



Article Content

Title : Act for the Development of Tourism CH
Amended Date : 2022-05-18
Category : Ministry of Transportation and Communications (交通部)

Chapter I. General Principles

Article 1 The purpose of this statute is to facilitate the development of tourism industry, promote Traditional culture, promote conservation of natural ecological awareness, achieve sustainable management of ecological and cultural characteristics unique to Taiwan, build international friendship, enhance the physical and mental health of citizens, and accelerate domestic economic growth.

Article 2 The definitions of the terms used in this statute are as the following:

1. Tourism industry: the development, construction, and maintenance of tourism resources; the construction and renovation of tourism facilities; the provision of services and facilitation for tourist transportation, board and lodging; or the provision of services for the organization of international conferences and exhibitions of various kinds.
2. Tourists: persons engaged in traveling and sight-seeing.
3. Tourism location: a location other than a designated scenic spot in which tourists visit. Such a location shall be officially designated by the central administrative authority, having consulted with the competent authorities for the related matter. Such locations shall include scenic spots, tourist attractions, historical sites, museums, exposition venues and other locations suitable for sight-seeing.
4. Designated scenic spots: scenic spots or tourist attractions designated as such in accordance with the applicable procedures.
5. Ecological or cultural environment reserve: a unique natural monument impossible for artificial reconstruction, an ecological environment of fauna or flora that requires strict protection, or a special ecological or cultural reserve demonstrated by important prehistoric relics. Such reserves shall include: reserves for aboriginal peoples, restricted mountainous zones, wildlife preservation areas, resources preservation areas for aquatic products, natural reserves, scenic areas as well as the historical sites, special monuments and ecological preservation areas in national parks.

6. Tourism and amusement facilities: facilities provided in designated scenic spots or tourism locations with which tourists may engage in leisure or amusement activities.
7. Tourist hotel enterprise: a profit-taking enterprise that operates international tourist hotels or regular tourist hotels to provide tourists with lodging and related services.
8. Hotel enterprise: a profit-taking enterprise other than the tourist hotel enterprise that provides tourists with day or week lodging, rest for a brief period, and other services and charge on behalf of a variety of ways
9. Home stay facility: a lodging facility that is part of a family's home, and provides tourists with an in-depth travel experience, that incorporates local culture, natural landscape, ecological environment, environmental resources, as well as agricultural, forestry, fishery or livestock farming activities. The goal is to allow tourists to experience local life and get to know the local people, including the home stay's owners.
10. Travel agency: a profit-taking enterprise licensed by the central administrative authority to provide tourists with arranged travel schedule, board and lodging, tour guide, and to purchase transportation tickets and apply for travel documents and visas on tourists' behalf, as well as to provide related services for remuneration.
11. Tourist amusement enterprise: a profit-taking enterprise approved by the administrative authority to operate tourist amusement facilities.
12. Tour guides: service personnel who execute the receiving or guiding of tourists on their journey in the R.O.C. for remuneration.
13. Tour managers: service persons who execute the guiding of tourist groups visiting foreign destinations for remuneration.
14. Professional guides: professional persons stationed by the competent authorities for the related matters at ecological or cultural environment reserves to preserve, maintain and explain domestically unique natural, ecological and cultural resources.
15. Foreign language tour guide: for the purpose of promoting the service quality of the international tourism industry. Professional persons who have a foreign language proficiency, that stationed by the competent authorities for the related matters at ecological or cultural environment reserves to explain domestically unique natural, ecological and cultural resources with foreign language.

Article 3 For the purpose of this statute, the administrative authority refers to Ministry of Transportation and Communication (MOTC) on the central government level, Municipal governments on the level of self-government of municipalities under the direct

jurisdiction of the Executive Yuan, or County or Township governments on the Hsien self-government level.

- Article 4** The Tourism Bureau shall be established by the central administrative authority for the purpose of overseeing national tourism affairs. The organization of the Bureau shall be regulated in a separate law.
When practically necessary, Municipal governments and County or Township governments, for the purpose of overseeing tourism affairs under its respective jurisdiction, may establish tourism agency.
- Article 5** The central administrative authority on tourism is responsible for the international advertising and promotion of the tourism industry. Should seek internationalization, localization and regional equalization.
It may establish overseas administrative offices at appropriate locations or cooperate with private organizations to this end. When the demand in foreign markets so requires.
The central administrative authority may commission juristic person to conduct international promotion of the tourism industry, marketing campaigns, and market information collection. The central administrative authority shall promulgate regulations concerning operating conditions, qualifications, supervision and management, and other related matters required of the commissioned juristic person.
International advertising or promotion campaigns for tourism industry launched by private organizations or profit-taking enterprises shall comply with related laws and be supervised by the central administrative authority in accordance with the regulations promulgated by the central administrative authority. In order to enhance international promotion and to facilitate international tourists, the central administrative authority, or its authorized tourism agency, may sign tourism cooperation agreements with foreign tourism agencies to intensify regional cross-border tourism cooperation. The former authority or agency may also engage in the exchange of business operation know-how with countries or areas within the respective regions.
- Article 6** For the purpose of effectively and proactively developing the tourism industry, the central administrative authority shall conduct annual surveys on the tourism market and collect market information and promptly disclose, to be used as reference for developing national policies on the tourism industry.
To maintain the tourist areas, environmental quality and natural and cultural landscapes specific area of ecological landscape area, too, as the need to import growth management mechanisms that regulate the proper amount of tourists, recreation behavior

and permit the development of strength, included in the management plan.

