Article 15 When purchasing and accepting tourism services, tourists shall truthfully inform the tourism operators of their personal health conditions relating to the tourism activities, and follow the safety warnings and requirements in tourism activities.   
Tourists shall act in line with the measures taken by the State which temporarily restrict tourism activities in order to settle major emergencies, as well as the security and emergency response measures taken by relevant departments, agencies or tourism operators.  
Tourists who conduct against safety warnings and requirements, or refuse to act in line with measures taken by the State which temporarily restrict tourism activities in order to settle major emergencies, and security and emergency response measures shall bear corresponding responsibilities in accordance with the law.   
Article 16 Outbound tourists are not allowed to stay abroad illegally. Outbound tourists who travel in a group are not allowed to leave or separate from the group without permission.   
Inbound tourists are not allowed to stay within the territory of China illegally, or leave or separate from the group without permission if travelling in a group.

**Chapter III Tourism Planning and Promotion**

Article 17 The State Council and the local people’s governments above the county level shall incorporate the development of the tourism industry in the planning of national economic and social development.   
The State Council, the people’s governments of municipalities, provinces,  and autonomous regions, and people’s governments of prefectures and counties having districts with rich tourism resources under their jurisdiction shall organize the compilation of the planning for tourism development according to the requirements set in the national planning for economic and social development. When utilizing tourism resources covering multiple administrative regions that are good to be utilized as a whole, higher-level people’s governments shall organize the compilation, or relevant local people’s governments shall compile unified planning for tourism development through consultation.  
Article 18 The planning for tourism development shall have such content as the overall requirements and development goals of the tourism industry, the requirements on and measures for the protection and utilization of tourism resources, as well as the requirements on the development of tourism products, the improvement of the quality of tourism services, the construction of tourism culture, the promotion of tourism images, tourism infrastructure and the construction of public service facilities, as well as promotional measures.   
Based on the planning for tourism development, the local people’s governments above the county level may develop special planning for developing and utilizing key tourism resources, and set special requirements for the tourism projects, facilities and supporting service functions in certain areas.   
Article 19 The planning for tourism development shall be matched with the master planning for land use, urban and rural planning, planning for environmental protection and the planning for protecting and utilizing other natural resources, cultural relics, among other humanistic resources.   
Article 20 People’s governments at all levels shall take into full consideration the requirements on the spatial layout and land for construction of relevant tourism projects and tourism facilities when developing the master planning for land use. The need to develop the tourism industry shall be taken into consideration when designing and constructing transport, communications, water supply, power supply and environmental protection infrastructure and public service facilities.   
Article 21 When utilizing natural resources and humanistic resources like cultural relics as tourism resources, relevant laws and regulations must be strictly abided by, the requirements on resources, ecological protection and the safety of cultural relics must be met, local traditional culture and customs must be respected and maintained, the regional integrity, cultural representation and local characteristics must be protected, and the need to protect military facilities must be taken into consideration. Competent departments shall intensify the supervision and examination of resource protection and the utilization of resources for the purpose of tourism.   
Article 22 Local people’s governments at all levels shall organize assessments of the implementation of the planning for tourism development compiled by the people’s governments of the same level, and shall make public the assessment result.   
Article 23 The State Council and the local people’s governments above the county level shall develop and organize the implementation of industrial policies beneficial to sustained and healthy tourism development, push forward the construction of tourism and leisure activities, take measures to advance regional tourism cooperation, encourage the development of inter-regional tourism routes and product development, promote the integration of tourism with such fields as industry, agriculture, commerce, culture, health, sports, science and education, etc., and support minority areas, old revolutionary bases, remote areas and poor areas to develop tourism.   
Article 24 The State Council and the local people’s governments above the county level shall allocate funds based on the local conditions, and intensify the construction of tourism infrastructure, public tourism services and the promotion of tourism images.   
Article 25 The State develops and puts into practice the tourism image promotion strategy. The department in charge of tourism under the State Council shall be responsible for making overall planning for promoting the national tourism image abroad, build tourism image promotion institutions and network, and conduct international tourism cooperation and communication.  
The local people’s governments above the county level shall be responsible for the overall planning of local tourism image promotion.    
Article 26 The department in charge of tourism under the State Council and the local people’s governments above the county level shall build a tourism public information and consultation platform if necessary to provide information and advisory services on scenic spots, routes, transport, weather, accommodation, safety and first aid to tourists. Competent departments in the people’s governments of prefectures and counties having districts under its jurisdiction shall set up tourism information centers at transport hubs, in commercial centers and places where tourists concentrate, and set signs in scenic spots or along the roads leading to major scenic spots when necessary.  
The people’s governments of prefectures and counties having districts with rich tourism resources under its jurisdiction may open tourist passenger lines or tourist transit stations based on local conditions to facilitate the transport of tourists in the city and the peripheral areas.   
Article 27 The State encourages and supports the development of vocational education and training in tourism, and the improvement of quality of personnel engaged in tourism. 

