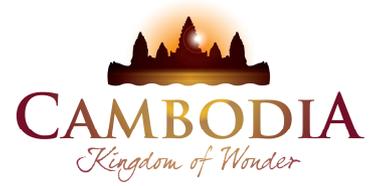




Kingdom of Cambodia
Nation Religion King



LAW

ON

TOURISM

Chapter One

General Disposition

Article 1:

The intent of this Law is to formulate rules and mechanisms for the governance and development of tourism sector of the Kingdom of Cambodia.

Article 2:

The purposes of this Law are as follows:

- Govern the development of the tourism sector in a sustainable manner effectively and qualitatively and to reduce poverty;
- Protect and conserve the natural resources, culture and customs, which serve as the foundation of the tourism sector;
- Ensure and promote the quality of tourism services in the Kingdom of Cambodia through the introduction of a quality assurance system by providing security, safety, and comfort and by increasing tourists' satisfaction;
- Minimise negative impacts and maximise positive impacts of the tourism sector;
- Seek markets and enhance publicity with participation of both the public and private sectors;
- Develop human resources in the tourism sector; and
- Contribute to the development of international friendship and understanding through the tourism industry.

Article 3:

This Law applies to and covers all the tourism activities in the Kingdom of Cambodia.

Article 4:

Certain terminologies and expressions utilised in this Law are defined in the appendix hereof.

Chapter Two

Tourism Policy and Plan

Article 5:

The Ministry of Tourism shall prepare the policy and plan of tourism development for the Kingdom of Cambodia in consultation with relevant-line ministries, institutions, local authority, tourism industry associations and other private sector related.

The Tourism Development Plan comprises the National Tourism Development Plan, the Regional Tourism Development Plan and Local Authority Tourism Development Plan. The local authority shall prepare its own local tourism development plan.

Article 6:

The National Tourism Development Plan:

- (a) Formulates national policies, strategies and plans for the development and promotion of the tourism sector of Cambodia;
- (b) Proposes measures to reduce poverty and ensure the sustainability of national tourism development; and
- (c) Integrate and synchronise the tourism plan into ASEAN and other international tourism frameworks.

Article 7:

The Regional Tourism Development Plan:

- (a) Formulate regional and local strategies for tourism development respectively; and
- (b) Propose measures to reduce poverty and ensure the sustainability of development and the governance of tourism sector at regional and local levels.

The Regional Tourism Development Plan shall be prepared conformable with the National Tourism Development Plan. The Local Tourism Development Plan shall be prepared compliant with the Regional Tourism Development Plan.

Article 8:

The National and Regional Tourism Development Plans shall be submitted to the Royal Government for approval and incorporation into the National Social and Economic Plan so as to become the general Royal Government policy and strategy for tourism sector in the Kingdom of Cambodia.

The Tourism Development Plan shall be reviewed and revised as necessary and at least once every five years.

Chapter Three

Jurisdiction

Article 9:

The Ministry of Tourism has the jurisdictional authority in leading and governing the tourism sector and shall effectively perform all the roles and functions required of a national tourism administration in accordance with international best practice.

The Ministry of Tourism shall lead and supervise the implementation of the Tourism Development Plan. Because tourism affects and is affected by the work of many government ministries and authorities, the jurisdiction and division of roles shall generally be in accordance with the principles outlined in the following articles of this Chapter.

Article 10:

The Ministry of Tourism shall have primary responsibility for the regulation of the core areas of the tourism industry necessary or expedient for the effective implementation of the Tourism Development Plan. The primary areas comprise of:

- Tourism promotion in and out of the Kingdom of Cambodia;
- Ensuring the quality of tourism sector;
- Standards of tourism;
- Tourism licensing;
- Tourism business activities;
- Conduct of tourism stakeholders;
- Management and monitoring of tourism information; and
- International cooperation in tourism sector with neighbouring countries and the world.

The Ministry of Tourism shall consult with and consider the advice of such relevant-line ministries, institutions and authorities; where another ministry or authority has an advisory interest in an area of the tourism industry.