Chapter II. Planning and Construction

- Article 7 The central administrative authority shall develop and submit integrated development plans of tourism industry to the Executive Yuan for approval and subsequent implementation. The related government agencies shall assist and cooperate with the competent authorities on various levels, when the latter take necessary measures to implement the plans an referred to in the above paragraph.
- Article 8 To assist the development of tourism industry, the central administrative authority shall coordinate related authorities to plan out transportation networks for domestic tourism locations, develop international transportation routes, and establish an inter-connected system of land, sea and air transportation. When necessary, the central administrative authority may establish tourist service agencies at international airports and commercial harbors. The central administrative authority may assist municipal, county or township governments to establish tourist service agencies at important traffic transshipment locations.
When necessary, traffic and transportation facilities shall be constructed in important domestic tourism locations.
Transportation vehicle and craft, road paving work, and terminal facilities shall be constructed to meet the needs of traveling tourists.
- Article 9 The competent authorities should improve the facilities used by domestic and international tourists on their journey to meet their demands and provide them with convenience and comfort in traveling and lodging.
- Article 10 When necessity arises, competent authorities may seek the collaboration of other related authorities in marking important tourism sites as designated scenic spots and determining the borders of these areas. Dedicated organizations should be established to manage these sites depending on their nature. In the case that a scenic spot or tourist amusement location is marked by the competent authorities for other related matters or designated according to other laws, the organization established to manage the site is still under the jurisdiction of competent authorities.
- Article 11 The plans for designated scenic spots shall be comprehensively developed in accordance with the results of evaluation conducted by the central administrative authority in cooperation with

related authorities regarding the regional peculiarities and functions.

The composition, reviewing and approval of the aforementioned plans shall comply with the provisions of City Planning Act, in addition to the prior consultation with the administrative authority.

According to their regional peculiarities and functions, designated scenic spots shall be classified as national, municipal (in municipalities under direct central jurisdiction) or county (township) ones.

- Article 12 In order to maintain the aesthetic merits of tourism locations and designated scenic spots, restrictive regulations may be imposed on the styles, structures and colors of buildings in those areas, as well as the positioning of advertising fixtures and vendor stalls. The central administrative authority, together with the related authorities, shall promulgate such regulations.
- Article 13 After the completion of the development plan for the designated scenic spot, the administrative authority in charge of the location shall execute the development and construction according to the order defined in the plan.
- Article 14 The competent authorities may, according to law, apply for the requisition of private land or the use of public land to be utilized as the ground on which public facilities are to be constructed so as to meet the construction demand for developing tourism industry.
- Article 15 The central administrative authority may apply for the requisition of private land within designated scenic spots. If such land is publicly owned, the central administrative authority may apply for the transfer of use according to law, or the development and utilization of such land in cooperation with the authority managing the land.
- Article 16 For the purpose of making precise measurement of the coverage of designated scenic spots, the competent authorities may dispatch personnel to public or privately owned land for survey and measurement. Written notice must be served to the owners or users of the land prior to taking such actions.
In the event that the survey or measurement mentioned in the preceding paragraph causes damage to crops, wood or bamboo, or other objects on the ground belonging to the owner or user of the land, compensation shall be made.
- Article 17 For preserving the integrity of natural and cultural resources in designated scenic spots, no facility construction plan may be

made without prior approval given by the administrative authority governing the location.

Article 18 Locations with picturesque natural landscape, ecosystem, culture and humanism tourism values shall be designated and developed as a tourism location. Those competent authorities for the related matters shall strictly preserve and ban the destruction of the famous landmarks, historical sites or special ecological constitution situated in such locations.

Article 19 The competent authorities for the related matters shall employ professional guides in ecological and cultural environment reserves to preserve, maintain, and explain about the ecological resources unique to this country. Before entering such regions, tourists shall apply for accompanied visit with professional guides, who can give them detailed explanation, prevent acts of vandalism and protect the sustainable development of the natural resources.

The competent authorities for the professional guides shall give priority to employ the local indigenous people in ecological and cultural environment where is located in indigenous land and tribe.

The competent authorities shall collaborate with the competent authorities for the related matters in defining the boundaries of ecological and cultural environment reserves.

The central administrative authority, having consulted with the competent authority for the related matters, shall promulgate regulations for qualifying and supervising the professional guides and the foreign language tour guide.

Article 20 The competent authorities shall collaborate with the competent authority for the related matters in investigating and registering the landmarks and historical sites in designated scenic spots and preserving the integrity thereof. When the aforementioned historical sites sustain any damage, the competent authorities shall notify the managing agency or the owners thereof and require for the submission of restoration plans. Restoration work shall take place immediately after receiving the approval of the plan by the competent authorities for the related matters and the competent authorities.

Chapter III. Operation and Management

Article 21 Those intending to operate the tourist hotel enterprise, before operation, shall complete the application to the central administrative authority for approval, making corporate registration according to law and receiving the license to operate the tourist hotel enterprise.

