

ENVIRONMENTAL PROTECTION IN THE FIELD OF TOURISM

Pursuant to the Environmental Protection Law of December 27, 1993;

Pursuant to Tourism Ordinance No.11/1999/PI-UBTVQH10 of February 8, 1999;

Pursuant to the Government's Decree No. 175/CP of October 18, 1994 guiding the implementation of the Environmental Protection Law;

Pursuant to the Government's Decree No.91/2002/ND-CP of November 11, 2002 on the functions, tasks, powers and organizational structure of the Ministry of Natural Resources and Environment;

Proceeding from the Prime Minister's opinions in Official Dispatch No.123/VPCP/KTTH of January 8, 2003 of the Government Office;

After reaching agreement with the General Director of Tourism (Official Dispatch No.812/TCDL-PC of June 27, 2003 of the General Department of Tourism);

At the proposals of the director of the Environment Department and the director of the Legal Department,

DECIDES:

Article 1.- To promulgate together with this Decision the Regulation on Environmental Protection in the field of tourism.

Article 2.- This Decision take effect 15 days after its publication in the Official Gazette.

Article 3.- The presidents of the provincial/municipal People's Committees, the general director of Tourism, the heads of the units attached to the Ministry of Natural Resources and Environment, the directors of the provincial/municipal Services of Natural Resources and Environment, Tourism, Tourism-Trade, Trade-Tourism and the concerned organizations and individuals shall have to implement this Decision.

THE MINISTRY OF NATURAL RESOURCES AND ENVIRONMENT

DECISION No.02/2003/QĐ-BTNMT OF JULY 29, 2003 PROMULGATING THE REGULATION ON

**Minister of
Natural Resources and Environment
MAI AI TRUC**

REGULATION ON ENVIRONMENTAL PROTECTION IN THE FIELD OF TOURISM

(Promulgated together with Decision No.02/2003/QĐ-BTNMT of July 29, 2003 of the Minister of Natural Resources and Environment)

Chapter I

GENERAL PROVISIONS

Article 1.- Purposes, regulation scope and application subjects

The Regulation on Environmental Protection in the field of tourism is promulgated to protect tourist environment, prevent and minimize adverse impacts on the environment in the process of carrying out tourist activities, ensure the sustainable tourist development, thus contributing to the protection of the national environment.

This Regulation regulates activities directly related to the tourist environment in the territory of the Socialist Republic of Vietnam and applies to organizations and individuals operating at tourist resorts, locations and routes.

Article 2.- Term interpretation

Apart from the words and phrases already explained in the Environmental Protection Law and the Ordinance on Tourism, the words and phrases in this Regulation are construed as follows:

1. Tourist environment means the natural environment covering the entire territorial space: land, water, air, ecological systems, fauna and flora systems, architectural works and natural landscapes, where tourist activities are carried out.

2. Environmental protection in the field of tourism means activities of improving and embellishing the tourist environment; preventing and overcoming environmental degeneration, environmental pollution and environmental incidents occurring in the field of tourism.

3. Environmentally sensitive regions mean the regions where land, water and air components, individual organisms or the connections between those

components easily change their characters due to human activities.

4. Relevant activities mean activities which do not aim to provide or use the tourist products but are carried out within tourist resorts, locations or regions which have already been planned exclusively for tourist development.

Article 3.- Application of environmental standards in tourist activities

Organizations and individuals, when organizing or conducting tourist activities, must comply with the regulation and norms on wastes, prescribed in Appendix III to this Regulation; have to notify in time and propose to the provincial/municipal Services of Natural Resources and Environment; Services of Tourism, Services of Tourism-Trade, Service of Trade- Tourism (hereinafter referred collectively to as Tourism Management Services) handling measures when the quality of the environment in areas where occur tourist activities fail to satisfy the norms and conditions prescribed in Appendices I and II to this Regulation.

Chapter II

ENVIRONMENTAL PROTECTION IN THE COURSE OF PROJECT FORMULATION, DESIGNING AND CONSTRUCTION; TRANSFORMATION AND UPGRADING OF TOURIST RESORTS, LOCATIONS AND WORKS IN SERVICE OF TOURISM

Article 4.- Assessment of environmental impacts in the field of tourism

Investors and project owners engaged in tourist activities must elaborate and submit for evaluation their reports on environmental impact assessment according to law provisions.

Article 5.- Ensuring the requirements on landscapes and environment in the process of construction in tourist resorts and locations as well as works in service of tourism

1. Works constructed in tourist resorts and/or locations must harmonize with the landscapes and

surrounding environment.