Article 11:

The Ministry of Tourism shall have shared responsibility for the regulation of other important areas affecting or affected by the tourism industry in cooperation with other concerned ministries and authorities. Hereunder are those significances:

- Associations of tourism industry;
- Environmental protection;
- Education and training of stakeholders in the tourism industry;
- Protection and presentation of natural heritage;

- Protection and presentation of cultural heritage;
- Tourism investment and incentives;
- Management and privatisation of state-owned tourism enterprises;
- Management of state lands leased for tourism purposes;
- Prevention of sexual exploitation;
- Tourism Product Development;
- Ecotourism;
- Local tourism communities;
- Poverty alleviation;
- Food hygiene and sanitation;
- Tourist safety and security; and
- Tourist Police.

The Ministry of Tourism and the relevant-line ministries, institutions and authorities who share responsibility shall work cooperatively to ensure that these areas of the tourism industry are regulated and administered in a responsive, efficient and effective manner in accordance with the Tourism Development Plan.

Article 12:

On all other issues affecting the tourism industry in accordance with the Tourism Development Plan the concerned ministries and authorities having primary responsibility shall consult with the Ministry of Tourism and consider its expert advice. Areas of advisory responsibility shall comprise all other areas affecting or affected by the tourism industry include:

- Land use planning;
- Physical planning and development plan;
- Infrastructure and public utilities;
- Grant of ownership, leases and concessions for tourism purposes;
- Production of policy on taxation of tourism businesses;
- Visas; and
- Aviation policy.

To ensure best practice, all construction projects for tourism activities shall be undertaken in accordance with the Tourism Development Plan and shall be provided assistance of expertise advice by the Ministry of Tourism.

The Ministry of Tourism shall provide expertise advice to the Municipal, Provincial and Local Tourism Development Administration Board, Marketing and Promotion Board of Cambodia, Associations of Tourism Industry and Tour Operators.

Article 13:

When necessary, the Ministry of Tourism and relevant-line ministries, institutions and authorities may issue forth inter-regulations to ensure the effectiveness of administering and management of the obligations as stipulated in the Article 11 and 12 of this Law.

Chapter Four

Institutional Framework and Funding

Article 14:

The Ministry of Tourism shall institutionalise and enhance its structure in conformity with the Tourism Development Plan.

Article 15:

A National Tourism Institute will be established by the Ministry of Tourism. The National Tourism Institute will be a centre for study and research on tourism impacts for the purposes of further developing sustainable quality tourism development policies, strategies, and plans. The organisation and functioning of the National Tourism Institute shall be determined by a Sub-decree.

Article 16:

A Tourism Professional School will be established by the Ministry of Tourism. This tourism professional school has a mission to train professionally tourism skill-workers, business operators, hotel workers and hospitality skills aimed to better service of tourism industry. The organization and functioning of this tourism professional school shall be determined by a Sub-decree.

Article 17:

A University of Tourism and Hospitality will be formed by the Ministry of Tourism. The University of Tourism and Hospitality is the higher educational institution which provides education and training for human resources in all skills of tourism and hospitality sectors. The organization and functioning of this tourism professional school shall be determined by a Sub-decree.

Article 18:

The Ministry of Tourism in collaboration with the Ministry of Education, Youth and Sport and other relevant-line ministries, institutions and authorities shall recognize the valuable role of the private sector in providing education and professional training on tourism, hotel and hospitality as defined in the provisions for licensing under Chapter Five.

Article 19:

The Ministry of Tourism shall assist in the formulation of constitutions or statutes and internal rules of Tourism Industry Associations and to supervise their activities.

The Tourism Industry Associations shall obtain their constitutions or/and statutes and internal rules in conformity with the laws and regulations in force.

Article 20:

The Ministry of Tourism shall form a Cambodian Tourism Marketing and Promotion Board “CTMPB” as a public-private partnership. The organization and functioning of the CTMPB shall be determined by a Sub-decree.

Article 21:

Funds for the development and the management of the tourism sector shall be financed by:

- Allocation of the annual budget of the Ministry of Tourism;
- Cooperative finances from development partners;
- Contributions from charitable persons, customers, charity organizations, and the Tourism Industry Associations;
- Donations from the Cambodian Tourism Marketing and Promotion Board;
- Contributions from tourism operators; and
- Other financing sources or legitimate incomes.

The management and utilisation of funds for the development of tourism sector shall be determined by an interministerial regulation of the Ministry of Tourism and the Ministry of Economy and Finance.