- Article 22 The scope of business for the tourist hotel enterprise is as follows:
1. Accommodation for lease.
 2. Operation of restaurants, conference centers, venues for leisure activities and shops.
 3. Other business related to tourist hotels approved by the central administrative authority.
- The competent authorities, having consulted with the related competent authorities, may promulgate related regulations to maintain the peaceful environment for lodgers in tourist hotels.
- Article 23 Tourist hotels are graded according to their buildings, quality of facilities, management, administration and service methods. The central administrative authority shall collaborate with the Ministry of the Interior to promulgate the regulations concerning standards for the building and facilities of tourist hotels.
- Article 24 Those intending to operate the hotel enterprise, before operation, shall complete the corporate or commercial registration according to applicable laws, application to local administrative authority for registration, obtaining registration certificate, and being issued the exclusive trade logo.
- The administrative authority, having consulted with the related competent authorities, may promulgate relevant regulations to maintain the peaceful environment for lodgers in hotels.
- Article 25 The competent authorities shall provide guidance and supervision for the establishment of home stay facilities based on local culture, history, natural landscape, ecology, environmental resources, and production activities in agriculture, forestry, fishery and farming, as well as crafts manufacturing and art creation, etc.
- Those intending to operate the home stay facility, before operation, shall complete the application for registration with local competent authorities, obtaining registration certificate, and being issued the exclusive trade logo.
- The central administrative authority, having consulted with the related competent authorities, shall promulgate regulations regarding the following matters: locations for operating host families, scale of operation, construction codes, fire hazard, basic requirement for facilities, basic requirement for registration application, qualification of managers, management and supervision, and other matters requiring regulations.
- Article 26 Those intending to operate the travel agency, before operation, shall complete the application to the central administrative

authority for approval, obtain the approval, complete the corporate registration, and receive the license of travel agency.

- Article 27 The scope of business for the travel agency is as follows:
1. Sales of land, sea or air transportation tickets under commission, or ticket purchase on customer's behalf.
 2. Application of visa for departure and entrance or travel papers under customer's commission.
 3. Reception of tourists and arrangement of their travel itinerary, board and lodging, and transportation.
 4. Designing travel packages and arranging tour guides or tour managers.
 5. Travel consulting services.
 6. Other services related to domestic and international tourists that have been approved by the central administrative authority, having considered the nature of the business scope.
- Regarding the aforementioned scope of business, the central administrative authority may identify a travel agency as belonging in the general category, category A, or category B according to the nature of its operations.
- Businesses other than travel agencies may not undertake the operations of travel agencies. However, for the purposes of daily needs, the resale of domestic tickets involving land, sea, or air transportation is not subject to the restriction.
- Article 28 A foreign travel agency intending to establish subsidiaries in the Republic of China, before operation, shall complete the application to the central administrative authority for approval, have obtained recognition and approval in accordance with Company Act, and have received the license for travel agency.
- Foreign travel agency intending to dispatch representatives in the Republic of China shall complete the application to the central administrative authority, and notify the Ministry of Economic Affairs in accordance with Company Act. Such representatives may not engage in external business operation.
- Article 29 When a travel agency undertakes travel services for tourist groups or individual tourists, the two parties shall set up written contracts and use the electronic documents stipulated by the Electronic Signatures Act.
- Article 30 Operators of travel agency shall deposit guaranty money in accordance with applicable regulations; the amount of the guarantee shall be stipulated by the central administrative authority. Any adjustment for the amount of guaranty shall apply to travel agency previously approved to be established.

When the travel agency has owed the client tourist debts originated from disputes in its tourism operations, the client tourist shall have priority claim to the aforementioned guaranty money.

If a travel agency fails to pay the full amount of guaranty as required and refuses to pay after the deadline given by the administrative authority, its travel agency operating license shall be revoked.

Article 31 Operators of any tourist hotel enterprise, hotel enterprise, travel agency, tourist amusement enterprise or home stay facility shall purchase liability insurance before their business operation.

When a travel agency undertakes overseas or domestic travel services for tourists, it shall purchase contract performance insurance in accordance with applicable regulations.

The central administrative authority, having consulted with related competent authorities, shall promulgate regulations to define the coverage and amount of premium of the insurance required of the enterprise stated in the above two paragraphs. A travel agency, when arranging during the travel itinerary, death or injury to passengers or tour attendants due to accidents, when requested by the following persons, regardless of their fault, the claimant may, within the insurance coverage and amount specified in the preceding paragraph, request insurance benefits from the insurer of the liability insurance in Paragraph 1 in accordance with the provisions of this statute :

1. For accidental injury of a tourist or person accompanying a tour group to provide service, it shall be the injured party.
2. For accidental death of a tourist or person accompanying a tour group to provide service, it shall be the following sequence of requests:

- (1) Parents, children and spouse
- (2) Grandparents
- (3) Grandchild
- (4) Siblings

The insurance benefits provided by the liability insurer in the first paragraph in accordance with the provisions of this Act shall be regarded as a part of the insured's damage compensation amount, and may be deducted when the insured receives a claim for compensation.

Article 32 Tour guides and tour managers shall have passed the central administrative authority and completed the training held by the administrative authority or its commissioned organization to obtain a professional license.