**Chapter IV Tourism Operation**

Article 28 The following requirements shall be met, approval from the tourism authority shall be obtained and industrial and commercial registration shall be made in accordance with the law in order to establish a travel agency, attract, organize and receive tourists, and provide tourism services:   
(1) Having a fixed business site;  
(2) Having necessary business facilities;  
(3) Having registered capital that conforms to the regulations;   
(4) Having necessary management staff and tour guides;  
(5) Meeting other requirements set by laws and administrative regulations.   
Article 29 Travel agencies may engage in the following businesses:   
(1) Domestic tourism;  
(2) Outbound tourism;  
(3) Border tourism;  
(4) Inbound tourism;   
(5) Other tourism businesses.   
To engage in items 2 and 3 above, a travel agency must obtain the required business license. Specific requirements shall be set by the State Council.  
Article 30 Travel agencies are prohibited from leasing or lending their business licenses, or illegally transferring their business licenses in other forms.   
Article 31 Travel agencies shall pay quality deposits for the tourism services they provide in accordance with the regulations before using it to compensate for the damages to the rights and interests of tourists and to pay the fees for first aid when the personal safety of tourists is in danger.   
Article 32 Information issued by travel agencies for the purpose of attracting and organizing tourists must be true and accurate, and must not be false or misleading.   
Article 33 When organizing and receiving tourists, travel agencies and their employees are prohibited from arranging visits or taking part in any program or activity in violation of the the laws, regulations and social ethics of China.   
Article 34 Travel agencies organizing tourism activities shall order products and services from qualified suppliers.   
Article 35 Travel agencies are prohibited from organizing tourism activities and luring tourists with unreasonably low prices, or getting illegitimate gains such as rebates by arranging shopping or providing tourism services that requires additional payment.   
When organizing and receiving tourists, travel agencies shall not designate specific shopping places, or provide tourism services that require additional payment. However, it does not include circumstances where both sides have agreed or the tourists have requested for such arrangements and no influence is caused on the itinerary of other tourists.   
In case of any violation to the above two paragraphs, tourists shall have the right to, within thirty (30) days from the end of the travel, require the travel agency to return their purchases and pay the price of the returned purchases on behalf in advance, or refund the payment made for tourism services that require additional payment.    
Article 36 Travel agencies, when organizing outbound tourism groups or organizing and receiving inbound tourism groups, shall send a tour lead or tour guide for the group.   
Article 37 Those who have passed the tour guide qualification test and signed a labor contract with the travel agency or registered in relevant tourism organizations may apply for a tour guide certificate.   
Article 38 Travel agencies shall sign labor contracts with the tour guides they employ, pay remuneration to them, and pay social insurance premiums for them.   
In case a travel agency temporarily hires a tour guide to provide services for tourists, the travel agency shall pay the tour guide in full amount the tour guide service fee as provided in paragraph three of Article 60 of this law.   
Where the travel agency sends a tour guide to provide services for a tourist group, it is shall not require the tour guide to make any payment in advance or collect any charges from the tour guide.   
Article 39 Those who have obtained a tour guide certificate, got the required academic degrees, language ability and experience in the tourism industry, and signed a labor contract with a travel agency may apply for a tour lead certificate.   
Article 40 Tour guides and tour leads must provide services under the designation of a travel agency, and must not provide services as a tour guide or tour lead as individuals.   
Article 41 When providing services, tour guides/tour leads shall wear their tour guide certificate/tour lead certificate, observe professional ethics, respect the custom and religious beliefs of tourists, tell and explain to the tourists norms of civilized tourist behaviors, guide the tourists to travel in a healthy and civilized way, and stop behaviors which violate social morality.   
Tour guides and tour leads shall strictly follow the itinerary, shall not alter it or stop the services they are providing without permission or to ask for tips from tourists or lure, cheat, compel or force tourists in a disguised form to make purchases or participate in tourism activities that require additional payment.   
Article 42 To open to the public, a scenic spot shall follow the opinions of the tourism authority and meet the following requirements:   
(1) Having necessary tourism supporting services and auxiliary facilities;  
(2) Having necessary safety facilities and systems; having passed the safety risk assessment and meeting safety requirements;  
(3) Having necessary environmental protection facilities and ecological protection measures;  
(4) Meeting other requirements set by laws and administrative regulations.   
