

Government of the Republic of the Union of Myanmar

Ministry of Hotels and Tourism

(Myanmar Tourism Rules)

Notice No. 1/2020

1382 ME, 3rd day of Tan Saung Mone

(November 17, 2020)

Ministry of Hotels and Tourism is exercising the power conferred under Section 39, sub-section (a) of the Myanmar Tourism Law, these rules are promulgated with the approval of the Union Government.

Chapter 1

Name and definition

1. These rules shall be called the **Myanmar Tourism Rules**.
2. The wording of these Rules shall have the meaning as stated in the Myanmar Tourism Law. In addition, the following expressions shall have the following meanings:
 - (a) **Law** means the Myanmar Tourism Law;
 - (b) **License Scrutiny Committee** means the body formed by the Regional Tourism Committee to scrutinize the matter of applying for a license;
 - (c) **Tour guide** means a person who is licensed to operate commercially to guide tourists to the tourist destinations, explaining and facilitating for the conveniences of the tourists during the trip of their journey. The term shall not include persons performing the following activities:
 - (i) guiding or supporting an employee of a private enterprise or company for the destination during travelling within the area of the concerned business and facilitating of travelling in the office area;

- (ii) A person guiding, explaining and facilitating for travelling within the area where the person lives to the relatives or friends socially and not for the commercial purposes.
- (d) **Regional tour guide** means a person who is licensed to operate commercially for the designated areas to guide tourists to the tourist destinations, explaining and facilitating for the conveniences of the tourists during the trip of their journey;
- (e) **Other tourism related service fee** means the fees fixed as other tourism related service fees by the Ministry with the approval of the Union Government, Region or State Government and the Nay Pyi Taw Council.
- (f) **Inbound travel** is a trip arranged commercially for the foreigners who visit to Myanmar and local visitors to travel within the country.
- (g) **Outbound travel** means a trip arranged commercially for the Myanmar tourists to travel to abroad.
- (h) **Committees** mean the Central Committee for National Tourism Development, Tourism Committee and Regional Tourism Committee formed by the law;
- (i) **Form** means the **form** prescribed in these Rules.

Chapter (2)

Establishment of Central Committee for National Tourism Development

3. The Union Government may request the Ministry for a list of tourism professionals and representatives from private tourism organizations to form the Central Committee.
4. According to the Rule 3, the Ministry shall request the names and profiles of tourism professionals and representatives of private tourism organizations

from the Myanmar Tourism Federation and shall submit to the Union Government.

Chapter 3

Formation of Tourism Committee

5. The Central Committee may request to the Ministry for the list of representatives to form the Tourism Committee in accordance with the Section 6, sub-section (a) of the Law.
6. When the list of representatives is requested according to Rule 5, the Ministry may:
 - (a) request the name of one representative from the Nay Pyi Taw Council and one representative each from respective Region and State Governments;
 - (b) request to the Myanmar Tourism Federation for the names and profiles of tourism professionals and representatives from private tourism organizations.
7. The Ministry shall submit the received list of representatives to the Central Committee according to the Rule 6.

Chapter 4

Formation of Regional Tourism Committee

8. The Tourism Committee may request the Ministry for the list of representatives while forming the Regional Tourism Committee in accordance with Section 9, sub-section (a) of the Law.
9. The list of the representatives are requested according to the Rule 8, the Ministry shall collect the names of the representatives from the Nay Pyi Taw Council, Region and State Governments.

10. According to Rule 9, the Nay Pyi Taw Council, Region and State Governments, shall collect the names of the representative as per Section 9, sub-section (a)(3) of the Law to the private tourism organizations from the respective regions and states.
11. As per Rule 10, the Ministry shall submit the collected list of the representatives to the Central Committee.

