

The State Law and Order Restoration Council

The Myanmar Hotel and Tourism Law

(The State Law and Order Restoration Council Law No.14/93)

The 8th Waxing Day of Thadinkyut, 1355 ME

(23rd October, 1993)

The State Law and Order Restoration Council hereby enacts the following Law:-

Chapter 1

Title and Definition

1. This Law shall be called **the Myanmar Hotel and Tourism Law**.
2. The following expressions contained in this Law shall have the meanings given hereunder:-
 - (a) **Hotel Business** means an economic enterprise which has the number of rooms and is of the standard stipulated for accommodation of tourists and which provides food, beverage and other services. This expression includes motel business and inn business;
 - (b) **Lodging-House Business** means an economic enterprise which provides only accommodation for foreign tourist or for both domestic and foreign tourists;
 - (c) **Tourism Industry** includes a four operator business, travel agency business, tourist transport business and tour guide business which are economic enterprises which provide for tourism of foreign tourists;
 - (d) **Foreign Tourist** means international tourists and foreign visitors;
 - (e) **Hotel and Tourism Industry** means hotel business, lodging-house business and tourism industry;
 - (f) **Licence** means a permit issued by the Directorate to operate any hotel and tourism industry;
 - (g) **Ministry** means the Ministry of Hotels and Tourism;
 - (h) **Minister** means the Minister of the Ministry of Hotels and Tourism;
 - (i) **Directorate** means the Directorate of Hotels and Tourism;
 - (j) **Inspectorate** means a body formed by the Directorate in order to inspect hotel and tourism industry.

Chapter II

Objectives

3. The objectives of this Law are as follows:-
 - (a) to cause a systematic development of the hotel and tourism industry;

- (b) to enable tourists to observe Myanmar cultural heritage and natural scenic beauty;
- (c) to prevent destruction and damage of Myanmar cultural heritage and natural scenic beauty, due to the hotel and tourism industry;
- (d) to contribute to international friendship and understanding through the hotel and tourism industry;
- (e) to develop technical knowledge relating to hotel and tourism industry and to open up more employment opportunities;
- (f) to provide security and satisfaction of tourists.

Chapter III

Formation of the Hotel and Tourism Board of Authority and Functions and Duties thereof

4. The Government-

(a) shall form the Hotel and Tourism Board of Authority consisting of the following persons:-

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|-------|---|-----------|
| (i) | Minister | Chairman |
| (ii) | representatives from the relevant Government Departments and Organizations. | Members |
| (iii) | a person assigned responsibility by the Chairman | Secretary |

(b) may determine the Deputy Chairman and Joint Secretary of the Hotel and Tourism Board of Authority, if necessary;

(c) may alter the formation of the Hotel and Tourism Board of Authority.

5. The functions and duties of the Hotel and Tourism Board of Authority are as follows:-

- (a) laying down the policies relating to hotel and tourism industry in accordance with the objectives of this Law;
- (b) giving guidance in respect of the systematic development of the hotel and tourism industry;
- (c) giving guidance in respect of international relations relating to hotel and tourism industry;
- (d) giving guidance for improving the quality and raising the standard of the hotel and tourism industry and for systematic dissemination of technical knowledge relating thereto.

Chapter IV

Functions and Duties of the Ministry

6. The functions and duties of the Ministry are as follows:-

- (a) supervising the performance of functions of the Directorate in accordance with the objectives of this Law;
- (b) implementing the systematic development of hotel and tourism industry;