Article 43 Tickets of the scenic spots that are built with public resources, as well as services that are charged separately within the scenic spot, including specific sightseeing sites and transport, shall be charged at a price mandated by the government or based on the guiding price set by the government. Price rises must be placed under strict control. In case of any intention to charge or raise prices, a hearing shall be held to solicit opinions from tourists, tourism operators and related organizations and to demonstrate its necessity and feasibility.   
Scenic spots which are built with public resources shall not raise prices by adding services that are charged separately or in any other form; services with the investment in them fully recovered shall be charged at low prices or provided for free.   
City parks, museums, monuments, etc. for public welfare, except key cultural relics protection units and units holding precious cultural relics, shall be gradually opened to the public for free.   
Article 44 Scenic spots shall make public their ticket prices, prices for services that are charged separately and the price of packages. Scenic spots shall make public their intention to raise ticket prices six months in advance.   
In case the tickets of several scenic spots or those of different sightseeing sites within one scenic spot are sold in a package, the price of the package shall not exceed the sum of all tickets it contains, and tourists shall have the right to choose from the tickets contained.   
In case the core tourism services in a scenic spot are temporarily not opened to the public or stopped for some reason, a public announcement shall be made for it along with a corresponding reduction in the charges.   
Article 45 A scenic spot shall not receive more tourists than its maximum capacity as approved by the tourism authority. It shall make public its maximum capacity as approved by the tourism authority, develop and implement a tourist flow control plan, and control the number of tourists in ways such as ticket reservation.  
When the number of tourists is likely to reach the maximum capacity, the scenic spot shall make an announcement in advance and report the situation to the local people’s government, and the scenic spot and the local people's government shall take timely measures to guide and divert the tourists.   
Article 46 For urban and rural residents who are engaged in tourism operation by making use of their own residences or other conditions in accordance with the law, the relevant management measures shall be developed by governments of the respective provinces, autonomous regions and municipalities.   
Article 47 In order to engage in the operation of high-risk tourism projects like those conducted high up in the sky, at a high speed, or on the water, diving, adventure, etc., one shall first obtain a business license in accordance with relevant regulations of the State.  
Article 48 Those who are running travel agency businesses through the Internet shall obtain a business license for travel agency, and clearly display the information of its business license at a prominent place on the homepage their websites.   
Websites releasing information on tourism operation shall ensure the authenticity and accuracy of such information.   
Article 49 Tourism operators providing transport, accommodation, catering and entertainment services for tourists shall act in line with the requirements set by laws and regulations and fulfill their obligations set forth in the relevant contract.   
Article 50 Tourism operators shall ensure that the commodities and services they provide conform to the requirements on personal and property safety.   
Tourism operators having obtained relevant quality standard ratings shall have facilities and services up to the same standard; those having not obtained such quality standard ratings shall not use the titles and signs indicating such ratings.   
Article 51 Tourism operators shall not offer or take bribes when selling/buying commodities or services   
Article 52 Tourism operators shall keep confidential the personal information of tourists that they obtain in the process of tourism operation.   
Article 53 Operators engaged in road transport of tourists shall abide by the regulations on road passenger transport safety management, show the dedicated sign for road transport of tourists at a prominent place in the vehicle, and make public at a prominent place in the vehicle information of the operator, the driver, supervision hotline for road transport administration, etc.    
Article 54 Operators of scenic spots and accommodation, when transferring part of their services or spaces to others to provide services such as accommodation, catering, shopping, sightseeing, entertainment, tourism and transport, shall assume joint liability for the losses caused by the operational behaviors of the actual operators.   
Article 55 When organizing and receiving inbound and outbound tourists, tourism operators shall timely report any illegal activity or circumstance that violates Article 16 of this law by the tourists to the public security organ, the tourism authority or Chinese institutions functioning abroad.   
Article 56 The State adopts a liability insurance system for tourism operators such as travel agencies, accommodation service providers, tourism transport service providers and the operators of high-risk tourism activities mentioned in Article 47 of this law in accordance with the level of risks of the tourism activities. 