Chapter (5)

The Term and conducting the Meetings of the Committees

12. The term of each committee is the same as that of the Union Government.
13. The Central Committee shall convene the regular meetings at least twice a year.
14. The Tourism Committee shall convene the regular meetings at least twice a year.
15. The Regional Tourism Committee shall organize the meeting regularly at least once every two months.
16. Meetings of the different Committees are successfully convened when more than half of the members of the respective Committees are presented.
17. The chairperson of the different Committees may convene an emergency meeting when necessary. The meeting will be successfully convened if more than half of the members of the respective Committees are attended.
18. Each Committee shall make decisions at the meeting with the consent of more than half of the members present at the meeting. The decision adopted in that meeting is final.

Chapter (6)

Termination and Substitution of the Member from Non-Public Sector

19. A Non-Public Sector member shall submit a letter to the relevant Committee if he/she wishes to resign voluntarily.
20. As per Rule 19, it shall be submitted by the respective Regional Tourism Committee to the Tourism Committee, Central Committee and the Union Government respectively.
21. A Non-Public Sector member shall be terminated from a membership by each level of the Committee, such as, Regional Tourism Committee, Tourism Committee, Central Committee if any of the following circumstances is raised and shall be submitted to the Tourism Committee, Central Committee and Union Government respectively:
 - (a) under performance to fulfill the assigned duty satisfactorily;
 - (b) deteriorating health to the extent that he/she is unable to continue performing his/her duties;
 - (c) being sentenced to imprisonment;
 - (d) being declared bankruptcy;
 - (e) Death;
22. In the event of a vacancy at the place of Non-Public sector member, the new appointment shall be informed through Regional Tourism Committee, Tourism Committee, Central Committee and Union Government respectively.

Chapter 7

Identifying new tourist destinations and administering the tourist destinations

23. The Tourism Committee and the Regional Tourism Committee shall coordinate with the relevant Ministry in developing new tourist destinations if they are under the administration of a particular Ministry.
24. The Ministry will adopt the regulations with the view to the long-term sustainability of the coastal, islands, rivers and streams, lakes, mountainous regions and forest which are located within the tourist area.

25. In setting the regulations as per Rule 24, the advice shall be obtained from the relevant Ministry which is administering the designated tourist area.

Chapter (8)

Applying for prior permission

26. If the hotel or guest house operator wants to carry out the construction and renovation of the hotel or guest house building before the commencement of the business, he/she must apply for the prior approval to the Regional Tourism Committee with Form 1 together with the following evidence documents:
- (a) the recommendation of the Nay Pyi Taw Council or the respective Region or State Government in relation to the construction or renovation of the building;
 - (b) the recommendation of the Township General Administration Department in relation to the construction or renovation of the building;
 - (c) the recommendation of the Ward or Village Tract Administration Office in relation to the construction or renovation of the building;
 - (d) in the case of development or renovation of the building within the boundaries of the development area, the recommendation or permission of the relevant development committee;
 - (e) the confession of innocence issued from the relevant police station;
 - (f) the recommendation of the relevant Township Fire Department in relation to the fire safety;
 - (g) the recommendation of the relevant Township Public Health Department in relation to the sewage disposal system and the healthy food preparation system.

- (h) the architecture design of hotel or guest house to be constructed signed by the respective engineer;
 - (i) the recommendation of the Department of Environmental Conservation in relation to whether there is any damage to the environment;
 - (j) evidence document of the land ownership or land lease if the land or the building is leased;
 - (k) investment capital and proof of financial standing for the operation of the business;
 - (l) 3 copies of color photographs taken within six months of the applicant;
 - (m) if the proposed land and building is located near the archeological site, the recommendation letter from the relevant Department of Archeology and National Museum;
 - (n) if the proposed land and building is adjacent to the forest and environmental conservation area, the recommendation letter from the Department of Forestry;
 - (o) the recommendation letter of the Department of Civil Aviation if the proposed land is adjacent to the airport boundary.
27. As per Rule 26, the Regional Tourism Committee shall consider and making the decision on the application within 30 days from the date of application received. While making the decision:
- (a) an application for prior permission shall be approved if the information is complete and meets the requirements;
 - (b) if the information is incomplete, the applicant shall state the reasons;
 - (c) If the information is complete and submitted, it shall be checked whether it meets the requirements and if it is in accordance with the requirements, the application for prior permission shall be allowed;
 - (d) the application shall be rejected if it does not meet the requirement criteria.