Chapter Five

Quality Assurance, Standards and Licensing

Article 22:

The Ministry of Tourism shall supervise and regulate tourism businesses and activities by issue licences, establish classification systems, set minimum standards and executive systems to establish, improve and maintain the quality of tourism services in the Kingdom of Cambodia.

Article 23:

The Ministry of Tourism shall set standards and requirements on technical issues and tourism services pursuant to the pattern of best practices in the Kingdom of Cambodia. All tourism businesses shall comply with the standards and requirements determined by regulation (Prakas) of Minister of the Ministry of Tourism.

Article 24:

The Ministry of Tourism shall establish systems for classification of hotels and tourism accommodation services and other services in accordance with international standards adapted to the conditions of best practices in Cambodia.

The classification systems of hotel and accommodation services shall be determined by a Sub-decree.

The classification systems for other tourism services shall be determined by a regulation (Prakas) of Minister of the Ministry of Tourism.

Article 25:

Post this classification system is established for a tourism business activity, licences issued under this Law for that activity shall state the grade of the particular business.

Article 26:

The Ministry of Tourism shall introduce measures for the improvement of quality assurance of tourism services such as special labels, logos, accreditations, awards and incentives. The Ministry of Tourism shall consult with the industry and other stakeholders in the design, development and the realization of these measures.

The particulars of these labels, logos, accreditations, awards and incentives will be determined by a Prakas of Minister of the Ministry of Tourism.

Article 27:

To encourage the quality assurance of products and services in tourism industry, the Ministry of Tourism shall establish a special label called "Eco label" to be awarded to those tourism operators who strictly comply with environmental standards of the Ministry of Environment.

Only those tourism operators who are awarded with the eco-label could use the label on their products and services provided to the public and their customers.

Article 28:

Tourism Operators who receive Eco-label issued by the Ministry of Tourism are entitled to get benefits and incentives from the Royal Government of Cambodia in higher priority compared with other operators. Those benefits and incentives include:

- Rights for operating businesses in special zones;
- Reduced fees for tourism license issuance;
- Promotion on a website for the award recipients;
- Promotion in the book for the award recipients; and
- Privilege in promotional campaign.

Article 29:

Tourism operators who provide good services could be specially awarded by the Ministry of Tourism, Royal Government or the King. Detailed procedures and criteria for this special award shall be determined by a Sub-decree.

Only those tourism operators who are awarded the special award could use the award in their communication with the public and their clients.

Article 30:

Tourism business activities are categorized and the responsibility of the Ministry of Tourism under Chapter Three is as follows:

- (a) Tourism business activities in the primary responsibility as stipulated in Article 10 of this Law hereunder:
- Tour guide;
 - Tour operator and travel agency;
 - Tourism information and promotion;
 - Tourist accommodation services;
 - Tourist sites;
 - Tourist attractions;
 - Tourist transport;
 - Tourist restaurants and food stores;
 - Tourism vocational school;
 - Tourism entertainment centres;
 - Adult entertainment centres;
 - Tourism sport activities; and
 - Tourism events and exhibitions.

(b) Tourism business activities in the shared responsibility as stipulated in Article 10 of this Law hereunder:

- Domestic restaurants and food stores;
- Domestic passenger transport;
- Natural protected areas;
- Mekong river dolphin areas;
- Ecotourism activities;
- Community-based tourism activities;
- Souvenir vendor activities; and
- Educational institutions of tourism, hotel and hospitality.

(c) Tourism business activities in the shared responsibility as stipulated in Article 10 of this Law hereunder:

- Air passenger transport;
- National cultural heritage sites;
- National natural heritage sites; and
- Conference, exhibition, events and national and international festivals.

The categories of tourism business activities and the responsibility of the Ministry of Tourism may be amended and further tourism business activities may be added when the need is identified in the Tourism Development Plan.

Article 31:

In compliance with Article 10 in Chapter Three and the provisions of this Chapter Five, Minister of the Ministry of Tourism shall issue Prakas to regulate and administer the licensing of each area of tourism business activity for which it has primary responsibility.

The Ministry of Tourism and the other relevant-line Ministries and authorities with whom responsibility is shared shall collaborate and issue an inter-ministerial Prakas (regulation) to regulate and administer this area of shared responsibility in accordance with Article 11 as stipulated in Chapter Five of this Law.