**Chapter V Tourism Service Contract**

Article 57 Travel agencies shall sign a contract with tourists when organizing and arranging tourism activities.   
Article 58 Tourism package contracts shall be made and entered into in writing, and shall contain the following items:   
(1) Basic information of the travel agency and the tourists;  
(2) Travel itinerary;   
(3) The minimum number of tourists to form a group;   
(4) Arrangements and standards of such tourism services as transport, accommodation and catering;  
(5) Specific times and contents of sightseeing, entertainment activities;   
(6) Arrangements of free time;   
(7) Travel expenses, and the time limit for and the way of paying such travel expenses;   
(8) Responsibility for breach of contract and the method of dispute settlement;   
(9) Other matters provided by laws and regulations  or agreed by and between the two sides.   
When signing the package tourism contract, the travel agency shall explain in detail the content listed in paragraphs 2-8 above to the tourists.   
Article 59 The travel agency shall provide the tourists with the travel itinerary before the tour. Travel itinerary is part of the contract.   
Article 60 In case the travel agency entrusts another travel agency with the duty to sell tourism packages and sign package tourism contracts with tourists, it shall clearly indicate the basic information of the entrusting travel agency and the entrusted travel agency in the contract.  
In case the travel agency entrusts a local travel agency with the duty of reception set in the package tourism contract, it shall clearly indicate the basic information of the local travel agency in the contract.  
In case a tour guide is provided for the tourists, the fees of the tour guide service shall be clearly indicated in the package tourism contract.   
Article 61 The travel agency shall remind the tourists in a tourism group of purchasing insurance against accidental death or any unexpected injury.   
Article 62 When signing the contract for the tourism package, the travel agency shall inform the tourists of the matters below:   
(1) The circumstances under which tourists shall not participate in tourism activities;   
(2) Safety precautions for tourism activities;  
(3) Information on possible exemption of the travel agency from responsibilities;   
(4) Relevant laws, regulations, folk customs and religious taboos at the destination to which the tourists shall pay attention, activities in which the tourists are better not to get involved in accordance with the Chinese law, etc.;  
(5) Matters that tourists shall be informed of in accordance with laws and regulations.   
In case any matter mentioned above is involved in the process of fulfilling the contract, the travel agency shall also inform the tourists.   
Article 63 When attracting tourists to form a tourism group yet unable to reach the agreed number of tourists, the organizing travel agency may terminate the contract. However, tourists shall be informed of the termination at least seven days in advance if it is a domestic tour in China, and at least thirty days in advance if it is an outbound tour.  
In case the agreed number of tourists to make a tourism group is not reached, the organizing travel agency may entrust another travel agency with the duty to fulfill the contract. The organizing travel agency shall be responsible for the tourists, and the entrusted travel agency shall be responsible for the organizing travel agency. Where the tourists disagree with this, they may terminate the contract.   
In case the contract terminates for the reason that the agreed number of tourists to make a group is not reached, the organizing travel agency shall fully refund the tourists.   
Article 64 Before the tour begins, a tourist may transfer his/her rights and obligations set in the package tourism contract to a third person, and the travel agency shall not refuse it without justification. Fees hence incurred shall be borne jointly by the tourist and the third person.   
Article 65 In case the tourist terminates the contract before the end of the tour, the organizing travel agency shall deduct necessary fees and return the rest of the payment to the tourist.  
Article 66 The travel agency may terminate the contract it has signed with the tourist under any of the following circumstances:   
(1) The tourist suffers from infectious diseases which may endanger the health and safety of other tourists;  
(2) The tourist carries articles that may endanger public security and does not agree to turn them over to competent authority for disposal;  
(3) The tourist is engaged in illegal activities or activities that violate social morality;   
(4) The tourist is engaged in activities which seriously affect rights and interests of other tourists, and would not yield to persuasion and cannot be stopped;  
(5) Other circumstances provided by law.   
In case the contract is terminated for any of the circumstances mentioned above, the organizing travel agency shall deduct necessary fees and return the rest of the payment to the tourist concerned. In case some loss has been caused to the travel agency, the tourist concerned shall bear the liability for compensation in accordance with the law.   
Article 67 Events caused by force majeure or events unavoidable even if the travel agency or its performance assistant has reasonably fulfilled their duties, which then affect the itinerary, shall be settled in the following manners:   
(1) If the contract cannot be fulfilled any longer, both the travel agency and the tourists may terminate the contract; in case the contract cannot be fully and completely fulfilled, the travel agency may revise it within a reasonable scope after making an explanation to the tourists; in case the tourists disagree with any revision of the contract, they may terminate the contract.  
(2) If the contract is to be terminated, the organizing travel agency shall deduct the fees which have been paid to the local travel agency or the performance assistant and cannot be refunded and return the rest to the tourists; in case the contract is to be revised, additional fees hence incurred shall be borne by the tourists, and the reduced fees, if any, shall be returned to the tourists.   
(3) In the event that the tourists’ personal and property safety is endangered, the travel agency shall take appropriate safety measures, and fees hence arising shall be borne jointly by the travel agency and the tourists.   
(4) In case tourists are retained, the travel agency shall take proper measures to settle them down. Fees for accommodation hence arising shall be borne by the tourists; additional fees incurred on the way back shall be borne jointly by the travel agency and the tourists.   
Article 68 In case the contract is terminated in the travelling process, the travel agency shall assist the tourists in returning to where they depart or to reasonable locations designated by the tourists. In case the contract is terminated because of the travel agency or the performance assistant, the fees incurred on the way back shall be borne by the travel agency.    
Article 69 The travel agency shall fulfill its contracted obligations according to the package tourism contract, and must not alter the travel itinerary and arrangements without the tourists’ consent.   
In the event that the travel agency entrusts the reception business in the package tourism contract to another local travel agency with corresponding qualifications, it shall sign a written authorization contract with the local travel agency to specify the rights and obligations of each side, provide the local travel agency with a duplicate of the package tourism contract it has signed with the tourists, and pay the local travel agency an amount that is no less than the reception and service costs. The local travel agency shall provide services according to the package tourism contract and the authorization contract.   