28. The Regional Tourism Committee shall notify the decision regarding the application to the applicant in writing as per Rule 26.
29. The hotel or guest house operator must construct or renovate the hotel or guest house with the prior approval of the local tourism committee.
30. During the construction or renovation of a hotel or guest house with the prior approval, a team assigned by the Regional Tourism Committee shall conduct a field inspection to ensure that the application is carried out as submitted at the time of prior approval application.
31. The person who received the prior approval shall submit a letter to the Regional Tourism Committee every six months by stating the completion of the construction or renovation of the hotel or guest house. The completion of the work must be reported in writing upon completion.

Chapter 9

Application of a License, Extension, Transfer and Regulations

32. A person who wants to operate a tourism business shall apply a license. The Form (2) shall be used for inbound tour, Form (3) shall be used for outbound tour and shall apply to the relevant Regional Tourism Committee with the following documents:
 - (a) **Inbound Tour**
 - (i) If the applicant is a company, a copy of the company registration certificate, list of Board of Directors approved by the Directorate of Investment and Company Administration, office address and list of shareholders;
 - (ii) If the applicant is a cooperative association, a copy of the registration certificate of the cooperative association, list of executive members approved by the Cooperative Department, office address and list of shareholders;

- (iii) If the applicant is a joint venture between the citizen company and the foreign company, a copy of the evidence document of joint venture;
- (iv) Copy of bank statement;
- (v) List of staff;
- (vi) Tour schedule, pricing and service package;
- (vii) The personal profile of the applicant and a copy of citizenship or foreigner registration certificate;
- (viii) Three copies of color photos taken within six months of the applicant.

(B) Outbound Tour

- (i) Copy of Tour License (inbound tour, outbound tour);
- (ii) Copy of bank statement;
- (iii) Trip schedule, pricing and service package;
- (iv) a pledge or affidavit of full responsibility for the service;
- (v) The evidence document for a member of the Board of Directors of the Company or a member of the Executive Committee of the Cooperative Society or a person in charge of tourism business who has at least two years of experience in the tourism industry;
- (vi) Three copies of color photos taken within six months of the applicant;
- (vii) The undertaking for the Religious trips provided to the relevant government department for the obligations to comply with the requirements set by government agencies.

33. Form (4) shall be used to obtain the Hotel License to operate a hotel business and apply to the relevant Regional Tourism Committee together with the following documents:

- (a) copy of prior approval;

- (b) copy of bank statement;
- (c) the recommendation letter of the Nay Pyi Taw Council or the Region or State Government in relation to the application for a hotel business license;
- (d) the recommendation letter of the Township General Administration Department in relation to the application for a hotel business license;
- (e) If the business is located within the development area, the recommendation letter from the relevant Development Authority in relation to the application for a hotel business license;
- (f) the concession of innocence from the relevant police station;
- (g) the recommendation letter from the relevant Township Fire Department in relation to fire safety;
- (h) the recommendation letter from the relevant township Public Health Department for the sewage disposal system with regard to the healthy food preparation systems;
- (i) the recommendation letter from the Department of Environmental Conservation in relation to whether there is any damage to the environment;
- (j) the recommendation letter from the Ward or Village Tract Administration Office in relation to the application for a hotel business license;
- (k) evidence document of land ownership or lease of the land or building if the land or building is leased;
- (l) Photographs of buildings and rooms;
- (m) Three copies of color photographs taken within 6 months of the applicant;
- (n) if the applicant is a company or organization, a copy of the company registration certificate or a copy of the registration of the organization;