- (c) communicating with foreign countries, international organizations, other organizations and persons in respect of the hotel and tourism industry;
- (d) holding discussions, seminars, and exhibitions for improving the quality and raising the standard of hotel and tourism industry and for the systematic dissemination of technical knowledge relating thereto;
- (e) permitting , causing alterations to be made or refusing a project proposal applied for in order to obtain prior permission by a person desirous of operating a hotel business or a lodging-house business;
- (f) determining the type, classification or business requirements for each hotel business or lodging house business;
- (g) determining the type and business requirements of a tourism industry;
- (h) laying down the required arrangements and measures for arousing keener interest of foreign tourists in facts about Myanmar and to enhance their desires to visit and observe Myanmar;
- (i) determining hotel and tourism zones;
- (j) co-ordinating with the relevant Government Departments and Organizations to facilitate obtainment of entry visas and extension of tenure of the same for foreign tourists;
- (k) co-ordinating with the relevant Government Departments and Organizations and forming Hotel and Tourism Industry Supervisory Bodies in the States, Divisions, Districts and Townships as may be necessary and determining the functions and duties thereof;
- (l) determining the licence fee, licence renewal fee, licence fine and duties and taxes relating to hotel and tourism industry;
- (m) submitting to the Government from time to time progress of the activities relating to hotel and tourism industry.

Chapter V

Functions and Duties of the Directorate

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

- (a) carrying out in accordance with the policies and guidance laid down by the Hotel and Tourism Board of Authority and the Ministry;
- (b) forming Licence Scrutiny Bodies in order to scrutinize cases of applications for licence and determining the functions and duties thereof;
- (c) issuing licence, refusing to issue licence revoking the licence subject to a time limit or cancelling the licence;
- (d) stipulating conditions relating to the licence;
- (e) providing training and conducting courses to improve the quality and to raise the standard of hotel and tourism industry and to disseminate systematically technical knowledge relating thereto;
- (f) forming Inspectorates to enable inspection of the hotel and tourism industry and determining the functions and duties thereof;
- (g) supervising all activities of the hotel and tourism industry;

- (h) giving decision in a case submitted by a licence-holder who is dissatisfied with the activity in an official capacity of the Hotel and Tourism Industry Supervisory Body or an Inspectorate;
- (i) recovering duties and taxes due under this Law from a defaulter in the manner prescribed.

Chapter VI

Application for Prior Permission

- 8. A Government Department, Government Organization, an organization in joint-venture with the Government, Municipality, Co-operative Society, other organization or person desirous of operating a hotel business or lodging-house business shall, before commencing implementation of the project-proposal apply for prior permission to the Ministry in the manner prescribed.
- 9. A Government Department, Government Organization, an organization in joint-venture with the Government, Municipality, Co-operative Society, other organization which, or person who, with the intention of operating a hotel business or lodging-house business is in the process of constructing or renovating a building on the day this Law is enacted shall submit the project proposal within the stipulated period to the Ministry and apply for permission.
- 10. A Government Department, Government Organization, an organization in joint-venture with the Government Municipality, Co-operative Society, other organization which, or person who had been operating a hotel business or lodging-house business before the enactment of this Law shall be exempted from applying to the Ministry for prior permission.
- 11. The Ministry-
 - (a) shall, in respect of an application by a person desirous of operating a hotel business or lodging-house business under section 8 or section 9 scrutinize, based on the following facts:-
 - (i) whether or not it is in conformity with the objectives of this Law;
 - (ii) whether or not it is contributory to future projects;
 - (iii) whether or not it is proportionate to the capacity of service of the area where the business is to be operated.
 - (b) may permit, cause to be altered or refuse the project proposal after scrutiny under sub-section (a).

Chapter VII

Application for Licence

- 12. A person who has obtained the permission of the Ministry under section 11 shall apply to the Directorate in the manner prescribed for a licence in respect of the hotel business or lodging-house business which he desires to operate.
- 13. Notwithstanding anything contained in any existing law relating to a lodging-house business a person desirous of operating a lodging-house business for foreign tourists or for both domestic and foreign tourists shall apply for a licence only under this Law.

14. A Government Department, Government Organization, an organization in joint-venture with the Government Municipality, Co-operative Society, other organization which, or person who had been operating a hotel business or lodging-house business before the enactment of this Law, and which had not obtained a licence under the Myanmar Tourism Law for such business shall apply to the Directorate for licence in the manner prescribed.
15. A person desirous of operating any tourism industry shall apply to the Directorate for a licence in the manner prescribed.
16. The Directorate shall, in respect of an application for a licence for any hotel and tourism industry scrutinize as to whether or not it is in conformity with the business requirements prescribed and
- (a) issue a licence if it is in conformity;
 - (b) refuse to issue a licence if it is not in conformity.