Article 70 If the travel agency fails to perform its obligations agreed in the package tourism contract or perform its contracted obligations in a way that does not conform to the agreement, it shall take the responsibility for breach of contract like continuing to fulfill the contract, adopting remedy measures, making compensation, etc.; in case it causes personal damage or property loss to the tourists, the travel agency shall honor its liability. In the event that the travel agency is competent to fulfill its contracted obligations, yet refuses to do so even upon the request of the tourists, which then causes such serious consequences like harming the tourists’ personal health or retaining the tourists, the tourists may also request the travel agency to pay a sum of compensation between one time and three times the amount of the travel costs.   
In case the package tourism contract cannot be performed or be performed as contracted for the reason of the tourists, which then causes personal damage or property loss to the tourists, the travel agency shall not be held liable.   
The travel agency shall bear corresponding responsibility for any personal damage or property loss caused to the tourists in free time because of the travel agency’s failure to fully fulfill its obligation of giving safety warnings or offering assistance.   
Article 71 In case of any breach of contract for the reason of the local travel agency or the performance assistant, the organizing travel agency shall be held liable, and may, after bearing due liability, claim compensation from the local travel agency and the performance assistant.   
In case of any personal or property damage to the tourists caused by the local travel agency or the performance assistant, the tourists concerned may require the local travel agency or the performance assistant to honor its liability, or require the organizing travel agency to honor its liability; after honoring its liability, the organizing travel agency may claim compensation from the local travel agency or the performance assistant. However, in case the personal or property damage to the tourists is caused by the public transport operator, the public transport operator shall honor its liability, and the travel agency shall assist the tourists in claiming compensation from the public transport operator.   
Article 72 Should any tourist harm the legitimate rights and interests of the travel agency, the performance assistance, tourism practitioners or other tourists in tourism activities or when settling disputes, the same shall bear the compensation responsibility in accordance with the law.   
Article 73 The travel agency shall make travel arrangements following specific requirements of the tourists; in case the travel agency has signed a package tourism contract, yet the tourists request changing the travel arrangements, which then incurs additional fees, such fees shall be borne by the tourists, and the reduced fees shall be returned to the tourists.  
Article 74 In the event that the travel agency accepts tourists’ commission, books such tourism services as transport, accommodation, catering, sightseeing and entertainment, and collects commission fees, it shall handle the entrusted affairs by itself. In case of any loss caused to the tourists due to the faults of the travel agency, the travel agency shall bear the compensation responsibility.   
In case the travel agency is commissioned by the tourists to provide such services as designing the travel itinerary, providing tourism information, etc., it shall ensure reasonable and feasible design, as well as timely and accurate information.   
Article 75 Accommodation operators shall provide accommodation services for group tourists as agreed in the tourism service contract. If the accommodation operators fail to provide services according to the tourism service contract, they shall provide accommodation services not lower than the contracted standards, and bear additional fees hence arisen; in the event that the accommodation operators cannot provide services due to force majeure, government measures taken for the sake of public interests, the accommodation operators shall assist in arranging accommodation for the tourists.   
Chapter VI Tourism Safety  
Article 76 People’s governments above the county level are responsible for tourism safety. Relevant departments of the people’s governments above the county level shall perform the tourism safety regulatory responsibilities in accordance with the laws and regulations.   
Article 77 The State builds a risk warning system for the safety of tourism destinations. The levels and implementation procedures of risk warnings on the safety of tourism destinations shall be developed by the department in charge of tourism under the State Council along with other relevant departments.   
People’s governments above the county level and relevant departments under them shall take tourism safety as an important part of emergency monitoring and evaluation.   
Article 78 People’s governments above the county level shall incorporate tourism emergency management into the their emergency management system, develop emergency plans, and establish a tourism emergency response mechanism.   
In case of an emergency, local people’s government and relevant departments and institutions under it shall take measures to do the rescue, and help the tourists return to where they depart or any reasonable location designated by the tourists.   
Article 79 Tourism operators shall strictly abide by the laws, regulations, national and industrial standards on safety production and fire safety management, meet corresponding safety production requirements, and develop tourist safety protection systems and emergency plans.   
Tourism operators shall hold regular trainings on emergency rescue skills for practitioners who provide services directly to the tourists, carry out safety inspection, monitoring and evaluation over the products and services, and take necessary measures to prevent any harm.  
When organizing or receiving elderly, minor and disabled tourists, tourism operators shall take corresponding safety measures.   
Article 80 Tourism operators shall expressly explain to the tourists or warn the tourists of the following in tourism activities in advance:   
(1) Instructions on how to use relevant facilities and equipment properly;  
(2) Necessary safety precautions and emergency measures;  
(3) Management and service establishments, facilities and equipment which are not open to the tourists;   
(4) Groups who are suggested not to participate in relevant activities;   
(5) Other circumstances that may endanger the tourists’ personal and property safety.  
Article 81 Immediately after an emergency or tourism safety incident, tourism operators shall take necessary assistance and settlement measures, perform the reporting obligation, and properly settle the tourists.   
Article 82 In case their personal safety or property is endangered, tourists have the right to ask the tourism operator, local people’s government and relevant institution for timely assistance.  
When stuck in a plight overseas, outbound Chinese tourists have the right to ask the local Chinese official institution for assistance and protection within its scope of responsibilities.  
After receiving assistance from relevant organization(s) or institution(s), tourists shall pay the part of the fees that shall be borne individually. 

