

## Regulations Governing Tour Guides Chinese

Amendment to Article 6 promulgated on February 01, 2018.

Article 1 These regulations are promulgated in accordance with Paragraph 5, Article 66 of the Statute for the Development of Tourism (hereinafter "the Statute").

Article 2 The training, licensing, management, and punishing and rewarding of tour guides shall be administered by the Tourism Bureau under commission by the Ministry of Transportation and Communications (hereinafter "the MOTC").

Commissioned matters along with related legal grounds shall be announced and published in government bulletins or newspapers.

Article 3 Tour guides may engage in tour guiding only when hired or assigned to do so by a travel agency or employed to do so by a government agency or institution.

Article 4 Tour guides may not undertake the work of tour guiding within five years of having their tour guide license revoked due to violation of these Regulations.

Article 5 Tour guides qualified through a certification examination or training prior to the amendment and promulgation of these Regulations on March 22, 2001 may receive or guide tourists from Mainland China only after they have attended and graduated from a training course, organized by the Tourism Bureau or by a pertinent organization under commission by the Tourism Bureau, on receiving or guiding travelers from Mainland China.

Article 6 Licenses for tour guides are divided into licenses for English-language tour guides, Japanese-language tour guides, other foreign-language tour guides, and Chinese-language tour guides.

If holders of licenses for English-language, Japanese-language, or other foreign-language tour guides obtain a transcript or certificate of qualification for foreign language proficiency under the Ministry of Education's Certification Examination for Proficiency in Teaching Chinese as a Second/Foreign Language, and the transcript or certificate was obtained within the last three years, the holders may submit the documents in applying for the pertinent language to be added to their tour guide licenses, and may engage in the business of receiving or guiding foreign tourists who use that languages.

Holders of tour guide licenses who complete a training course for the foreign languages specified in paragraph 1 organized by the Tourism Bureau or by a pertinent organization or institution under commission by the Tourism Bureau may apply for a renewal of the language endorsed on their license; holders of the tour guide licenses within two years of the endorsement, engage in the business of receiving or guiding foreign tourists who use the same languages.

Holders of licenses for English-language, Japanese-language, or other foreign-

language tour guides may also engage in the business of receiving or guiding tourists from Mainland China, Hong Kong and Macau.

Holders of licenses for Chinese-language tour guides may engage in the business of receiving or guiding tourists from Mainland China, Hong Kong and Macau, or foreign tourists who use the Chinese language, but they are not allowed to engage in the business of receiving or guiding foreign tourists who do not use the Chinese language. However, with a translator of a less commonly used language in Taiwan accompanying the tour, holders of licenses for Chinese-language tour guides may engage in the business of receiving or guiding foreign tourists who do not use the Chinese language.

Depending on the situation of the tourism market and tour guide personnel, the Tourism Bureau, Ministry of Transportation and Communications will make announcements regarding the foreign less commonly used language types and the duration for the regulations mentioned previously.

The type of training, training method, course, fees, and related regulations for foreign language training as specified in paragraph 3 shall be announced by the Tourism Bureau based on tourism market and tour guide supply and demand, and the provisions of conditions paragraph 4 of Article 7, paragraph 2 of Article 9, Article 11, and Articles 13 to 15 shall apply.

Article 7 The training of tour guides is divided into pre-service training and in-service training.

Persons who have passed the qualifying examinations for tour guides may apply for a tour-guide license and engage in providing tour guide services only after they have attended and obtained completion certification from a pre-service training course organized by the Tourism Bureau or by a pertinent organization or institution under commission by the Tourism Bureau.

In-service training of tour guides shall be organized by the Tourism Bureau or by a pertinent organization or institution under commission by the Tourism Bureau.

An organization or institution commissioned under the preceding two paragraphs in this Article shall possess one of the following qualifications:

1. It must be a travel industry or tour guide related tourism organization, and must within the past two (2) years have self-organized or been commissioned by the Tourism Bureau to organize training of travel guides.
2. It must be a school at tertiary level or above that has established a tourism related department, and must within the past two (2) years have self-organized or been commissioned by the Tourism Bureau to organize relevant training of persons pursuing employment in the travel industry.