2. Organizations and individuals, when elaborating projects, designing and/or building tourist resorts, must ensure that the greenery and water surface proportions therein are in line with the purposes and use characters of the tourist resorts.

3. Organizations and individuals, when constructing projects in coastal, lakeside, riverside or streamside areas, or tourist beaches must not cause land or sand erosion and/or slides or drop construction materials and assorted wastes into beach areas.

Article 6.- Application of stipulations on environmental protection in the field of construction.

Organizations and individuals, when elaborating, designing, constructing, renovating and/or upgrading tourist resorts, locations and works in service of tourism, must abide by the provisions in the Regulation on Environmental Protection in the field of construction, promulgated together with Decision No.29/1999/QĐ-BXD of October 22, 1999 of the Minister of Construction, and relevant legal documents.

Chapter III

RESPONSIBILITIES OF ORGANIZATIONS AND INDIVIDUALS IN THE PROTECTION OF TOURIST ENVIRONMENT IN THE COURSE OF CARRYING OUT TOURIST ACTIVITIES

Article 7.- Tourist accommodation establishments' responsibility for environmental protection

1. To formulate and realize plans and programs of action for environmental protection in the course of carrying out tourist activities;

2. To draw up plans, prepare means and necessary conditions to cope with environmental incidents which may occur; to actively coordinate with the concerned agencies and abide by the adjustment by competent agencies to overcome the consequences caused by environmental incidents; to apply measures to combat environmental degeneration and pollution, to improve environmental conditions in tourist accommodation establishments.

3. To propagate, disseminate and raise the sense

of responsibility for environmental protection to officials and employees in accommodation establishments;

4. To ensure conditions on environmental sanitation as well as food safety and hygiene when providing accommodation, food catering and other services in the accommodation establishments according to law provisions;

5. To place garbage bins ensuring sanitation and beautiful looks in the premises of accommodation establishments; to collect all garbage in accommodation establishments and sort garbage for on-spot treatment or transport to prescribed places; hazardous wastes must be separately sorted out for treatment according to law provisions on treatment of hazardous wastes;

6. To treat waste water in accommodation establishments in compatibility with the current Vietnamese standards on environment;

7. To apply measures to combat noise and air pollution caused by activities of tourist accommodation establishments;

8. To rationally use electricity, water, raw materials, fuel, materials and other natural resources in the course of operation;

9. To formulate their internal regulations on environmental protection and disseminate them to their officials and employees as well as guests for observance;

10. To arrange (full-time or part-time) officials who have knowledge and skills in environmental protection to oversee the environmental protection work in the tourist accommodation establishments;

11. To actively participate in overcoming environmental pollution and degeneration as well as environmental protection movements launched by local administrations and tourist services;

12. To manage, monitor and periodically evaluate the environmental situation in the tourist accommodation establishments as well as data on fuel and water consumption, garbage, waste water; to gather guests' feedback on environment at the accommodation establishments in order to constantly improve and raise the environment quality;

13. To annually report on their environmental protection work to the concerned provincial/municipal

Services in charge of tourism before February 15 of the following year.

Article 8.- Environment protection responsibilities of tour business enterprises

1. To abide by the environment protection requirements when elaborating their tourist programs, not to organize tourist forms which cause harms to environment;

2. To include the environment protection contents into tourist manuals, to notify, remind and guide tourists to observe regulations on environmental protection at places where they come to visit; not to send tourists into areas banned from tourist activities in national gardens, nature conservation zones and other restricted areas;

3. To regularly update information on the environmental situation, not to send tourists to heavily polluted areas or regions where environmental incidents are occurring, ensuring to the utmost the safety for their health and lives;

4. To equip tourist guides with knowledge on environmental protection and rescue measures in case of environmental incidents;

5. To actively participate in environmental protection activities in localities where they organize tourist programs; to submit to the competent agencies' administration in avoiding and overcoming consequences of environmental incidents.

Article 9.- Environmental protection responsibilities of organizations and individuals dealing in transportation of tourists

1. The means used for transportation of tourists must satisfy the environmental protection requirements prescribed in Decision No.4134/2001/QĐ-BGTVT of December 5, 2001 of the Minister of Communications and Transport, promulgating the technical safety and environmental protection standards of land-road traffic means, and the relevant legal documents;

2. To guide and remind tourists not to discard garbage wantonly en route;

3. To gather and dump at the prescribed places garbage arising on means in the course of transportation

of tourists;

4. Not to discharge into the environment smoke, dust, oil, gas or substances carrying waste matters in excess of the permitted criteria;

5. Not to transport explosives, inflammables, radioactive substances. For products yielding bad smells, which are allowed for transportation, before being carried onto the transport means, they must be carefully wrapped up, without letting their smells leak outside, without letting them drop on transport means and on roads;

6. Not to illegally transport rare and precious animals and/or plants prescribed in Decree No.18/HĐBT of January 17, 1992 of the Council of Ministers providing the lists of rare and precious forest plants and animals and the management and protection regime and Decree No.48/2002/ND-CP of April 22, 2002 of the Government amending and supplementing the lists of rare and precious wild plants and animals, promulgated together with Decree No.18/HĐBT of January 17, 1992 of the Council of Ministers providing the lists of rare and precious forest plants and animals and the management and protection regime.