**Chapter VII Tourism Supervision and Management**

Article 83 The department in charge of tourism in local people’s governments above the county level and relevant departments shall follow this law and relevant laws and regulations to supervise and regulate the tourism market within their respective scopes of responsibilities.   
Local people’s governments above the county level shall organize the department in charge of tourism, relevant competent departments and law enforcement departments in the administration for industry and commerce, product quality supervision and transport to carry out supervision/inspection over relevant behaviors of the tourism operators.   
Article 84 When performing its supervision and management responsibilities, the department in charge of tourism must not violate relevant laws and administrative regulations to charge the objects of supervision and management.   
The department in charge of tourism and its staff shall not take part in tourism operations in any form.   
Article 85 The department in charge of tourism in people’s governments above the county level shall have the right to supervise and check the following:    
(1) Whether the business license has been obtained for running travel agencies or providing tour guide and tour lead services;   
(2) The travel agency’s operational behaviors;   
(3) The service behaviors of tour guides, tour leads and other tourism practitioners;   
(4) Other matters provided in laws and regulations.   
The department in charge of tourism shall carry out supervision/inspection in accordance with the provisions in the foregoing paragraphs, and may check and duplicate the contracts, bills, books and other materials that are suspected to be unlawful.   
Article 86 When carrying out supervision/inspection in accordance with the law, the department in charge of tourism and relevant departments shall designate no fewer than 2 people and shall show their lawful certificates. Should there be only one supervision or inspection personnel or the supervision or examination personnel fail to show their lawful certificates, the supervised and inspected units or individuals shall have the right to refuse the supervision/inspection.   
The supervision/inspection personnel shall, in accordance with the law, keep confidential the business secrets and personal information they acquire about the supervised units/individuals in the supervision/inspection.   
Article 87 Units and individuals shall be cooperative in the supervision/inspection which is carried out in accordance with the law, truthfully explain the situation, and provide files and materials instead of being uncooperative, hindering the supervision/inspection or concealing any information.   
Article 88 When performing the supervision/inspection responsibility or settling complaints or reports, the department in charge of tourism in people’s governments above the county level and relevant departments shall timely punish the behaviors that violate this law, if any, according to the law, or timely notify, in writing, before transferring it to relevant departments for investigation if the circumstance goes beyond their scope of responsibilities.   
Article 89 Local people’s governments above the county level shall build a system to share the information on the penalty for tourism offenses, and urge the settlement of the offenses that require the cooperation of different departments and regions.   
The department in charge of tourism and relevant departments shall timely make public the supervision/inspection results according to their respective responsibilities.   
Article 90 Tourism industry organizations established in accordance with laws, administrative regulations and articles of association develop operational and service standards of the industry, conduct self-discipline management over its members’ operational behaviors and service quality, hold professional ethics education and trainings, and improve the quality of employees. 