After being issued an operation license by the central

administrative authority, the persons mentioned in the first paragraph may commence business operation when employed by a travel agency or temporarily employed by government agencies or organizations.

In the event that tour guides or tour managers have not conducted their respective business for three consecutive years after obtaining training certificates or operation licenses, they may only operate their business after completing re-training and having their operation licenses reissued or renewed. In the event of natural disasters, epidemics or other reasons, the central administrative authority may announce an extension of the period as necessary.

Those who have obtained a practicing certificate before the amendments in the first paragraph come into force may not be subject to the requirements of the assessment or training in said paragraph.

The Executive Yuan shall collaborate with the Examination Yuan to jointly promulgate the date for the first paragraph to become effective.

- Article 33 In the event that one of the following arises, a person shall cease to be eligible to act as founder, director, supervisor, manager, business executive, or stockholder representing the company for the tourist hotel enterprise, hotel enterprise, travel agency, or tourist amusement enterprise.
1. One of the items listed in Article 30 of the Company Act.
 2. The operation license of the person to run tourist hotel enterprise, hotel enterprise, travel agency or tourist amusement enterprise has been withdrawn or revoked for less than five years.
- Those already acting as directors, supervisors, managers, business executives or stockholders representing the company shall, when one of the items listed in the sub-paragraphs of the first paragraph arises, be dismissed ipso facto from the service. The central administrative authority shall withdraw or revoke their registration and notify the competent authority with which the company is registered.
- Before assuming the manager of a travel agency, one shall have completed successfully the training courses held by the central administrative authority or organizations under its commission and have been issued the certificate of completion of the training. The central administrative authority shall promulgate the conditions for qualifying people for participating in such training.
- A certified travel agency manager who has ceased working in any travel agency for three consecutive years shall be re-trained and re-certified before becoming eligible for employment as a

manager again.

The manager of a travel agency, during his service period, may not assume the position as manager of another travel agency. Nor may he operate any travel agency on his own or other's behalf.

Article 34 Competent authorities shall, in collaboration with other related competent authorities, make survey and statistics of special local products or handicraft, and provide counseling on improving the production process and the techniques to enhance product quality. These products shall carry clear price marking. The competent authorities shall assist the producers to sell their goods through souvenir stores in tourism locations. The souvenir stores in tourism locations shall not act temporarily as the counterfeits while selling the special local products or handicraft; otherwise, the violation case will be handled in accordance with relevant laws and regulations.

Article 35 Those intending to operate tourist amusement enterprise, before operation, shall complete the application to the central administrative authority for approval, have completed the corporate registration in accordance with applicable laws, and have received the license for tourist amusement enterprise. In order to accelerate the development of tourist amusement enterprise, the central administrative authority shall establish a one-stop service counter for important investment projects, where all related central authorities are represented. The central administrative authority shall, in consultation with related authorities, promulgate the conditions for defining the important investment project stated in the preceding paragraph.

Article 36 For the safety of tourists, the competent authorities of aquatic leisure activities may impose restrictions on the types, range, time and behaviors in aquatic leisure activities. The competent authorities may also announce the areas in which aquatic leisure activities are forbidden. The competent authorities shall, in consultation with other related authorities, promulgate the related management for regulation. Anyone who takes customers to engage in water recreation activities if in a profit-seeking manner shall obtain liability insurance and shall obtain personal injury insurance for the tourists. The same applies to anyone who provides sites or equipment for tourists to engage in water recreation activities if in a profit-seeking manner. The benefits and minimum insured amounts of the liability insurance under the preceding paragraph, shall be determined by the competent authority in the management measures of the first paragraph. Part of the insurance amount in the preceding paragraph, the

insured in the second paragraph of liability insurance causes the death or injury of the tourist due to an accident, when requested by the following persons, regardless of the fault of the insured, the claimant may request insurance benefits from the liability insurer in accordance with the provisions of this statute:

1. Accidental injury for tourists, it shall be the injured party.

2. Accidental death for tourists, it shall be the following sequence of requests:

(1) Parents, children and spouse

(2) Grandparents

(3) Grandchild

(4) Siblings

The insurance benefits provided by the liability insurer in the second paragraph in accordance with the provisions of this Act shall be regarded as a part of the insured's damage compensation amount, and may be deducted when the insured receives a claim for compensation.

Article 37 The administrative authority may conduct periodical or irregular examination on the operation, management, and facilities of the operators for tourist hotel, hotel, travel and tourist amusement enterprises or home stay facility.

The operators of tourist hotel, hotel, travel and tourist amusement enterprises or host families may not evade, obstruct or refuse the examination mentioned in the preceding paragraph, and shall provide necessary assistance.

Article 37-1 In order to investigate the facts that those who operate the businesses of tourist hotel, travel, tourist amusement enterprises, hotel or the home stay facility without first obtaining operation licenses or registration certificate in accordance with this statute. The competent authority can request related competent authorities, juristic person, groups or individuals for necessary documents, vouchers and other relevant information. If necessary, such inspection may be conducted by the competent authority together with police authorities. The competent authority may announce the results of inspection.