Article 10.- Environmental protection responsibilities of the Management Boards or organizations, individuals managing tourist resorts or locations

1. To formulate internal regulations on environmental protection, suitable to the particularities of the tourist resorts or locations and post them up at entrances and easily seen places in the tourist resorts, locations;

2. To place garbage bins at places convenient for tourists to discharge garbage; to gather or sign contracts with other organizations or individuals for gathering garbage in tourist resorts and locations and carrying them to treatment places; to build public water closets at suitable places, ensuring environmental sanitation;

3. To arrange (full-time or part-time) officials with knowledge and skills in environmental protection to monitor the environmental situation and the observance of requirements on protection of environment in tourist resorts and locations;

4. To check, guide and request organizations and individuals operating in tourist resorts and locations to

observe the regulations on environmental protection;

5. To create favorable conditions for functional agencies to conduct observation and monitoring of environmental evolution in tourist resorts and locations;

6. To regularly monitor the environmental situation in tourist resorts and locations and make annual reports on current environmental status and send them to the provincial/municipal Services in charge of tourism before February 15 of the following year;

7. To discover in time phenomena of environmental degeneration, pollution and/or incidents in tourist resorts and locations, to promptly notify such to responsible agencies and at the same time to apply measures to preclude and overcome the consequences thereof within their capabilities;

8. In cases where tourist resorts or locations lie in or next to environmentally sensitive areas, to ensure that the activities in tourist resorts or locations shall not adversely affect the environment in surrounding areas.

Article 11.- Environmental protection responsibilities of tourists

1. To abide by the regulations on environmental protection at places where they come to visit and the environmental protection instructions of the tour business enterprises, tourist accommodation establishments, tourists- carrying organizations or individuals and competent persons managing the tourist places;

2. To discard garbage at the prescribed places;

3. Not to scarce away, tease animals at the tourist sites or commit other acts of infringing upon their normal activities;

4. Not to fell trees, break tree branches or commit other acts of destroying trees and/or greenery carpets in the tourist sites;

5. Not to build fire at places prone to forest fires or greenery carpet destruction;

6. Not to bring toxic chemicals, explosives and inflammables into tourist sites.

7. Not to buy, sell or use rare and precious animals and plants prescribed in Decree No.18/HDBT of January

17, 1992 of the Council of Ministers providing the lists of rare and precious forest plants and animals and the management and protection regime, and Decree No.48/2002/ND-CP of April 22, 2002 of the Government, amending and supplementing the lists of rare and precious wild plants and animals, promulgated together with Decree No.18/HDBT of January 17, 1992 of the Council of Ministers providing the lists of rare and precious forest plants and animals and the management and protection regime and the products thereof as landscape backgrounds, food, medicines or souvenirs.

Article 12.- Environmental protection responsibilities of organizations and individuals in tourist resorts, locations

Organizations and individuals staying and/or operating in tourist resorts, locations or areas already planned for tourist development must not conduct activities which cause adverse impacts on tourist landscapes and environment; gather and treat garbage and abide by the regulations on environmental protection under the guidance of organizations and/or individuals directly managing the tourist resorts, locations; to participate in the protection and improvement of the tourist environment, the prevention and combat of environmental pollution, degeneration and incidents in the areas.

Article 13.- Protection of environment at tourist beaches

1. Organizations and individuals must not dump solid wastes into tourist beaches; liquid wastes must be treated up to the waste norms prescribed in Appendix III to this Regulation (not printed herewith) before they are discharged into those areas.

2. Organizations and individuals must not catch aquatic resources, anchor or moor their fishing means and/or waterways transport means in beach areas.