**Chapter VIII Settlement of Tourism Disputes**

Article 91 Local people’s governments above the county level shall designate or establish a unified authority to accept tourism complaints. Upon acceptance of a complaint, the same shall timely settle it or transfer it to the competent department for settlement, and shall inform the complainant of it.   
Article 92 Any dispute arising between the tourists and the tourism operators shall be settled by  
(1) Mutual agreement;   
(2) Applying for mediation by the consumers’ association, the tourist complaint acceptance authority or relevant mediation organizations;  
(3) Applying to arbitration bodies for arbitration proceedings pursuant to relevant agreements reached with the tourism operators;  
(4) Filing a lawsuit with a people’s court;  
Article 93 On a consensual basis, the consumers’ association, tourist complaint acceptance authority and relevant mediation organization shall mediate between the tourists and the tourism operators over the dispute between them in accordance with the law.  
Article 94 In case a dispute arises between the tourists and the tourism operators and the tourists are numerous and have the same claims, the tourists may elect representatives to take part in the negotiation, mediation, arbitration and litigation processes. 

**Chapter IX Legal Responsibilities**

Article 95 For those who violate the provisions herein and run travel agencies without authorization, the tourism authority or the administrative department for industry and commerce shall order such to remedy the situation, confiscate their illegal gains, impose on them a fine of RMB10,000-RMB100,000, or a fine one to five times the illegal gains if such gains reach over RMB100,000; as for the people responsible, a fine of RMB2,000-RMB20,000 may be imposed on them.   
Those who violate the provisions herein and run the businesses included in subparagraphs 2 and 3, paragraph one of Article 29 in this law without authorization, or rent or lend the travel agency business license to another party, or illegally transfer the travel agency business license in other forms shall, apart from being fined as provided above, be ordered to suspend operation for rectification; their travel agency business license shall be revoked when the circumstances are serious; and a fine of RMB2,000-RMB20,000 shall be imposed on the directly responsible person in charge.   
Article 96 In case the travel agency violates this law and has one of the behaviors below, the department in charge of tourism shall order it to remedy the situation, confiscate its illegal gains, and impose a fine of RMB5,000-RMB50,000 on it; when the circumstances are serious, the travel agency concerned shall be ordered to suspend operation for rectification or its travel agency business license may be revoked; as for the directly liable person in charge and other directly liable people, a fine of RMB2,000-RMB20,000 shall be imposed.   
(1) Failing to designate a tour guide or tour lead to accompany the outbound and inbound tourist groups in accordance with regulations;   
(2) Designating personnel who have not obtained the tour guide certificate or the tour lead certificate to provide services as tour guide or tour lead;   
(3) Failing to pay the temporarily employed tour guides the service fees;   
(4) Requesting the tour guide to make payment in advance or charging the tour guide.   
Article 97 In case the travel agency violates this law and has one of the behaviors below, the department in charge of tourism or relevant departments shall order it to remedy the situation, confiscate its illegal gains, and impose a fine of RMB5,000-RMB50,000 on it; when the circumstances are serious, the travel agency concerned shall be ordered to suspend operation for rectification or its travel agency business license may be revoked; as for the directly liable person in charge and other directly liable people, a fine of RMB2,000-RMB20,000 may be imposed.  
(1) Making false publicity which misleads the tourists;   
(2) Ordering products/services from unqualified suppliers;   
(3) Failing to effect insurance in respect of the social responsibilities of the travel agency in accordance with the regulations.    
Article 98 In case the travel agency violates Article 35 of this law, the department in charge of tourism shall order it to take remedy measures and suspend operation for rectification, confiscate its illegal gains, and impose a fine of RMB30,000-RMB300,000 on it; when the illegal gains reach over RMB300,000, a fine one time to five times the amount of the illegal gains shall be imposed; when the circumstances are serious, its travel agency business license may be revoked; as for the directly liable person in charge and other directly liable people, their illegal gains shall be confiscated and a fine of RMB2,000-RMB20,000 shall be imposed on them or their tour guide certificate and tour lead certificate may be provisionally suspended or revoked.   
Article 99 In case the travel agency fails to fulfill its reporting obligation provided in Article 55 of this law, the department in charge of tourism may impose a fine of RMB5,000-RMB50,000 on it; when the circumstances are serious, it may be ordered to suspend operation for rectification or its travel agency business license may be revoked; as for the directly liable person in charge and other directly liable people, a fine of RMB2,000-RMB20,000 shall be imposed on them or their tour guide certificate and tour lead certificate may be provisionally suspended or revoked.  
Article 100 If the travel agency violates this law and has one of the behaviors below, the department in charge of tourism shall order it to remedy the situation, impose a fine of RMB30,000-RMB300,000 on it, and order it to suspend operation for rectification; when serious consequences like stranding the tourists are caused, its travel agency business license may be revoked; as for the directly liable person in charge and other directly liable people, a fine of RMB2,000-RMB20,000 shall be imposed, and their tour guide certificate and tour lead certificate may be provisionally suspended or revoked.   