Article 32:

Minister of the Ministry of Tourism shall issue Prakas (regulation) which categories of tourism businesses require a licence from the Ministry of Tourism or the Provincial-Municipal Department of Tourism.

No person shall be able to operate a tourism business without a licence if so required by the Ministry of Tourism or Provincial – Municipal Department of Tourism. Where more than one type of business are conducted by one person from the same premises, each type of business must be separately licensed as if it were a separate business operated from separate premises.

Where a person has more than one branch of a tourism business, each branch must be licensed.

Article 33:

Tourism licences issued by the Ministry of Tourism or the Provincial-Municipal Department of Tourism do not affect any requirements for commercial registration or other permits from other relevant-line Ministries, institutions and authorities which are obligated by laws. The Ministry of Tourism shall work in collaboration with relevant line Ministries, institutions and authorities to streamline and accelerate the efficiency of licensing processes.

Article 34:

The Ministry of Tourism shall determine in consultation with the private sector and other concerned Ministries, institutions and authorities the minimum standards and other criteria for each type of licence designed to establish; improve and maintain the quality of tourism services.

The criteria shall conform to each type of tourism licence and relate to such matters or any of the following matters:

- (a) The nationalities, qualifications, experiences, knowledge and characters of the operator and key personnel; and
- (b) Locations, premises, equipment, registration and the financial capacity of the operator; and

Criteria for each type of tourism license shall be determined by a Prakas (regulation) Minister of the Ministry of Tourism.

Article 35:

Criteria for tour guide licence are as follows:

- (a) Must be Khmer nationality and whose age is over 18 years; and
- (b) Holds a tour guide certificate and is trained and recognized by the Ministry of Tourism.

Other criteria for tour guide licensing shall be determined by a Sub-decree.

Article 36:

An application for the grant of or renewal of a tourism license shall be made by the operators of the tourism business and shall be in the form and accompanied by the supporting documents and other information as required by a Prakas (regulation) of Minister of the Ministry of Tourism.

An application of tourism licence must thereof attach the license fees which were determined by an inter-ministerial Prakas (regulation) of Minister of the Ministry of Tourism and Minister of the Ministry of Economy and Finance.

Article 37:

The application of tourism licence shall be accepted for an assessment once the Ministry of Tourism or Provincial-Municipal Department of Tourism sees that the applicants properly follow the sample form of the application.

Article 38:

The Ministry of Tourism or Provincial-Municipal Department of Tourism shall review and assess the application based on the information provided and such further perusals and enquiries as deemed appropriate.

The Ministry of Tourism or Provincial-Municipal Department of Tourism shall advise the applicant of tourism licence its decision of approval or disapproval within 28 days after receipt of a completed application. In case of disapproval, the Ministry of Tourism or Provincial-Municipal Department of Tourism shall substantiate the rationale and justification to the applicant.

Any official of the Ministry of Tourism or Provincial-Municipal Department of Tourism with a conflict of interest shall be prohibited from participating in the processing the application.

Article 39:

A licence issued under this Law is subject to the conditions which the licensee shall comply hereunder:

- (a) Comply with all planning and foundation norm of building, fire safety, health, food, hygiene, labor, tax and other laws and regulations relating to the activity, premises, equipment, employees and operation of the tourism business;
- (b) Comply with the standards and requirements issued by the Ministry of Tourism under Article 23 of this Law;
- (c) Comply with the classification systems issued by the Ministry of Tourism under Article 24 and 25 of this Law;
- (d) Comply with the quality assurance measures issued by the Ministry of Tourism under Article 28 of this Law and not falsely represent that the business has a label, logo, accreditation, award or incentive that it does not have;
- (e) If the tourism business has been awarded a classification level under a scheme referred to in Article 24 and 25 of this Law, the level awarded must be displayed in a prominent position at the place of business of the licensee and must be specified in all marketing, advertising and correspondence;
- (f) Comply with any Code of Conduct and Code of Ethic issued by the Ministry of Tourism or issued by a Tourist Industry Association and approved by the Ministry of Tourism for that type of tourism business;
- (g) Notify the Ministry of Tourism or Provincial-Municipal Department of Tourism in writing within 14 days of any change in the particulars supplied by the licensee;
- (h) Provide promptly to the Ministry of Tourism or Provincial-Municipal Department of Tourism upon request such statistical and other information in relation to the tourism business as the Ministry of Tourism or Provincial-Municipal Department of Tourism shall determine is required;
- (i) At all times display the licence in a prominent position at the place of business of the licensee;
and
- (j) Ensure that registration numbers and type of tourism license are specified on all correspondence with stakeholders and commercial partners.

