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### Theoretical Basis of Tourism Accommodation Business Law. Illustration at the Accommodation Business "Saigon - Kim Lien Resort"

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#### Abstract

Tourism is not only a human entertainment need but also an important source of profit for each country's economy and culture. Because of the great benefits that tourism brings to the country's economy, we really need laws to manage this industry. In this article, the author focuses on analyzing the laws that the state has issued to operate and manage the tourism industry. From there, we can understand more about the laws of the Democratic Republic of Vietnam in general and tourism laws in particular. The author focuses on

analyzing concepts and conditions for tourist accommodation business, rights and obligations of organizations and individuals doing tourist accommodation business, ranking tourist accommodation establishments and basic laws. Related to tourist accommodation business. At the same time, the author illustrates through the accommodation business establishment "Saigon - Kim Lien Resort" in Cua Lo town, Nghe An province to clarify the law on tourist accommodation business.

**Keywords:** Tourism Law, Law on Tourist Accommodation Business, Tourism Business Establishments

#### 1. Theoretical Basis of Tourism Accommodation Business

To understand the tourist accommodation business, first of all, we must understand what the tourism business is. From a legal perspective, "Business is the continuous implementation of one, several or all stages of the process from investment, production to consumption of products or provision of services on the market for the purpose of finding make profits" (Clause 21, Article 4, Law on Enterprises 2020). Based on the concept of business from a legal perspective, the concept of tourism business is understood as follows: Tourism business is the continuous implementation of one, several or all stages of the investment process, producing and providing tourism services to satisfy the needs of tourists for the purpose of making a profit. Tourism business is a professional act in the field of tourism. Tourism business subjects are businesses, organizations and individuals who conduct tourism business and consider it their profession according to social division of labor. Tourism business (travel services; tourist transportation services; tourist accommodation; other types of tourism services such as dining, shopping, sports, entertainment, health care) whose professional nature is recognized and protected by law.

Tourism business is the behavior that takes place in the tourism market. The tourism market is a place of exchange between buyers of tourism products (a set of services based on exploiting the value of tourism resources to satisfy customers). Needs of tourists) and tourism business people. The tourism market is determined by space, time and each type of product in the tourism market. The purpose of tourism business is to earn profit. Like other business fields, the purpose of tourism business is to earn profit. It is the difference between the revenue of a business entity and the costs that that entity invests in the tourism business to achieve that level of revenue. Profit is considered the final result of tourism business activities.

According to the 2017 Law on Tourism, we can understand the tourist accommodation business as the business of accommodation establishments according to the provisions of the Law on Tourism and other forms of accommodation rental services, which can operate on land. Directly or on tourist accommodation ships. More specifically, the provision of services to serve the accommodation needs of short-term or long-term tourists along with other services such as food, health, entertainment... Tourist accommodation business is an activity actions of individuals and organizations providing accommodation services to tourists.

Tourist accommodation services are provided by tourist accommodation establishments, including:

- Hotel: Tourist accommodation establishment that ensures quality facilities, equipment and necessary services to serve tourists; including: Resort hotels, roadside hotels, floating hotels and city hotels.

- Tourist villa: The villa has equipment and amenities for tourists to rent and can serve themselves during their stay.
- Tourist apartment: The apartment has necessary equipment and services to serve tourists. Guests can self-cater during their stay.
- Tourist accommodation ships: Water transport vehicles with bedrooms to serve the accommodation needs of tourists.
- Tourist motel: Accommodation facility with necessary equipment and amenities to serve tourists.
- Housing with rooms for rent to tourists: Housing with an area equipped with equipment and amenities for tourists to rent; Guests live with the host family.
- Tourist camping site: An area planned in a place with beautiful natural landscapes, infrastructure, and necessary facilities and services to serve camping guests.

#### \* Conditions for tourist accommodation business

Pursuant to Article 49 of the 2017 Law on Tourism, tourism accommodation business entities need to ensure the conditions prescribed by law as follows:

- Have business registration according to the provisions of law;
- Meets the conditions of security, order, safety of fire prevention and fighting, environmental protection, and food safety according to the provisions of law;
- Meet minimum conditions for technical facilities and services to serve tourists.

#### + Minimum conditions for technical facilities and services for hotels

- There is an electrical system, clean water supply and drainage system.
- Have at least 10 bedrooms; There is a reception desk and shared bathroom.
- There is parking for guests at resort hotels and party hotels road.
- There is a kitchen, dining room and food service for resort hotels, floating hotels, and roadside hotels.
- There are beds, mattresses, blankets, pillows, face towels, and bath towels; Change mattress covers, blanket covers, pillow covers, face towels, and bath towels when there are new guests.
- There is staff on duty 24 hours a day.
- Managers and staff are trained in tourism operations.