- (o) copy of evidence document of joint venture in case of joint venture between citizen and foreigner;
 - (p) list of staff; (Indicate the name, qualifications and work experience of each employee)
 - (q) if the building is located in the area of archeological site, the recommendation of the Department of Archeology and National Museum;
 - (r) the recommendation letter from the Department of Forestry if the building is located in the Forest and Environmental Conservation Area.
34. Form (5) shall be used when applying license for those who want to operate a hostel business to the relevant Regional Tourism Committee attached with the following documents:
- (a) copy of prior approval;
 - (b) copy of bank statement;
 - (c) the recommendation letter from the Nay Pyi Taw Council or the Regional or State Government in relation to the application for the hostel business license;
 - (d) the recommendation letter from the Township General Administration Department in relation to the application for the hostel business license;
 - (e) if the business is located within the development area, the recommendation letter from the relevant Development Affairs Committee in relation to the application for the hostel business license;
 - (f) the evidence document of innocence from the relevant police station;
 - (g) the recommendation letter from the relevant Township Fire Department in relation to fire hazard;

- (h) the recommendation letter from the relevant township Public Health Department regarding the sewage disposal system for healthy food preparation systems;
 - (i) the recommendation letter from the Department of Environmental Conservation in relation to whether there is any damage to the environment;
 - (j) the recommendation letter from the Ward or Village Tract Administration Office in relation to the application for the hostel business license;
 - (k) the evidence document of land ownership or land lease if the land or building is leased;
 - (l) Photographs of the buildings and rooms;
 - (m) Three copies of color photographs taken within 6 months of the applicant;
 - (n) if the applicant is a company or organization, a copy of the company registration certificate or a copy of the registration certificate of the organization;
 - (o) list of the staff; (indicate the name, qualifications and work experience of each employee)
 - (p) if the building which is going to use for the business is located in the Archaeological Site, the recommendation letter from the Department of Archeology and National Museum;
 - (q) If the building which is going to use for the business is located in the forest and environmental conservation area, the recommendation letter from the Department of Forestry.
35. Form (6) shall be used for applying Tour Guide License and Form (7) shall be used for regional Tour Guide License attached with the following documents and apply to the relevant Regional Tourism Committee:

- (a) copy of educational qualification;
 - (b) copy of Citizenship Verification Card;
 - (c) a copy of the certificate of passing the guide training course in case of tour guide business and a copy of the certificate of passing the local guide training course of the relevant area in case of regional tour guide business;
 - (d) Three copies of color photographs taken within six months of the applicant;
 - (e) the recommendation letter from the relevant township Public Health Department for the proof of good in health;
 - (f) the recommendation letter from the Ward or Village Track Administration Office for proofing the good manner;
 - (g) the proof letter of innocence from the relevant police station.
36. Application for other tourism services shall be applies to the relevant Regional Tourism Committee in accordance with the requirements for each type of business.
37. The Regional Tourism Committee may set up a license scrutinizing panel to review the application for the approval of a license.
38. The license scrutinizing team shall review the license application within 30 days from the date of applied and submit the findings to the Regional Tourism Committee.
39. In accordance with the Rule 38, the Regional Tourism Committee shall review the submission of the License Scrutiny Committee and:
- (a) if the conditions are fulfilled, the applicant shall pay the prescribed license fee and issue the license;
 - (b) if it does not comply with the conditions, the license will be refused to issue.

40. The Department shall set the terms and conditions related to the license. If necessary, amendment can be made for the prescribed terms and conditions.
41. The renewal of the licensee shall be done within 60 days before the expiration of the license and shall apply to the relevant Regional Tourism Committee with Form (8) together with the following documents:
 - (a) Original license;
 - (b) Original tax payment proof issued by the relevant Internal Revenue Department;
 - (c) Three copies of color photographs taken within six months of the applicant.
42. Apart from the Tour Guide License, the transfer of any tourism license shall be applied to the relevant Regional Tourism Committee attached with the following documents:
 - (a) application for transfer of license;
 - (b) original license;
 - (c) a letter submitted by the transferor;
 - (d) a letter submitted by the transferee;
 - (e) evidence document related to the transfer (any contracts if it is available);
 - (f) three copies of color photographs taken within six months of the transferee;
 - (g) if the transferee is a company or organization, a copy of the company registration certificate or a copy of the registration of the organization and the minutes of the meeting of the Board of Directors of the company or the organization.
43. According to Rule 42, the Regional Tourism Committee may verify the received applications compliance with the regulations and may grant or deny the transfer of the license.