Such other special conditions are required for each type of licence shall be determined by a Prakas (regulation) of Minister of the Ministry of Tourism.

Article 40:

Travel agents and tour operators must provide and maintain a security, either in the form of cash deposits in a bank or a bank guarantee in an amount determined by a Prakas (regulation) of Minister of the Ministry of Tourism to guarantee the business and to protect customers.

The procedures and requirements for the management of the security and changes in the security in a bank shall be determined by a Prakas (regulation) of Minister of the Ministry of Tourism.

Article 41:

If the applicant meets all the criteria and requirements specified in Chapter Five of this Law, the Ministry of Tourism or Provincial-Municipal Department of Tourism shall issue a tourism license for a minimum term of one year.

If the applicant does not fulfill the criteria and requirements as stipulated in Chapter 5 of this Law, the Ministry of Tourism or Provincial-Municipal Department of Tourism accepts a written undertaking by the applicant to comply with the outstanding criteria and requirements, the Ministry of Tourism or Provincial-Municipal Department of Tourism may issue a temporary licence for a period of 90 days post the applicant has paid the licence fee.

During this transitional period, having scrutinised the temporary licensee has complied with all the outstanding criteria and requirements, the Ministry of Tourism or Provincial-Municipal Department of Tourism shall thereof issue a full licence to the applicants.

Article 42:

A licensee must submit an application for renewal at least 30 days before the date of expiry of the licence accompanied by the licence fee and such documents and other information as specified in Prakas (regulation) of Minister of the Ministry of Tourism.

Article 43:

A Tour Guide licence issued under this Law shall not be transferable neither nor sellable as it is dependent upon the personal qualifications and experience of the licensee.

Any other licence issued under this Law shall be transferable either or sellable of the business subject to the following conditions:

- (a) the licensee shall make application to the Ministry of Tourism or Provincial-Municipal Department of Tourism in the decided form thereof and accompanied by the fee of licence transfer or sale and such other information determined by the Ministry of Tourism;
- (b) the transferee or purchaser of licence must fulfill all obligatory conditions and requirements on licensing of the Ministry of Tourism as stipulated in Chapter Five of this Law;
- (c) Pursuant to the law in effect, the sale or transfer of licence is operationable unless the transferor has fulfilled all his/her tax obligations and has resolved other matters with his stakeholders and the transferee or purchaser have agreed in writing for fulfilling tax obligations or resolve the residual issues, otherwise obtaining a particular agreement in writing from his/her stakeholders; and
- (d) Where the licence is a provisional licence, the transferee shall provide to the Ministry of Tourism or Provincial-Municipal Department of Tourism a written undertaking to carry out the outstanding works within the remainder of the period originally fixed.

Article 44:

If the Ministry of Tourism or Provincial-Municipal Department of Tourism considers the licensee has provided false or misleading information in relation to the application or has failed to comply with all or any of the conditions of the licence the Ministry of Tourism or Provincial-Municipal Department of Tourism may cancel, suspend the licence or downgrade the licence to a temporary licence on 30-day's written notice to the licensee. The notice of cancellation, suspension or downgrade shall specify the reasons for such action.

In an emergency situation where the Ministry of Tourism or Provincial-Municipal Department of Tourism considers that the continuing operation of a tourist business poses an immediate and serious potential risk to health, safety or security the Ministry of Tourism or Provincial-Municipal Department of Tourism may cancel or suspend the licence by specifying the reasons for such action.

Cancellation, suspension or downgrade of a licence under this Article shall not relieve the licensee from liability for the offences and penalties under Chapter Ten of this Law and other laws in effect.

Criteria and procedures for cancellation, suspension or downgrade of a tourism licence to a provisional licence shall be determined by a Prakas (regulation) of Minister of the Ministry of Tourism.