Article 38 For the enhancement of services and facilities at airports and the development of tourism industry, airport service fees may be charged on tourists departing through airports. The central administrative authority shall submit the charging standards Payment method, free of service charges Object and regulations of related operations to the Executive Yuan for approval. For tourist attraction areas, scenic areas, natural and cultural scenic areas, the administrative authorities may charge a

tourism conservation fee. The central administrative authority shall promulgate and determine the forms of payment, announce the fee range, to whom fee exemption applies, fare options and any related operations. The Central Authority of Aboriginal Affairs will submit the charging standards and regulations of related operations of any aboriginal reservation areas to the Executive Yuan for approval.

Article 39 To meet the demands of the tourism industry and enhance the quality of tourism industry workers, the central administrative authority may organize training courses for tourism industry professionals. The training costs may be covered by the trainees' companies or organizations, or by the trainees themselves.

Article 40 The tourism industry may organize trade unions or establish other juristic person in accordance with applicable laws. The operation of these organizations shall be subject to the supervision of the competent authorities for the related matters.

Article 41 Operators of tourist hotel, hotel and tourist amusement enterprise and home stay facility operators shall display the tourism exclusive trade logos issued by the competent authorities. The central administrative authority shall promulgate the design of the logos and regulations for their use.

The manufacturing and issuance of the trade logos mentioned in the preceding paragraph may be entrusted to respective trade groups under the commission of the administrative authority. The tourist hotel, hotel, tourist amusement enterprises or host families that are ordered to shut down or have their operation licenses or registration certificates revoked shall return their tourism exclusive trade logos.

Article 42 The corporate tourist hotel enterprise, hotel enterprise, travel agency, tourist amusement enterprise or home stay facility, intending to suspend operations or business for more than one month, shall file the report of the minutes of shareholders' meeting or shareholders' approval within fifteen days to the competent authorities. Non-corporate operators shall submit application detailing the reasons to the said authority. The above application may not be made for the suspension of operation or business exceeding one year. The operators may provide reasonable justifications to apply for extension of suspension for one year at most. The application for extension should be filed within the last fifteen days of the first term. After the suspension period expires, the operator should file

for business resumption with the administrative authority in fifteen days.

In the event that the operator fails to file the report according to the first paragraph or to apply for business resumption according to the third paragraph for more than six months, the authority may revoke the operation license or registration certificate of the business.

- Article 43 For the protection of consumer rights for the tourists, the central administrative authority may make public announcement about the travel agency meeting any of the following conditions:
1. The guaranty money being attached or executed by a court.
 2. The operation being ordered to be suspended or the travel agency operation license being revoked.
 3. The operation being suspended voluntarily.
 4. The organization being resolved.
 5. Having been announced as rejected accounts by the clearinghouse.
 6. Having failed to purchase contract performance insurance and liability insurance in accordance with article 31.

Chapter IV. Awards and Penalty

- Article 44 The central administrative authority shall, in consultation with related authorities, promulgate the items of and criteria for granting award for good practices in the construction of tourist hotels, hotels and tourist amusement facilities and the management and administration of tourism industries.

- Article 45 In the event that a private project for developing and operating tourist amusement facilities or tourist hotels is submitted by the central administrative authority to the Executive Yuan, and approved by the latter, the government-owned land required by the project may be made available for development, construction, and business operations through sale, lease, create superficies, joint development, commissioned development, collaborated management, trust, payment for right to land use, or rent financing by public property management authorities. The restrictions under Article 25 of the Land Act, Article 28 of National Property Act, and laws and regulations on local government public property management shall not be applicable. In the event that the government-owned land sold in accordance with the preceding paragraph is a property for public use, such land shall still be transformed into property not for public use and be sold by the managing authority for property not for public use.

- Article 46

In the event that a private project for developing and operating tourist amusement facilities or tourist hotels is submitted by the central administrative authority to the Executive Yuan and approved by the latter, the central administrative authority may, in collaboration with the competent road administrative authority, local governments, and competent authorities for other related matters, build access roads to the location of the development project.

Article 47 In the case that a private project for developing and operating tourist amusement facilities or tourist hotels is approved by the central administrative authority and the land required by the project involves changing urban planning or changing the use of non-urban land, application shall be filed along with related letters, maps and documents. The changes shall be made according to Article 27 of the City Plan Act or Article 15 of the Regional Plan Act. The restriction of overall review shall be inapplicable.

Article 48 In the event that private organizations seek loans for operating tourist amusement, tourist hotel or hotel enterprises, and the submitted by the central administrative authority to the Executive Yuan is approved by the latter, the central administrative authority may negotiate with related authorities or financial institutions for favorable loan contracts to address the needs of tourism development policies.

Article 49 The land value tax and the housing tax levy on the real estate for direct use by the tourist amusement enterprise, tourist hotel enterprise and hotel enterprise which have supported government tourism policy for raising the quality that have been approved by the central administrative authority during the operation period may be reduced or completely exempted at the discretion of the authorities.

The real estate in the preceding paragraph, which is created superficies or leased by the tourist amusement enterprise, tourist hotel enterprise and hotel enterprise, is subject to that the owners of the real estate give the all feedback of the land value tax and the housing tax reductions to the superfiiciary or the lessee and pending verification by the central administrative authority.

