Tourism Law of the PRC

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of safeguarding the lawful rights and interests of tourists and tourism operators, regulating the order of the tourism market, protecting and rationally utilizing tourism resources, and promoting the sustainable and healthy development of the tourism industry.

Article 2 — This Law shall apply to the tourism business operations or tourism activities within the territory of the People's Republic of China and the overseas tourism activities organized within the territory of the People's Republic of China for traveling abroad.

Article 3 — The State shall develop tourism, improve tourism public services, and protect the rights of tourists in tourism activities in accordance with the law.

Article 4 — The tourism industry shall follow the principles of integrating social, economic and ecological benefits, and shall encourage the use of new technologies in tourism. Tourism operators shall operate with integrity and fair competition, and undertake the social responsibility of protecting tourism resources.

Article 5 — The State shall advocate healthy, civilized and environmentally-friendly tourism practices, and shall support and encourage various social institutions to carry out tourism publicity and public welfare activities.

Article 6 — The State shall establish a sound tourism market regulation mechanism, and the tourism authorities under the State Council shall be responsible for the supervision and administration of the tourism industry nationwide. The tourism authorities of the local people's governments at and above the county level shall be responsible for the supervision and administration of the tourism industry within their respective administrative regions.

Chapter II — Tourists

Article 7 — In tourism activities, tourists shall enjoy the right to personal and property safety, the right to know, the right to independent choice, the right to fair dealing, the right to obtain rescue and assistance, and other rights provided for by laws and regulations.

Article 8 — Tourists shall have the right to know the true information about the tourism products and services they purchase. Tourism operators shall provide tourists with true and accurate information and shall not make false or misleading publicity.

Article 9 — Tourists shall have the right to require tourism operators to provide products and services in accordance with the agreement. Where a tourism operator fails to perform the agreement, the tourist shall have the right to require the operator to perform or to refund the fees and bear liability for compensation in accordance with the law.

Article 10 — Tourists shall enjoy respect for their personal dignity, ethnic customs and religious beliefs. Tourism operators shall respect the personal dignity, ethnic customs and religious beliefs of tourists.

Article 11 — Where tourists with disabilities, the elderly, minors and other tourists have special needs in tourism activities, they shall enjoy convenience and preferential treatment in accordance with the law.

Article 12 — Where the personal or property safety of tourists is endangered, they shall have the right to request tourism operators, local governments and relevant authorities to provide timely rescue. Where Chinese tourists abroad encounter difficulties, they shall have the right to request the Chinese government and its embassies or consulates stationed abroad to provide assistance.

Article 13 — Tourists shall observe social ethics and public order in tourism activities, respect local customs, cultural traditions and religious beliefs, protect tourism resources, care for tourism facilities, and maintain the tourism environment.

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Article 14 — Tourists shall not commit any act that damages the interests of the State or the lawful rights and interests of others in tourism activities, or disrupt the tourism order in any form.

Chapter III — Tourism Planning and Promotion

Article 15 — The State Council and the local people's governments at and above the county level shall incorporate the development of the tourism industry into the national economic and social development plans. Based on tourism resources, the State Council and the people's governments of provinces, autonomous regions and municipalities directly under the Central Government shall organize the preparation of tourism development plans.

Article 16 — The preparation of tourism development plans shall be coordinated with the overall plans for land utilization, urban and rural plans, environmental protection plans and other relevant plans. The preparation of tourism development plans shall take into account the protection of cultural relics and historic sites and the natural ecological environment.

Article 17 — The State Council and the local people's governments at and above the county level shall formulate policies and measures to promote tourism development and promote the integration of tourism with related industries.

Article 18 — The State shall encourage and support the development of tourism vocational education and training, and enhance the quality of tourism practitioners.

Article 19 — The State shall formulate and implement tourism image promotion strategies, and promote the establishment of a tourism image publicity and promotion system.

Chapter IV — Tourism Operations

Article 20 — Travel agencies engaging in tourism business shall obtain a travel agency business permit. Establishments such as clubs, motorcades and self-driving tour organizations that engage in tourism business operations shall obtain the corresponding permits in accordance with the law.

Article 21 — Scenic area operators shall, after opening to the public, publish their maximum carrying capacity approved by the competent authority based on the scenic area plan, and formulate and implement tourist flow control plans. Where the number of tourists may reach the maximum carrying capacity, the scenic area shall make an announcement in advance and report to the local people's government.

Article 22 — Where a scenic area uses tickets and fees for transportation or other services within the scenic area to generate revenue, if it plans to increase prices, it shall hold a public hearing and solicit opinions from relevant parties. Price increases shall be announced to the public six months in advance. No price increases shall be made within the same scenic area for the same charging item within one year.

Article 23 — Tourism operators such as hotels, guesthouses, inns and resorts shall provide services in accordance with the contract or agreement. Where tourists request the conclusion of a contract, the tourism operator shall conclude one.