Article 45:

Where a licensee ceases to meet the criteria and other requirements for the licence because of the death of the licensee or manager or for some other lawful reason beyond the control of the licensee acceptable to the Ministry of Tourism or Provincial-Municipal Department of Tourism, the Ministry of Tourism or Provincial-Municipal Department of Tourism may make such temporary licensing arrangements with the licensee and heirs or persons responsible for dissolution of the company business to facilitate the orderly rectification of the problem or transfer of the business.

Article 46:

Any person who is aggrieved by a decision of the Ministry of Tourism or Provincial-Municipal Department of Tourism on refusal, suspension, cancellation, downgrade or other relevant decision as stipulated in Chapter Five of this Law may appeal to a court of competent jurisdiction within 30 days of the date of such notice.

Upon receiving notice of the appeal if the Ministry of Tourism or Provincial-Municipal Department of Tourism may suspend the decision and shall make its resolution within a period of 60 days.

Article 47:

The Ministry of Tourism or Provincial-Municipal Department of Tourism shall keep and maintain a register of tourism licenses, and shall publish in its bulletin or/and website any decisions on the granting of, refusal, cancellation, suspension or downgrade of a tourism license.

The public may request access to the register at the Ministry of Tourism or Provincial-Municipal Department of Tourism during any working hours and may request copies of the documents.

Chapter Six:

Obligation of Tourism Stakeholders

Article 48:

All tourism business operators and their agents, employees and contractors shall comply with and attach the following obligations:

- (a) Comply with this Law and regulations (Prakas) in force on standards, codes of conduct, codes of ethics and conditions of tourism licence;
- (b) Comply with all other laws and regulations affecting or affected by tourism including laws and regulations on land use, building construction, safety, fire, security, public order, environment, health, hygiene, food, tax obligations, accounting and finance, protection of cultural and natural heritages and traffic law;
- (c) Safeguard national interests and tourists' interests and contribute to maintaining natural resources, not to pollute or destroy environment, protect and conserve cultural heritages, arts, customs, and traditions of the Khmer people in all of its tourism activities;
- (d) Provide tourists with true and accurate information and be responsible for all services as promised and take reasonable measures to safeguard the personal safety and security of tourists and their luggage and property while they are under their care and control;
- (e) Instantly complain or report to the nearest Tourist Police, authorities in-competence or tourist authority, in case of having known or suspected the offences of drug trafficking and usage, human trafficking and confinement, child trafficking and sexual exploitation/prostitution, disseminations of pornographic pictures and materials or other criminal offences;
- (f) Any manager of hotel and tourist accommodation service must register the identity and other information of all guests upon the beginning of their stay;
- (g) Cooperate in inspection as specified in Article 57 of this Law;
- (h) Abide by the UNWTO Global Code of Ethics so far as it concerns the conduct and responsibilities tourism businesses, agents, employees and contractors; and
- (i) Observe and comply with any conditions stated in Article 39 and other conditions stated in this Chapter Five of this Law.

Article 49:

All government officials in-competence whose duties are affected by tourism shall comply with the following obligations:

- (a) Provide tourists with honest and unbiased information;
- (b) Behave in an honest, helpful and hospitable manner as a host;
- (c) Facilitate the travel of tourists by simplifying the administrative procedures and formalities;
- (d) Refrain from discrimination in terms of nationality, race or color and religion;
- (e) Take necessary measures to protect the personal belongings, safety and security of tourists;
and
- (f) Conform to the UNWTO Global Code of Professional Ethics.

Article 50:

Tourists shall comply with and observe the following obligations:

- (a) Respect the laws and regulations in force of the Kingdom of Cambodia;
- (b) Respect Khmer traditions, customs and culture and not participate in any activities that violate or damage Khmer culture;
- (c) Not to damage the environment or natural and cultural heritages;
- (d) Not to take part in any activities in relation to drug trafficking and use, sexual human trafficking and confinement, child trafficking and sexual exploitation/prostitution, disseminations of pornographic pictures and materials, money laundering and causing insecurity to the society;
- (e) Not to damage the social order and general welfares of Cambodian citizens;
- (f) Not to threaten security or get involved in terrorism groups;
- (g) Comply with any relevant Code of Conduct and Codes of Professional Ethics issued by the Ministry of Tourism or by the Tourism Industry Associations with the endorsement of the Ministry of Tourism;
- (h) Conform to the UNWTO Global Code of Professional Ethics; and
- (i) Not to use tourism as an opportunity to seek employment or residential settlement at the destination.