#### + Minimum conditions for technical facilities and services for tourist villas

- There is an electrical system, clean water supply and drainage system.
- There are beds, mattresses, blankets, pillows, face towels, and bath towels; Change mattress covers, blanket covers, pillow covers, face towels, and bath towels when there are new guests.
- There is staff on duty 24 hours a day.
- There is a living area, bedroom, kitchen and bathroom, toilet.

#### + Minimum conditions for technical facilities and services for tourist apartments

- There is an electrical system, clean water supply and drainage system.

- There are beds, mattresses, blankets, pillows, face towels, and bath towels; Change mattress covers, blanket covers, pillow covers, face towels, and bath towels when there are new guests.
- There is a living area, bedroom, kitchen and bathroom, toilet.
- Apartment managers are trained in tourism operations.

#### + Minimum conditions for technical facilities and services for tourist accommodation ships

- The ship is in good condition, registration is still valid; have life jackets, life buoys, means of communication and first aid medicine cabinets.
- There is electricity and clean water; there is equipment to collect garbage and wastewater to ensure hygiene environment.
- There is a reception area, bedroom (cabin), bathroom, restroom, kitchen, dining room and catering services.
- There are beds, mattresses, blankets, pillows, face towels, and bath towels; Change mattress covers, blanket covers, pillow covers, face towels, and bath towels when there are new guests.
- Managers and staff are trained in tourism operations.
- Managers and service staff are trained in tourism and technical skills rescue capabilities on rivers and seas.

#### + Minimum conditions for technical facilities and services for tourist motels

- There is electricity, clean water and drainage system.
- Has a reception area and bedroom; There is a shared bathroom and toilet.

In case the bedroom does not have a private bathroom or toilet.

- There are beds, mattresses, blankets, pillows, face towels, and bath towels; Change mattress covers, blanket covers, pillow covers, face towels, and bath towels when there are new guests.
- There is staff on duty 24 hours a day.
- Managers and staff are trained in tourism operations.

#### + Minimum conditions for technical facilities and services for houses with rooms for rent to tourists

- There are lights and clean water.
- There is a common living area; there is a accommodation area for guests; There is a kitchen, bathroom, and toilet.
- Has a bed, mattress or mat; There are blankets, pillows, curtains, face towels, and bath towels; change mattress covers or mats; Change blanket covers, pillow covers, face towels, and bath towels when there are new guests.
- Landlords with rooms to rent to tourists are trained in tourism operations.

#### + Minimum conditions for technical facilities and services for tourist camping sites

- There is a reception area, tent area, camping area, parking, bathroom, and common toilet.
- There is clean water.
- Have tools and equipment to set up tents; There is a first aid medicine cabinet.
- There is a security guard on duty when there are guests.
- There is staff on duty 24 hours a day.

### \* Rights and obligations of organizations and individuals doing tourist accommodation business

Pursuant to Article 53 of the 2017 Law on Tourism, organizations and individuals providing tourist accommodation services have the rights and obligations prescribed as follows:

#### Organizations and individuals doing business in tourist accommodation services have the right

- Refuse to accept tourists who violate the law, violate the rules of the tourist accommodation establishment or when the tourist accommodation establishment is no longer able to meet the requirements of tourists;
- Cancel service contracts for tourists who violate the law as well as violate the rules of the tourist accommodation establishment.

#### Organizations and individuals doing business in tourist accommodation services have obligations

- Ensure maintenance of tourist accommodation service business conditions as prescribed in Clause 1, Article 49 of the 2017 Law on Tourism;
- Publicly post prices of goods and services as well as rules of tourist accommodation establishments;
- Compensate damages to tourists according to civil law provisions;
- Must notify in writing the specialized tourism agencies at the provincial level where the tourist accommodation establishment is located when there are changes in the establishment's name, scale, address, and legal representative.
- Only use the word "star" or star image to advertise the class of a tourist accommodation establishment after it has been recognized by a competent state agency as a tourist accommodation establishment;
- Implement reporting, statistical and accounting regimes according to the provisions of law.

In particular, for organizations and individuals doing business in tourism accommodation services that have been recognized as ranked, the law specifically stipulates the following rights and obligations:

- Rights and obligations specified in Clauses 1 and 2 of this Article;
- Hang signs recognizing the class of tourist accommodation establishments and advertise according to the recognized type and class;
- Maintain the quality of tourist accommodation establishments according to the recognized type and class.