Article 14.- Protection of environment in special-purpose forests

Organizations and individuals providing services for tourists in special-purpose forest zones must abide by the following regulations:

1. Not to fell trees in the special-purpose forests;

2. Not to hunt, trap and catch wild animals under the provisions in the Prime Minister's Directive No.359/CT-TTg of May 29, 1996 on urgent measures to protect and develop wild animal species; the rare and precious animals prescribed in Decree No.18/HDBT of January 17, 1992 of the Council of Ministers providing the lists of rare and precious forest plants and animals and the management and protection regime and the Government's Decree No.48/2002/ND-CP of April 22, 2002, amending and supplementing the lists of rare and precious wild plants and animals, promulgated together with Decree No.18/HDBT of January 17, 1992 of the Council of Ministers providing the lists of rare and precious forest plants and animals and the regimes on the management and protection thereof as well as on the use of their products as landscape backgrounds, food, medicines or souvenirs;

3. Not to organize activities which cause noises and harass the normal life of wild animals;

4. Not to tend, rear animals or cultivate plants of strange species in tourist resorts or locations;

5. Not to bring toxic chemicals, explosives, inflammables into forests; not to build fire in strictly protected areas;

6. To organize garbage collection and treat waste water in tour business establishments up to TCVN 5945-1995 standard before they are discharged into the environment;

7. To regularly popularize among and educate tourists and population community in tourist resorts and locations in the protection of bio-diversity, forest fire prevention and fighting, release of garbage at the prescribed places.

Article 15.- *Environmental protection in the course of carrying out tourist festivities, festivals*

1. In the course of carrying out tourist festivities, festivals, the organizing committees must zone off to restrict tourists from visiting areas with sensitive bio-ecological system and take measures to avoid concentrating tourists in too great numbers at a specific time so as to ensure the sustainability of the tourist environment; to arrange places for garbage bins, sanitation equipment to ensure sanitation and

convenience for tourists; to organize or coordinate with the concerned agencies in organizing the garbage collection for transport to treatment places.

2. Organizations and individuals providing services in the course of organizing tourist festivities or festivals must ensure the requirements on environmental sanitation, food hygiene and safety. Wastes discharged in the course of activities must be gathered and treated to ensure the environmental sanitation.

Chapter IV

RESPONSIBILITIES OF THE STATE AGENCIES FOR ENVIRONMENTAL PROTECTION IN THE FIELD OF TOURISM

Article 16.- *Responsibilities of the Ministry of Natural Resources and Environment*

1. To assume the prime responsibility or coordinate with the General Department of Tourism in drafting and promulgating Vietnam's tourist environment quality standards, creating legal bases for the State management over environmental protection in the field of tourism;

2. To guide provincial/municipal Services of Natural Resources and Environment or Services in charge of tourism in formulating and submitting to competent State agencies for promulgation the regulations on environmental protection in the field of tourism in the localities and conduct activities to protect the tourist environment;

3. To elaborate and promulgate according to competence mechanisms to encourage tourist business establishments to apply environmental protection measures and environmental standards;

4. To assume the prime responsibility and coordinate with the General Department of Tourism in evaluating the written expositions of environment-affecting elements of projects, which affect the quality of tourist environment;

5. To direct the organization of the observation system, monitor the current environmental status in tourist resorts and locations and to supply the gathered information to provincial/municipal Services in charge of tourism;

6. To direct the General Department of Tourism, the provincial/municipal People's Committees in conducting the evaluation and determination of damage and overcoming the consequences of environmental degeneration and pollution caused by environmental incidents, which affect tourism;

7. To work out, and organize the implementation of, plans and planning on mobilization and deployment of forces and means within the scope of its management for participation or coordination in coping with environmental incidents in the field of tourism;

8. To coordinate with the General Department of Tourism and the concerned State management bodies in conducting periodical or unexpected inspection of the observance of regulation on environmental protection in the field of tourism, detecting and handling in time cases of violation;

9. To assume the prime responsibility or coordinate with the General Department of Tourism in propagating, educating and guiding concerned organizations and individuals to implement law provisions on environmental protection in the field of tourism;

10. To coordinate with the General Department of Tourism in guiding the selection and annual awarding of organizations and individuals in the tourist sector for their outstanding achievements in the environmental protection work.

Article 17.- Responsibilities of the General Department of Tourism

1. To incorporate the environmental protection contents into tourist development strategies, programs and plans;

2. To assume the prime responsibility or coordinate with the Ministry of Natural Resources and Environment in propagating, educating and guiding the concerned organizations and individuals to observe the law provisions on environmental protection in the field of tourism;

3. To direct, guide and inspect the performance of the tourist environment protection tasks of the provincial/municipal Services in charge of tourism;

4. To coordinate with the concerned agencies and organizations in preventing and/or overcoming the

environmental degeneration, pollution and incidents in the field of tourism;

5. To coordinate with competent State agencies or authorize the provincial/municipal Services in charge of tourism to coordinate with such agencies in determining the limits and scope of tourist activities, permitted forms of tourist activities, sizes of architectural works, norms of ecological protection and bio-diversity in special-use forests and other conservation zones;

6. To formulate and promulgate according to competence mechanisms to encourage organizations and individuals to carry out activities of improving and embellishing the tourist environment in the course of activities.