Article 51:

The Ministry of Tourism shall hereof develop and encourage the development of Codes of Conduct and Codes of Professional Ethics in consultation with relevant-line Ministries, institutions and authorities, tourism industry associations and other stakeholders.

Article 52:

The Ministry of Tourism may delegate the responsibility for the development of Code of Conduct and Code of Professional Ethics to a relevant Tourism Industry Associations when that relevant Tourism Industry Associations becomes established representatives sufficiently and effectively. If the Ministry of Tourism proposes the Tourism Industry Associations to formulate or improve the Code of Conduct and Code of Professional Ethics, the Tourism Industry Associations shall undertake it in a due consultation with association members and other stakeholders and submit a draft Code of Conduct and Code of Ethic to the Ministry of Tourism for perusal and endorsement.

Article 53:

The Code of Conduct and Code of Professional Ethics issued by the Ministry of Tourism is binding obligations upon relevant stakeholders and may be utilised as a condition for issuing tourism visas proposed by the Ministry of Tourism.

A Code of Conduct and Code of Ethic prepared by a Tourism Industry Association and approved by the Ministry of Tourism shall be binding obligations upon its members and the Association shall take reasonable measures to ensure compliance and enforcement among its members.

Chapter Seven:

Ombudsman of Tourism

Article 54:

The Ministry of Tourism shall form a Tourism Ombudsman Committee to facilitate the resolution of disputes and compliance with the obligations under this Chapter.

Minister of the Ministry of Tourism shall issue a Prakas (regulation) on dissemination of types of disputes under its jurisdiction for resolution.

Article 55:

The types of complaints and disputes for which are in the jurisdiction of the Ministry of Tourism to

undertake the role of ombudsman include complaints from and disputes between tourism businesses operators, their agents, employees, contractors, government officials concerned with tourism, tourists and other stakeholders.

The Tourism Ombudsman Committee shall consider justly undertaking the dispute including the complaint. If the ombudsman is unable to resolve the dispute, any party may then refer the matter to the courts for resolution according to law.

The expenditure and fee of the Tourism Ombudsman Committee shall be determined by a Prakas (regulation) of Minister of the Ministry of Tourism and Minister of the Ministry of Economy and Finance.

Chapter Eight:

Prohibition of Minors

Article 56:

Minors are prohibited to be present in the premise of an adult tourism entertainment centre.

Article 57:

Managers and licensees of adult entertainment centre must ban and take reasonable measures to ensure that no minors are present in the premises and shall inspect their identification cards of young clients to ensure the conformity with this Article.

Formalities of practices of Article 56 and 57 shall be determined by a Sub-decree.

Chapter Nine:

Monitoring, inspection and Enforcement

Article 58:

The Ministry of Tourism shall conduct inspections:

- (a) Dispatch inspectors to conduct inspection at any place of business, premises or equipment used or suspected of being used for the purpose of a tourism business used or suspected of being used in contravention of this Law;
- (b) If business premises are also used as residence, the inspection can only take place during working hours.

Article 59:

Inspectors must present their identity and service cards, mission order or authorization letters before conducting the inspection. Tourism inspectors have lawful function as judicial police.

Article 60:

The licensee, tourism business operator and person in possession of the place of business, premises or equipment are subject to inspection; and the inspectors shall be provided with access to all facilities, full cooperation and complete and accurate information and explanation of any questions. No person shall prevent, obstruct or interfere with inspections as specified under this Law.

Article 61:

During an inspection, if the inspector finds or has reasonable grounds to believe that there has been a violation to the provisions of this law, the inspectors must immediately report it to the competent ministries/institutions so that legal action can be taken in accordance with the law.

In case the inspectors finds or has justifiable grounds to believe that there has been a criminal offence, the inspectors shall urgently report it to competent prosecutor or judicial police of the relevant region so that legal action can be taken in accordance with applicable procedures.

Article 62:

The Ministry of Tourism or Provincial-Municipal Department of Tourism has full authority to take such necessary measures to immediately discontinue and close down any business whose license has been cancelled or suspended, or any unlicensed business.

Chapter Ten:

Monitoring, inspection and Enforcement

Article 63:

The transitional fine specified under this Law shall be executed by tourism inspectors or/and tourist police. Procedures and conditions of transitional fine will be determined by a Prakas (regulation) of Minister of the Ministry of Tourism.