### \* Ranking of tourist accommodation establishments

The ranking of tourist accommodation establishments has important implications for the following entities:

- For the government: The ranking of tourist accommodation establishments is to ensure orderly state management of accommodation establishments, and to manage data of ranked accommodation establishments for public announcement. Society.
- For the rated tourist accommodation establishments themselves: Ratings are the basis for increasing prestige and service reliability so that tourists know in advance what they will actually experience. At the same time, ranking tourist accommodation establishments is also

considered a method of promoting images and promoting services for tourist accommodation establishments.

- For customers: Tourists can use the services at rated tourist accommodation establishments to have their desired vacation, sightseeing trip and have the most enjoyable enjoyment experience, they are willing to Spend accommodation costs according to the quality level ranked according to regulations.
- The authority to appraise and recognize the class of tourist accommodation establishments is prescribed as follows:
- The General Department of Tourism (now the Vietnam National Tourism Administration) evaluates and recognizes 4-star and 5-star tourist accommodation establishments;
  - Provincial specialized tourism agencies evaluate and recognize 1-star, 2-star and 3-star tourist accommodation establishments.

The order and procedures for recognizing tourist accommodation establishments include the following steps:

**Step 1:** Submit application for recognition of tourist accommodation establishment status Organizations and individuals providing tourist accommodation services can voluntarily register for tourist accommodation establishment ranking with competent state agencies. Permission.

The registration dossier for recognition of the class of tourist accommodation establishment includes:

- Application for recognition of tourist accommodation establishment class according to the form prescribed by the Minister of Culture, Sports and Tourism;
- Self-assessment of the quality of tourist accommodation establishments according to the provisions of national standards on ranking tourist accommodation establishments;
- List of managers and employees in tourist accommodation establishments;
- Certified copies of diplomas, certificates, professional training certificates and certificates of working time in the tourism sector of managers and department heads in tourist accommodation establishments.

Organizations and individuals doing business in tourist accommodation services submit 01 set of documents to the competent state agency. In case the dossier is invalid, within 03 working days from the date of receiving the dossier, the competent state agency must notify in writing and clearly state the request for amendment and supplementation.

**Step 2:** Appraise and make a decision to recognize the class of tourist accommodation establishment. Within 30 days from the date of receiving a valid dossier, the Vietnam National Administration of Tourism (now the Vietnam National Tourism Administration) or the provincial tourism authority shall preside over and coordinate with socio-professional tourism organizations to appraise and make a decision to recognize the class of tourist accommodation establishments; In case of non-recognition, it must be notified in writing and clearly state the reason. The decision to recognize the class of tourist accommodation establishment is valid for 05 years. After the deadline expires, organizations and individuals providing tourist accommodation services that wish to register for re-classification of tourist accommodation establishments shall comply with the provisions of law. After making the

decision to recognize the ranking of tourist accommodation establishments, the General Department of Tourism (now the Vietnam National Tourism Administration) announces the list of tourist accommodation establishments that have been ranked according to authority; Guide and inspect the ranking of tourist accommodation establishments by provincial-level specialized tourism agencies; Organize quality inspection of tourist accommodation establishments nationwide. The provincial tourism authority publishes a list of tourist accommodation establishments that have been ranked according to authority; Organize quality inspection of tourist accommodation establishments in the area.

## 2. Example of “Saigon - Kim Lien Resort” Accommodation Business in Cua Lo Town, Nghệ An Province

### \* General introduction about Cua Lo town

Located in the southeast of Nghe An province, 16km east of Vinh City, Nghe An province, 10km west of Vinh Airport, nearly 300km north of Hanoi and 1,400km south of Ho Chi Minh City. The terrain is relatively flat. In the town there are many small mountains, islands and peninsulas creating interesting landscapes. The terrain is relatively flat. In the town there are many small mountains, islands and peninsulas creating interesting landscapes. Cua Lo town includes wards: Nghi Thuy, Nghi Tan, Thu Thuy, Nghi Hoa, Nghi Hai, Nghi Huong, Nghi Thu. Currently, tourism centers are still concentrated in Thu Thuy, Nghi Huong and Nghi Thu wards. Nghi Thuy ward is also known as the fishing village by tourists and this is where seafood markets are concentrated serving tourism in Cua Lo town.