Chapter VIII

Duties of a Licence-holder

17. A Licence-holder-
- (a) shall operate only the business permitted in the licence;
 - (b) shall pay the licence fee and the duties and taxes relating to the hotel and tourism industry in Myanmar currency or in foreign currency in the manner prescribed;
 - (c) shall abide by the conditions of the licence;
 - (d) shall allow inspection by the Hotel and Tourism Industry Supervisory Body and the Inspectorate;
 - (e) shall send the accounts and records prescribed by the Directorate in the manner prescribed;
 - (f) shall, where the tenure of the licence has expired and if there is the desire to continue to operate the business apply for extension of the tenure of the licence in the manner prescribed;
 - (g) shall abide by the orders and directives issued from time to time by the Ministry or the Directorate.
18. (a) If there is a change of manager assigned responsibility by him, the licence holder shall inform the Directorate in writing of any such change;
- (b) If there is a change of address of the place of business, the licence-holder or the manager assigned responsibility by him shall inform the Directorate in writing of any such change;
- (c) If the licence-holder dies before the expiry of the tenure of the licence, his legal representative shall apply to the Directorate in the manner prescribed.

Chapter IX

Revocation, Cancellation and Invalidation of Licence

19. If the licence-holder or a manager who has been assigned responsibility by the licence-holder commits any of the following acts, the Directorate may revoke the licence, subject to a time limit or cancel the licence:-
- (a) violation of any condition of the licence;
 - (b) transferring the business without the permission of the Directorate;
 - (c) sale of the licence.
20. The licence is invalidated when any of the following events occur:-
- (a) expiry of the tenure of the licence;
 - (b) revocation of the licence, subject to a time limit;
 - (c) cancellation of the licence;
 - (d) surrender of the licence by the licence-holder.

Chapter X

Appeals

21. Any person who is dissatisfied with the order or decision passed by the Directorate in respect of the licence may file an appeal to the Minister within 60 days from the date of passing such order or decision.
22. The decision of the Minister shall be final and conclusive.

Chapter XI

Prohibitions

23. No one shall operate any hotel and tourism industry without a licence issued under sub-section (a) of section 16.
24. A licence-holder shall not transfer the business without the permission of the Directorate, or sell the licence.
25. A licence-holder or a manager who has been assigned responsibility by the licence-holder-
- (a) shall not violate any condition of the licence;
 - (b) shall not violate any duty contained in the provision of section 18;
 - (c) shall not violate any prohibition contained in an order or directive issued by the Ministry or the Directorate.

Chapter XII

Offences and Penalties

26. (a) Whoever violates the provision of section 23 shall, on conviction be punished with imprisonment for a term which may extend to 3 years or with fine which may extend to kyats 50,000 or with both;

(b) If a person who has been convicted under sub-section (a) continues to violate the provision of section 23, he shall be punished with a fine of kyats 5,000 for each day of the period during which the violation continues.

27. If a licence-holder violates any provision of section 24, he shall, on conviction be punished with fine which may extend to kyats 50,000.

28. If a licence-holder or a manager who has been assigned responsibility by the licence-holder violates any provision of section 25, he shall, on conviction be punished with fine which may extend to kyats 5,000.

Chapter XIII

Miscellaneous

29. A licence which had been issued for any Tourism industry under the Myanmar Tourism Law and the tenure of which has not expired shall be valid only till the date on which the tenure of such licence expires.

30. Procedures, orders and directives issued under the Myanmar Tourism Law which is repealed by this Law may continue to be applicable in so far as they are not inconsistent with this Law.

31. For the purpose of carrying out the provision of this Law-

(a) the Ministry may, with the approval of the Government issue such rules and procedures as may be necessary;

(b) the Ministry or the Directorate may issue such orders, notifications and directives as may be necessary;

32. The Myanmar Tourism Law (Law No.13/90) is hereby repealed.

(Sd.) Than Shwe

Senior General

Chairman

The State Law and Order Restoration Council