Article 24 — Where tourism operators transfer tourists to other operators for reception, the transferring operator and the receiving operator shall sign a written entrustment contract. Where damage is caused to tourists during the transfer of reception, the transferring operator shall bear the corresponding liability.

Chapter V — Tourism Service Contracts

Article 25 — Where a travel agency organizes tourism activities, it shall conclude a written travel contract with the tourist. The travel contract shall include the itinerary, transportation, accommodation, dining and other tourism service arrangements and standards, entertainment items, tourism fees and payment methods, and the liability for breach of contract.

Article 26 — Where a travel agency entrusts other travel agencies to perform the contract, it shall obtain the consent of the tourist. Without the consent of the tourist, the entrusting travel agency shall bear the corresponding liability for any damage caused to the tourist as a result of entrusted performance.

Article 27 — Where a travel agency arranges tourism activities, it shall not arrange shopping or other paid tourism items for tourists without their consent. Where the travel agency arranges shopping with the consent of the tourists, it shall not obtain illegitimate benefits such as kickbacks.

Article 28 — Where a tourist unilaterally terminates the contract before the end of the travel itinerary, the travel agency shall, after deducting the necessary fees, refund the remaining amount to the tourist.

Article 29 — Where a travel agency causes damage to the personal or property safety of tourists due to its own reasons, it shall bear liability for compensation in accordance with the law. Where it causes damage to tourists due to the reasons of a ground handling agency, the travel agency shall first compensate the tourists and then seek recourse against the ground handling agency.

Chapter VI — Tourism Safety

Article 30 — The people's governments at and above the county level shall uniformly be responsible for tourism safety, and organize the relevant departments to conduct safety supervision and inspection of tourism operations in accordance with the law.

Article 31 — Where a travel agency organizes outbound tourism or inbound tourism, it shall provide the tourism authorities with the operational information on outbound or inbound tourism. Tourism operators shall implement a safety management responsibility system and strictly implement various safety management systems and measures.

Article 32 — Tourism operators shall explain or warn tourists about matters requiring attention for safety during tourism activities. Where tourism operators cause physical harm to tourists by failing to fulfill their obligations of explanation or warning as required, they shall bear liability in accordance with the law.

Article 33 — Tourism operators shall purchase travel agency liability insurance in accordance with the law, and prompt tourists to purchase personal accident insurance. Tourism operators shall ensure that the facilities and services they provide meet the requirements for safeguarding personal and property safety.

Chapter VII — Tourism Supervision and Administration

Article 34 — The tourism authorities and relevant departments under the local people's governments at and above the county level shall, within the scope of their respective functions and duties, strengthen supervision and administration of the tourism market. Tourism authorities shall establish a public information platform for tourism, and publish information on tourism operators, tourism service quality and tourism complaints.

Article 35 — The tourism authorities shall, in conjunction with the relevant departments, establish a comprehensive coordination mechanism for tourism complaints and accept tourism complaints through channels such as telephone hotlines, websites, and on-site reception.

Article 36 — Tourism authorities shall strengthen supervision over travel agencies, tour guides, tour leaders, and other tourism practitioners, and establish a credit archive for tourism operators and tourism practitioners.

Chapter VIII — Dispute Resolution

Article 37 — Disputes between tourists and tourism operators may be resolved through the following means: negotiation, mediation by consumer associations or tourism dispute mediation bodies, complaint to the relevant administrative departments, arbitration according to the arbitration agreement, or litigation in a people's court.

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Article 38 — After accepting a tourism complaint, the tourism authority or relevant department shall handle it in a timely manner. Where the facts are clear and the evidence is conclusive, it shall handle the complaint within 30 days from the date of acceptance.

Chapter IX — Legal Liability

Article 39 — Where a tourism operator operates without a license, the tourism authority or the administrative department for industry and commerce shall order it to cease the illegal operations, confiscate the illegal gains, and impose a fine of not less than 10,000 yuan but not more than 100,000 yuan on it.

Article 40 — Where a travel agency violates the provisions of this Law by failing to purchase travel agency liability insurance, the tourism authority shall order it to make corrections, confiscate the illegal gains, and impose a fine of not less than 5,000 yuan but not more than 50,000 yuan.

Article 41 — Where a tourism operator causes damage to tourists due to its breach of contract, it shall bear civil liability in accordance with the law. Where a tourism operator commits an illegal act and the act constitutes a crime, criminal liability shall be investigated in accordance with the law.

Article 42 — Where a scenic area fails to publish the maximum carrying capacity in accordance with regulations or fails to formulate and implement tourist flow control plans, the scenic area authority shall order it to make corrections; where the circumstances are serious, it shall be ordered to suspend business for rectification.

Chapter X — Supplementary Provisions

Article 43 — This Law shall come into force as of October 1, 2013.

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