Division of jurisdiction or competency of the tourism inspectors and tourist police shall be determined by an interministerial Prakas (regulation) of Minister of the Ministry of Tourism and Minister of the Ministry of Interior.

Article 64:

The enforcement of transitional fine shall disenable offender to out of legal liability from the law of tort or/and criminal act as specified in laws and regulations in effect.

Article 65:

Any person who operates tourism business without a tourism licence shall be subject to impose a minimum transitional fine for a sum of Riel 2,000,000.00 (two million Riels) and a maximum transitional fine for a sum of Riel 20,000,000.00 (twenty million Riels). The scale of transitional fine for each type of tourism business shall be determined by a Prakas (regulation) of Minister of the Ministry of Tourism.

Article 66:

Any violation of obligations as stipulated in Article 48 of this Law shall be guilty of an offence and liable to a transitional fine. Any act which is subject to and amount of the provisional fine shall be specified in details by a Prakas (regulation) of Minister of the Ministry of Tourism.

Article 67:

Any government competent official who violates the provisions of this Law shall be guilty of an offence and subject to an administrative sanction regardless of other penalties taken in accordance with applicable procedures.

Article 68:

Either tourist or leisure travelers, who violates Article 50 of this Law shall be guilty of an offence and subject to a nullification of entry-visa and shall be expelled or may be banned from being present in the tourist destinations in the Kingdom of Cambodia for a specified period of time not exceeding 5 (five) years or permanently.

Article 69:

Any tourist or leisure traveler who causes damages to the environment, cultural and natural heritages shall be guilty of an offence and subject to a legal liability in accordance with laws and regulations in effect.

Article 70:

Any manager or proprietor of the Adult Entertainment Centre violates Article 57 of this Law shall be guilty of an offence and subject to a transitional fine from Riel 1,000,000.00 (one million Riels) to Riel 10,000,000.00 (ten million Riels) regardless of other administrative penalties. In the event of repeated offence, the penalty shall be doubled.

Article 71:

Any tourism operator who disallow or prevent tourism inspectors to fulfill their duties as stipulated in this Law shall be guilty of an offence and subject to a transitional fine from Riel 1,000,000.00 (one million Riels) to Riel 10,000,000.00 (ten million Riels) regardless of other administrative penalties. In the event of repeated offence, the penalty shall be doubled.

Article 72:

Any person who causes any offence or protects tourism business; which violate the provisions of this Law, shall be guilty of an offence and subject to an administrative penalty or subject to and civil liabilities as stipulated in the other applicable laws and regulations in force.

Article 73:

A person who deceives or cheats by selling counterfeit products and tourism services to a tourist shall be subject to a transitional fine of twice of the selling price. If such act constitutes criminal offences; the offenders shall be punished in accordance with applicable criminal laws in force. In such case, the Ministry of Tourism may revoke or suspend or downgrade the Tourism Licence to a provisional licence.

Article 74:

A person who counterfeits tourism licenses or other public legal documents shall be guilty of a criminal offence and shall be punished in accordance to the criminal law in effect.

Chapter Eleven:

Inter-disposition

Article 75:

Tourism licence issued by the Ministry of Tourism before this Law goes into force and it remains valid and effective till its expiry date as specified in those tourism licences.

Any tourism operator who operates tourism business services without a tourism license shall submit the application for a tourism licence within a period of three months after this Law comes into force.

Chapter Twelve:

Final disposition

Article 76:

Any laws and regulations inconsistent with this Law are hereby repealed.

Article 77:

This Law shall be promulgated urgently.

Done in the Royal Palace, Phnom Penh dated 10th June 2009

Signed and sealed

Norodom Sihamony

PoRoLo 0906.634

Having submitted the quintessence [of this Law] to Your Majesty the King for signature

Prime Minister

Signed

Samdech Akka Moha Sena Padei Techo HUN SEN

Having submitted the quintessence of this Law to Samdech Akka Moha Sena Padei Techo HUN SEN

Prime Minister of the Kingdom of Cambodia

Minister of Tourism

Signature

THONG Khon

N: 586 ChoLo

For distribution

Phnom Penh, 12 June 2009

Deputy Secretary-General of the Royal Government

KHUN Chin Ken