(1) Altering travel arrangements without permission during the tour, which seriously harms the tourists’ rights and interests;   
(2) Refusing to fulfill the contract;  
(3) Entrusting another travel agency with the duty to perform the package tourism contract without getting the tourists’ written permission.   
Article 101 If the travel agency violates this law, arranges the tourists to visit or take part in projects or activities that violate the Chinese laws, legal provisions and social morals, the department in charge of tourism shall order it to remedy the situation and suspend operation for rectification, confiscate its illegal gains, and impose a fine of RMB20,000-RMB200,000; when the circumstances are serious, its travel agency business license may be revoked; as for the directly liable person in charge and other directly liable people, a fine of RMB2,000-RMB20,000 shall be imposed, and the tour guide certificate and tour lead certificate may be provisionally suspended or revoked.  
Article 102 The department in charge of tourism shall order anyone who provides tour guide or tour lead services without the tour guide certificate or the tour lead certificate to take remedy measures, confiscate his/her illegal gains, and impose a fine of RMB1,000-RMB10,000 on the same before making a public announcement of it.   
The department in charge of tourism shall order any tour guide or tour lead who violates the provisions in this law, contracts business privately to take remedy measures, confiscate his/her illegal gains, impose a fine of RMB1,000-RMB10,000 on the same, and provisionally suspend or revoke the tour guide certificate and tour lead certificate.   
The department in charge of tourism shall order any tour guide or tour lead who violates the provisions in this law and asks for tips from the tourists to return the money to the tourists, and impose a fine of RMB1,000-RMB10,000 on the same; when the circumstances are serious, the tour guide certificate and tour lead certificate may be provisionally suspended or revoked.   
Article 103 Any tour guide/tour lead whose tour guide certificate/tour lead certificate has been revoked in accordance with the provisions in this law or relevant managerial staff of a travel agency whose travel agency business license has been revoked and which has been fined is not allowed to re-apply for the tour guide/tour lead certificate or engage in travel agency businesses within three years from the date of the punishment.   
Article 104 The administration for industry and commerce shall impose a fine on tourism operators who violate the provisions here and give/take bribes in accordance with relevant laws and regulations; when the circumstances are serious, the department in charge of tourism shall revoke the travel agency business license.   
Article 105 For scenic spots which do not meet the requirements for receiving tourists set in this law, yet receive tourists, the authorities of the scenic spots shall order the same to suspend operation for rectification till they meet the due requirements, and shall impose a fine of RMB20,000-RMB200,000 on them.    
If the scenic spot fails to report the situation to the local people’s government or make a public announcement in accordance with this law or take measures to guide and divert the tourists when the number of tourists is likely to reach its maximum capacity, or if the number of tourists in the scenic spot have exceeded the maximum capacity, the authority of the scenic spot shall order it to remedy the situation. When the circumstance is serious, the scenic spot concerned may be ordered to suspend operation for one to six months for rectification.   
Article 106 In case a scenic spot violates the provisions in this law to raise the ticket price or prices for separately-charged service items without authorization, or conducts other illegal activities relating to price, it shall be punished by competent authorities in accordance with relevant laws and regulations.   
Article 107 In case a tourism operator violates the laws, regulations or national and industrial standards on the management of safety production and fire safety, it shall be punished by competent authorities in accordance with relevant laws and regulations.  
Article 108 For tourism operators and practitioners under it who violate the provisions in this law, tourism authorities or relevant departments shall record such violations in their credit records and make public such violations.   
Article 109 Staff of tourism authorities or relevant departments who abuse their powers, neglect their duties and play favoritism, yet not to the level of committing a crime in the performance of their supervision and management responsibilities shall be punished in accordance with the law.   
Article 110 In case the provisions in this law are violated, which then constitutes a crime, criminal liabilities shall be investigated in accordance with the law. 

**Chapter X Supplementary Provisions**

Article 111 Terms used in this law are defined as follows: 

(1) Tourism operator refers to a travel agency, scenic spot and an operator who provides transport, accommodation, catering, shopping and entertainment services for tourists.

(2) Scenic spot refers to a site or area which is used to provide sightseeing services and has clearly defined administrative boundaries.

(3) Package tourism contract refers to a contract where the travel agency arranges the tour in advance, provides by itself or through its performance assistant two or more tourism services including transport, accommodation, catering, sightseeing, tour guide or tour lead and tourists make a lump-sum payment of the travel expenses.

(4) Organizing travel agency refers to a travel agency which signs the package tourism contract with the tourists.

(5) Local travel agency refers to the travel agency which accepts the commission of the organizing travel agency to receive the tourists at the destination.

(6) Performance assistant refers to the legal or natural person who has signed a contract with a travel agency, assists the travel agency in fulfilling the obligations set in a package tourism contract, and actually provides relevant services. 

Article 112 This law shall come into effect on October 1, 2013.