The self-governance ordinance on the period, scope, criteria, and procedures for tax exemption in the paragraph 1 shall be prescribed by the municipal, county (city) competent authority, and shall be reported to the Ministry of Finance for future reference.

The standards for the recognition of that the tourist amusement enterprise, tourist hotel enterprise and hotel enterprise which have supported government tourism policy for raising the quality in paragraph 1 shall be drawn up by Ministry of Transportation

and Communications and reported to the Executive Yuan for approval

Tax preference in paragraph 1 shall be limited to five years. The Executive Yuan may extend the tax preference period at five times before the period expires.

Article 50 For the purpose of reinforcing international promotion and marketing of the tourism industry, corporate tourism enterprises may receive deduction in profit-seeking enterprise income tax for expenses under the following categories. The amount of such tax deduction may only be between 10% and 20% of the total following expenses of the same year. Should the expenses be insufficient for deduction, delayed deduction can be made within the follow four years.

1. Expenses for sponsoring government-initiated international promotion campaigns.
2. Expenses for sponsoring the government in attending international tourism organizations and travel fairs.
3. Expenses for sponsoring government effort to promote business and conference tourism.

The total annual amount of the deduction stipulated in the preceding paragraph may not exceed 50% of the profit-taking enterprise income tax the company shall pay for that year. Such limitation, however, shall not apply to the amount of deduction for the last year.

The Executive Yuan shall promulgate regulations to determine the scope of application for such deduction, the authorities responsible for review and approval, the time and procedures for filing application, the time for the enforcement of this regulation, the rates for deduction, and other related matters.

Article 50-1 The foreign passengers purchases Goods eligible for VAT refund from Authorized TRS-labeled stores, For a certain amount of money or more, and carries exiting ROC territory in certain period of time, handles in certain period returns business tax of the specific goods; The MOTC shall join the MOF in formulating the Regulations.

Article 51 The tourism enterprises that are well managed and operated, as well as employees of the tourism enterprises with outstanding performance in services, shall be given reward or special recognition by the competent authorities. The central administrative authority, in collaboration with related authorities, shall promulgate the related regulations. The central administrative authority shall promulgate regulations to determine the time and procedures for filing application, the contents of awards, the applicable targets, the qualifications, the conditions, the selection procedure and

other related matters about that the tourism enterprises are given reward or special recognition by the competent authorities.

- Article 52 To reinforce the promotion of tourism and to further the development of tourism industry, distinguished tourism-related literature and artwork shall be encouraged and given award. The central administrative authority, in collaboration with related authorities, shall promulgate the related regulations. The central administrative authority may award people who have made significant contributions to the promotion of the tourism industry with monetary prize, medals of honor, or certificates of excellence.
- Article 53 The operators of tourist hotel, hotel, travel, tourist amusement enterprise or home stay facilities who tarnish national dignity, damage national interest, violate good morals, or defraud tourists shall be fined from NT\$30,000 to NT\$150,000. In cases of serious offense, shall be fined between NT\$150,000 to NT\$500,000 and the offender's business operation shall be partly or completely closed for a fixed period, or have their operation licenses or registration certificates revoked. Those of those who continue operation after being ordered for partial or complete closure shall be fined over NT\$500,000 and have their operation licenses or registration certificates revoked. The fine may be imposed each time the offense occurs. Employees of tourist hotel, hotel, travel or tourist amusement enterprises who commit the acts described in the first paragraph shall be fined between NT\$10,000 to NT\$50,000. In cases of serious offense, shall be subject to fines between NT\$50,000 and NT\$300,000.
- Article 54 The operator of a tourist hotel, hotel, travel or tourist amusement enterprise or home stay facility, having been found not observing applicable regulations after being examined in accordance with paragraph 1 of Article 37 by the administrative authority, shall act according to related laws and regulations and be ordered to make improvement by a given date. Failure to make improvement by the deadline shall be imposed fines between NT\$30,000 and 150,000. Serious offenders shall be ordered to partially or completely suspend their business operation for a given period. The operation licenses or registration certificates of those who continue to operate business after being ordered for closure of operation shall be revoked. Should the results of examination conducted according to paragraph 1 of Article 37 reveal irregularities that cause threat against the safety of tourists, the administrative authority may suspend the use of the equipment or facilities in

part or in all, before the improvement is thoroughly achieved. The operation of tourist hotel, hotel, travel or tourist amusement enterprises or host families who evade, obstruct or refuse the examination by competent authorities according to paragraph 1 of Article 37 shall be fined between NT\$30,000 to 150,000. Repeated fines may be imposed.

Article 55 Fines between NT\$30,000 and 150,000 shall be imposed due to one of the following facts, and the operation license of serious offenders may be revoked:

1. Tourist hotel enterprises operating unapproved and unregistered business in violation of Article 22;
2. Travel agency operating unapproved and unregistered business in violation of Article 27.

Fines between NT\$10,000 and 50,000 shall be imposed due to one of the following acts:

1. Travel agency fails to conclude written contracts with tourist customers in violation of paragraph 1 of Article 29;
2. Operators of tourist hotel, hotel, travel, or tourist amusement enterprises or host families violate Article 42 by failing to file reports concerning suspension of operation or business, or failing to apply for business resumption after the suspension period expires.