### \* Introduction to Saigon – Kim Lien Resort hotel

Saigon - Kim Lien resort is the first 4-star luxury resort in Cua Lo beach tourism town, Nghe An. This is a tourist accommodation facility built into a complex of villas, low-rise houses, and apartments, in an area with beautiful natural landscapes. The tourist area is located on a spacious, airy campus in the center of Cua Lo beach, a harmonious combination of modern, elegant style and the natural landscape of Cua Lo beach. This place is truly the ideal choice for vacations for tourists, families and relatives every time they come to the coastal town of Cua Lo. Saigon - Kim Lien resort is located at 212 Binh Minh street, Cua Lo town, Nghe An province. This is the center of Cua Lo beach. Saigon - Kim Lien Resort is designed in a modern, elegant and elegant way, including: 100 bedrooms and VIP rooms, with full amenities and luxury, all rooms facing the sea. Restaurant and bar system, with many attractive European and Asian dishes and drinks, especially you will enjoy fresh seafood dishes from Cua Lo beach. Saigon - Kim Lien Resort is also a venue for conferences and seminars (from 30 to 300 seats) fully equipped with modern facilities, equipment, sound and lighting, meeting the requirements of organizing conferences and seminars of international caliber. The harmonious combination of modern, elegant style with spacious, cool space and a friendly, professional service style always brings visitors comfort, sophistication and optimism after every visit. Vacation at Cua Lo beach. Saigon - Kim Lien Resort has full conditions for tourist accommodation business. Have business registration with the following information:  
Tax code: 2900330692-001.

Business registration address: No. 212, Binh Minh Street - Thu Thuy Ward - Cua Lo Town - Nghe An.

Date of establishment: May 24, 2004.

+ Registered business line: Short-term accommodation services

Saigon – Kim Lien Resort fully meets the fire prevention and fighting standards of the People's Committee of Nghe An Province

The resort fully meets the requirements of security and order, fire safety and environmental protection (There is a professional team that cleans the resort every day). Saigon Kim Lien Hotel, 4-star standard, located in the center of Vinh city, Nghe An province. The hotel includes 80 bedrooms and VIP rooms; 03 restaurants; 02 multi-purpose halls, garden, bar; Relaxation and entertainment services are comfortable and luxurious, and will surely satisfy you when you come to SGKL.

Coming to Saigon Kim Lien, you will not only enjoy a cozy, luxurious space, dedicated and attentive service style, but also enjoy many European and Asian dishes and Nghe An specialties.

Saigon - Kim Lien Resort is a tourist area with residences that are villas that meet 4-star standards with the following technical facilities and services:

- There is a 3-phase electrical system along the path to help illuminate the entire resort, and the clean water supply and drainage system meets prescribed standards.
- Each room is fully equipped with beds, mattresses, blankets, pillows, face towels, and bath towels; Changing mattress covers, blanket covers, and mattress covers to 4-star standards helps you have a comfortable and relaxing time. Every time there is a new guest, the staff will change all bedding and clean the entire villa before handing it over to guests.
- In the main lobby, the reception room is 200 m<sup>2</sup> wide, with staff on duty 24/7.

Saigon Kim Lien Joint Stock Company is a joint venture with Saigon Tourism Corporation - One Member Limited Liability Company, specializing in hotels, restaurants, event organization and other services.

Saigon – Kim Lien Joint Stock Company has the right to:

- Refuse visitors who commit illegal acts such as: Disturbing public order... violating resort rules such as: Losing resort property, they must compensate.
- Cancel service contracts for tourists who commit illegal acts as well as violate the rules of the tourist accommodation establishment.

Saigon Kim Lien Joint Stock Company performs the following obligations:

- + Maintain tourist accommodation service business conditions according to 4-star regulations
- + Must publicly post the selling prices of goods and services as well as the rules of the tourist accommodation establishment
- + Compensate for damages to tourists according to civil law provisions;
- + Must implement reporting, statistical and accounting regimes according to the provisions of law.
- + Maintain the quality of tourist accommodation establishments according to the recognized type and class.
- + Must notify in writing the specialized tourism agencies at the provincial level where the tourist accommodation

establishment is located when there are changes in the establishment's name, scale, address, and legal representative.

Saigon Kim Lien resort is ranked as a 4-star tourist accommodation area by the General Department of Tourism.

### **3. Conclusion**

Tourism is a rapidly growing industry and brings huge profits to tourism businesses as well as contributing to developing and promoting the image of the country to international friends. Along with those huge profits are the laws to operate this "smokeless industry". Within the scope of this article, we have learned more about some basic laws on tourism residence business that the state has issued to manage and continue to promote the great values that this industry brings.

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