44. If the transfer of license is approved as per Rule 43, the fee shall be paid according to the prescribed service fee.

Chapter (10)

Categorizing the type of tourism business and setting the License Fees

45. The Ministry shall define the types of tourism business and business requirements and regulations. It can be amended if it is necessary.
46. The Ministry shall be determined for the license renewal fee, fines for overdue and other tourism related fees for the Union Government, Regional or State Government with the approval of Nay Pyi Taw Council. Those fees can be amended if it is necessary.

Chapter 11

Formation of Inspection Teams and defining the Duties and Responsibilities of the inspection teams

47. The Ministry shall form the inspection teams to conduct the regular or random inspections for each and every tourism industry.
48. The Ministry shall form an inspection team with officers from the Ministry and the Department. This group shall be composed of at least three members.
49. When the inspection team inspects to any tourism business:
 - (a) the relevant business owner shall be notified in writing seven days prior to the regular inspection;
 - (b) check whether there are any business requirements in the relevant tourism business and whether the conditions prescribed by the type of business are being complied with.
50. After inspecting a tourism business, the inspection team shall submit the report for findings, together with the recommendations to the Ministry within

seven days. A copy of the report must be sent to the relevant Regional Tourism Committee.

Chapter 12

Administrative Action and Appeal

51. The Regional Tourism Committee may, on the basis of a report by the inspection team or known in any other way for the violation of any regulations of the license, an investigation team can be set up for taking action according to the administrative method.
52. An investigation team formed as per Rule 51 shall examine the witnesses and those under investigation. After requesting and reviewing the documents, a report containing the inspection findings and recommendations shall be submitted to the Regional Tourism Committee.
53. The Regional Tourism Committee shall decide at the nearest meeting upon receipt of the report submitted in accordance with Rule 52. If any provision of the license is violated, as per section 26 of the law, an administrative order or orders shall be defined. That order or orders shall be sent to the person being investigated.
54. The person being investigated may submit the appeal letter to the Regional Tourism Committee within 30 days from the date of receipt of the administrative order issued as per Rule 53.
55. The Tourism Committee shall, upon receipt of the appeal, review the relevant case file and make a decision. The decision must be notified in writing to the applicant.

Chapter 13

Financial matters related to the Tourism Business

56. The tour operator must keep accurate and complete records of financial transactions and records of the business operation. It shall be accepted when making inspected by the relevant departments.
57. The tourism operator shall be scrutinized by the relevant departments regarding the payment of taxes liable to be paid in accordance with the existing laws:
 - (a) Foreign currency account or Kyat account shall be opened at the designated banks by the Central Bank of the Republic of the Union;
 - (b) the transactions of receiving, keeping, depositing to or withdrawal from the bank shall comply with the existing laws and regulations promulgated by the Central Bank of Myanmar.

Chapter (14)

General

58. The Regional Tourism Committee shall submit a performance report to the Tourism Committee every two months. A copy of the report shall be sent to the Ministry.
59. The Non-Public Sector Members, members at the different committees are entitled to receive the salaries, expenses and allowances as prescribed by the Union Government. When the payment of salaries, expenses and allowances:
 - (a) the annual budget of the Nay Pyi Taw Council, relevant Region or State Government shall be used in accordance with the financial procedures if the person is a member of the Regional Tourism Committee;
 - (b) if the person is a member of the Central Committee and the Tourism Committee, the payment shall be used from the annual budget of the Ministry in accordance with the financial procedures.

(Sdn)

Ohn Maung,

Union Minister

Ministry of Hotels and Tourism