Operators of tourist hotel, hotel, travel, or tourist amusement enterprise or home stay facility fail to comply with the orders issued under this statute . . shall be ordered to take necessary corrective action within the time prescribed in the order or be fined between NT\$ 10,000 to 50,000 by the administrative authority.

Those who operate the businesses of tourist hotel, hotel, travel, or tourist amusement enterprises without first obtaining operation licenses in accordance with this statute shall be fined between NT\$100,000 and 500,000. The business thereof shall be terminated to operate.

Those who operate the businesses of hotel without obtaining registration certificate in accordance with this statute shall be fined between NT\$100,000 and 500,000. The business thereof shall be terminated to operate.

Those who operate the home stay facility without obtaining registration certificate in accordance with this statute shall be fined between NT\$60,000 and 300,000, and be be terminated to operate.

Operators of tourist hotel, hotel or home stay facility expand its business premises without approval. Operators of tourist hotel and hotel in accordance with this statue shall be fined between NT\$50,000 and 250,000, the operators of home stay facility to shall be fined between NT\$30,000 and 150,000.The

expanded business thereof shall be terminated to operate.
In case of disobedience to the operation of tourist hotel, hotel or home stay facility being ordered to be suspended due to the violation of the preceding four paragraphs, consecutive punishment may be executed for each time of infringement, and water and electric power supply will be shut off, and coercive dismantling or other measures for returning the lands to original conditions may be taken; the expenses shall be assumed by the operators.
If such termination is in violation of the preceding five paragraphs, the administrative authority shall publicize their names, addresses, the responsible person's name, and illegal matters, if the violation is serious.

- Article 55-1 Those who operate the businesses of tourist hotel, travel, tourist amusement enterprises, hotel or the home stay facility without first obtaining operation licenses or registration certificate in accordance with this statute, disseminate, broadcast or publish advertisements through advertising, publication, broadcast, television, electronic signaling, internet or other shall be fined between NT\$ 30,000 and NT\$ 300,000.
- Article 55-2 For acts that violate this Act, the public may address detailed facts or submit proof to inform the competent authority. For the informing action in the foregoing paragraph, if the competent authority verifies that it is true and impose fines; as the fines reach specific amounts, may allot specific percentage of the actual collected fines as reward for the informants.
The informing action and rewarding regulations in the foregoing paragraph shall be determined by the special municipality, county or city competent authority.
When the competent authority or enforcement authority conducts verification of the foregoing case, identification of the informants shall be kept confidential.
- Article 56 In the event that foreign travel agency establish representatives in the Republic of China without obtaining approval, the representatives shall be fined between NT\$10,000 and 50,000, and ordered to stop performing their operations.
- Article 57 In the event that a travel agency fails to purchase contract performance insurance or liability insurance in accordance with Article 31, the central administrative authority may order the immediate suspension of its processing of overseas tourist departure and domestic travel services. The authority may order the enterprise to complete insurance purchase within three

months and, when the enterprise fails to complete the purchase by the deadline, the central administrative authority may revoke its travel agency operation license.

The central administrative authority may revoke its travel agency for violating the facts described in the preceding paragraph

If the operators of tourist hotels, regular hotels, travel agencies, tourist amusement enterprises or home stay facilities fail to purchase liability insurance in accordance with Article 31, the administrative authority may issue a penalty of NT\$30,000 to NT\$500,000, order the enterprise to complete insurance purchase within a designated time, and if the enterprise fails to complete the purchase by the deadline, revoke its business operation license or registration.

Article 58 Fines between NT\$3,000 and 15,000 shall be imposed due to one of the following facts. Serious offenders may be ordered to suspend operation for fixed period or their operation licenses may be revoked.

1. A manager of a travel agency violates paragraph 5 of Article 33 by simultaneously assuming position as manager at another travel agency, running his own travel agency, or operating travel agency on another person's behalf.

2. Tour guides, tour managers or persons employed by the tourism industry operators violate the orders issued in accordance with this act.

The operation licenses of those who continue operations, after being ordered to suspend business operation, shall be revoked.

Article 59 Those who operate the businesses as tour guides or tour managers without first obtaining operation licenses in accordance with Article 32 shall be fined between NT\$10,000 and 50,000 and be prohibited from operating the businesses.

Article 60 Those who engage in aquatic leisure activities in publicly announced prohibited areas, or who defy the restrictive orders issued by the competent management authority of the aquatic leisure activities regarding the types, range, time, and conduct of permissible activities in the aquatic area, shall be fined between NT\$10,000 and NT\$50,000 and have their activities banned.

In the event that the aforementioned acts are for profit, the offenders shall be fined between NT\$50,000 and NT\$200,000 and have their activities banned.

Those conducting activities for profit who fail to purchase liability insurance in accordance with insured amounts designated by the competent authority, shall be fined between NT\$30,000 and NT\$150,000 and have their activities banned.