7. To formulate standards and award titles of environmentally friendly tourism (green hotels, green tourist resorts, green tourist programs) to tourist business establishments which well observe the regulations on environmental protection;

8. To consider and examine the observance of environmental protection regulations when considering and recognizing first-rank enterprises in tourist business.

Article 18.- Responsibilities of provincial/municipal Services of Natural Resources and Environment

1. To periodically provide the provincial/municipal Services in charge of tourism data for elaboration of reports on the actual environmental situation or requested information on quality norms and actual situation of environment in tourist resorts and locations in geographical areas under its management;

2. To conduct activities of observation on environmental norms related to tourism at the requests of provincial/municipal Services in charge of tourism;

3. To coordinate with provincial/municipal Services in charge of tourism in providing the concerned management agencies, tourist business establishments and population communities in tourist resorts and locations as well as tourists information on actual environmental situation in the field of tourism in the localities;

4. To guide investors and owners of projects which affect the quality of tourist environment in carrying out procedures for formulation, appraisal and approval of

the environmental impact evaluation reports, and the written registration of environmental quality standards;

5. To coordinate with provincial/municipal Services in charge of tourism in evaluating the written registration of environmental quality standards of projects which affect the tourist environment quality;

6. To coordinate with provincial/municipal Services in charge of tourism in organizing the implementation of plans to prevent, combat and redress the environmental degeneration and/or pollution in the tourist domain, plans to cope with and overcome environmental incidents in the field of tourism in localities;

7. To coordinate with provincial/municipal Services in charge of tourism in conducting regular and unexpected inspections of the technologies, equipment and operation process as well as the capability to cope with environmental incidents of tourist business establishments in localities;

8. To provide provincial/municipal Services in charge of tourism with adequate, timely and accurate information on environmental incidents upon the detection of the environmental incidents threatening to cause harms to the environment in tourist resorts and locations;

9. To coordinate with provincial/municipal Services in charge of tourism in building up the contingent of propagators for environmental protection in the field of tourism.

Article 19.- Responsibilities of the provincial/municipal Services in charge of tourism

1. To assist the provincial/municipal People's Committees in formulating the tourist development plannings of the localities along the direction of sustainable tourist development in line with the socio-economic development plannings of the localities;

2. To propagate, education and guide tourist business establishments in the localities to observe the regulations on environmental protection;

3. To propose to the local People's Committees plans to enhance the environmental protection during the peak

of tourist activities in the year;

4. To build up and deploy models which attract the participation of organizations, individuals and communities in tourist development and environmental protection in the field of tourism;

5. To monitor the tourist environment situation in localities; to detect in time phenomena of environmental degeneration, pollution and/or incidents, acts of violating the tourist environment regulations; to handle or propose responsible agencies to handle such cases;

6. To make annual reports on actual tourist environment situation and send them to the General Department of Tourism and the provincial/municipal People's Committees on March 31 of the following year at the latest as guided in Appendix IV to this Regulation; to make extraordinary reports in case of the occurrence of tourist environment incidents in localities.

Chapter V

COMMENDATION, HANDLING OF VIOLATIONS

Article 20.- Commendation

Organizations and individuals that record achievements in the protection and embellishment of the tourist environment shall be commended and/or rewarded according to law provisions.

Article 21.- Handling of violations

Organizations and individuals that commit acts of violating the provisions of this Regulation shall all be handled according to law provisions.

Organizations and individuals that commit acts of causing environmental pollution, degeneration or incidents in the course of tourist activities or causing adverse impacts on the tourist environment shall have to apply remedial measures and compensate for damage according to law provisions.

In cases where the organizations and/or individuals that cause environmental pollution, degeneration or incidents but fail to take remedial measures or have applied remedial measures which are, however, not enough for restoring the original state, they shall have

to pay for all redressing expenses under decisions of competent State bodies.

Chapter VI

IMPLEMENTATION PROVISIONS

Article 23.- Responsibility for implementation organization

The provincial/municipal People's Committees, the General Department of Tourism, the units under the Ministry of Natural Resources and Environment, the

provincial/municipal Services of Natural Resources and Environment, Services of Tourism, Service of Tourism and Trade, Services of Trade and Tourism and the concerned organizations and individuals shall have to implement this Regulation. If problems arise in the course of implementation, they are requested to report them in writing to the Ministry of Natural Resources and Environment for study and settlement.

**Minister of
Natural Resources and Environment
MAI AN TRUC**