- Article 61 Those who fail to return the tourism exclusive trade logos in accordance with paragraph 3 of Article 41, or who display the tourism exclusive trade logos without first being approved by the competent authorities, shall be fined between NT\$30,000 and 150,000 and ordered to stop using the logos and to remove them.
- Article 62 Those who damage famous landmarks, natural resources or tourist facilities in tourism locations or designated scenic spots shall be fined by the competent authorities for the related matters up to NT\$500,000. The competent authorities may order the offender to recover the damaged objects to the original state or compensate for the restoration costs. Should the damage be irreparable, the competent authority for the related matters may impose an additional fine up to NT\$5 million. In the event that tourists enter ecological and cultural environment reserves without first applying for accompanying professional guides under applicable regulations, the competent authority for the related matters may impose upon the offenders a fine up to NT\$30,000.
- Article 63 Fines between NT\$10,000 and 50,000 shall be imposed due to one of the following facts taking place in designated scenic spots or tourism locations by the competent authorities for the related matters:
1. Unauthorized operation of roadside vendors or pushcart vendors.
 2. Unapproved posting of instruction signs or advertising props.
 3. Unsolicited and forced photo shooting of tourists for fees.
 4. Unsolicited and forced sales to tourists.
 5. Other acts that cause harassment to tourists or threaten their safety.
- In the event that the facts described in sub-paragraphs 1 and 2 in the preceding paragraph arise, the stalls, pushcarts, instruction signs or advertising props shall be demolished and confiscated. The costs of demolition shall solely be borne by the offenders.
- Article 64 Fines between NT\$5,000 and 100,000 shall be imposed by the competent authorities for the related matters due to one of the following acts taking place in designated scenic spots or tourism locations:
1. Irresponsible disposal or burning of garbage or waste.
 2. Unauthorized car driving into forbidden areas, or parking in no-parking areas.
 3. Trespassing to enter the area where managing authority prohibited .
- Other conducts destructing the ecology, polluting the

environment or endangering people's safety that have been openly prohibited by managing authorities, shall be fined between NT\$ 5,000 and 1,000,000 by the competent authorities for the related matters.

Article 65 Those who fail to pay fines imposed in accordance with this statute by the deadline, after being notified about the date, shall be referred to compulsory execution in accordance with the act.

Chapter V. Additional Provisions

Article 66 The central administrative authority shall promulgate regulations for the evaluation, planning and development, operation and management, funding, rewarding excellence, another other issues relating to designated scenic spots.

The central administrative authority shall promulgate the regulations for the establishment, issuance of licenses, operation facilities and equipment, operation and management, employee management, prizes awarding, and training of managers for tourist hotel and hotel enterprises.

The central administrative authority shall promulgate the managing regulations for the establishment, issuance of licenses, operation and management, managing and rewarding employees, and manager training for travel agency.

The central administrative authority shall promulgate the managing regulations for the establishment, issuance of licenses, operation and management, and examinations for tourist amusement enterprises.

The central administrative authority shall promulgate the managing regulations for the training, issuance of operation licenses, and management for tour guides and tour managers.

Article 67 The standards for imposing punishment in accordance with this statute shall be promulgated by the central administrative authority.

Article 68 License fees may be charged for the licenses issued in accordance with this statute. The amount of the fees shall be fixed by the central administrative authority.

Article 69 The operators of hotels, civil lodges or tourist amusement enterprises that have been approved for operation in accordance with applicable laws before the entry into force of this Statute as amended shall apply for hotel enterprise registration certificate or tourist amusement enterprise operating license to the competent administrative authority within one year stating from the date of entry into force of this Statute as amended. Operators of tourist amusement facilities that had been approved

in accordance with applicable laws for business operation in areas that are only marked as designated scenic spots or tourism locations after this amended Statute became effective, in order to continue operating, shall apply to the competent administrative authority for tourist amusement enterprise business operation license, either after the establishment of the dedicated managing institution for the designated scenic spots or within one year starting from the day for the entry into force of this Statute as amended.

Operators of travel consulting services established in accordance with applicable laws before the entry into force of this Statute as amended, in order to continue practice, shall apply for travel agency operating license to the central administrative authority within one year starting from the day for the entry into force of this Statute as amended.

Article 70 Non-corporate organizations which had been approved before 24 November, 1980, to conduct tourist hotel business, in order to continue operation, shall apply to the competent administrative authority for tourist hotel enterprise operation license within one year starting from the day for the entry into force of this Statute as amended.

The provision of Article 21 regarding corporate registration and paragraph 2 of Article 23 shall not be applicable to the application cases as stipulated in the preceding paragraph of this article.

Article 70-1 Non-corporate organizations which had been approved before the entry into force of this Statute as amended on 14 November, 2001, to conduct tourist amusement enterprise businesses, in order to continue operation, shall apply to the competent administrative authority for a tourist amusement enterprise operating license by 21 March , 2011.

The provision of Article 35 regarding corporate registration shall not be applicable to application cases as stipulated in the preceding paragraph of this article.

Article 70-2 Before the entry into force of this Statute as amended on 22, January 2015, Accommodations without profit-taking nature and available only to specific groups of guests but having the fact that who profit of ,in order to continue operation, shall complete the application for registration with local competent authorities, obtaining registration certificate, and being issued the exclusive trade logo. within ten year starting from the day for the entry into force of this Statute as amended.

Article 71 This Statute shall become effective on the day of its publication, unless otherwise promulgated.

Web site : Laws & Regulations Database of The Republic of China (Taiwan)