Methods, curricula, fees, and pertinent regulations for pre-service training and in-

service training shall be stipulated by the Tourism Bureau or drawn up by the commissioned organization or institution and submitted to the Tourism Bureau for approval.

Article 8 Persons who have passed examinations and completed training to qualify as Chinese-language tour guides may qualify as foreign-language tour guides by passing the pertinent examinations and without being required to re-attend pre-service training.

The preceding provision of this Article shall apply *mutatis mutandis* to foreign-language tour guides who pass the pertinent tour guide examinations for other foreign languages, or to tour guides who qualified through Tourism Bureau examination and training prior to the amendment of these Regulations.

Article 9 Persons who have passed tour guide examinations and apply to the Tourism Bureau, or an organization or institution commissioned by it, to attend pre-service training, shall furnish photocopies of exam pass certification and payment of the training fee with their application, and report for training according to the times arranged.

Participants in tour guide training may, after paying registration fees and up to seven (7) days prior to commencement of training, cancel their registration and apply for reimbursement of seventy (70) percent of training fees, but shall not be entitled to reimbursement for later cancellation. However, if they are unable to receive training due to maternity leave, serious illness, or other proper reasons, they may claim reimbursement of the whole of their fees.

Article 10 The pre-service training of tour guides shall consist of ninety-eight (98) lessons, with each lesson lasting fifty (50) minutes.

During the period of pre-service training, trainees may not be absent from more than ten percent of the training lessons.

Each time a trainee arrives for a lesson late or leaves a lesson early by ten minutes or more shall be counted as an absence from the training lesson.

Article 11 The tour guide pre-service training examination shall have a full score of one hundred (100) points, with the pass mark set at seventy (70) points.

Trainees who fail to achieve the pass mark shall retake the examination one time within seven (7) days; and those who fail to achieve the pass mark in retaking the examination may not graduate.

If, due to maternity leave, serious illness, or other proper reason, a trainee is granted permission to defer taking the examination, he or she shall apply to take the examination within one year; and if he or she fails to achieve the pass mark, the provisions of the preceding paragraph shall apply.

Article 12 If a trainee is found to have met any of the following conditions while

receiving pre-service training, he or she shall withdraw from the training; and in such case, he or she may not apply for reimbursement of any training fee that he or she has already paid:

1. Being absent from more than one tenth of the training lessons.
2. Acting in a violent or threatening manner toward an instructor, counselor or other training personnel during the training period.
3. Having another person attend the training in his or her place.
4. Submitting false or altered documentary proof of qualifications upon registration.
5. Other concrete fact that is sufficient to be deemed a serious breach of ethical standards.

In the case of any of the situations set out in the preceding subparagraph 2 to subparagraph 4, the trainee may not attend further training within two (2) years of withdrawal from the training.

Article 13 If a trainee is found to have met any of the following conditions while receiving in-service training, he or she shall withdraw from the training; and in such case, he or she may not apply for reimbursement of any training fee that he or she has already paid:

1. Being absent from more than one tenth of the training lessons.
2. Having another person attend the training in his or her place.
3. Acting in a violent or threatening manner toward an instructor, counselor or other training personnel during the training period.
4. Other concrete fact that is sufficient to be deemed a serious breach of professional ethical standards.

Article 14 Organizations or institutions that have been commissioned to conduct pre-service training and in-service training of tour guides shall implement training programs as approved by the Tourism Bureau, and within ten (10) days of the conclusion of the training shall submit a report to the Tourism Bureau setting out the performance of the trainees and the numbers of graduates and withdrawals.

Article 15 If an organization or institution that has been commissioned to conduct pre-service training and in-service training of tour guides violates the requirements of the preceding Article, the Tourism Bureau may make a correction and give notice of a time limit for making improvement; if the organization or institution fails to make the improvement within the specified time, its commission shall be terminated, and it may not participate in selection for commissioned training within two years thereafter.

Article 16 If a tour guide fails to engage in tour guiding for three successive years after receiving a graduation certificate or license, he or she shall be required to attend and graduate from training again as stipulated herein, and may only engage in

travel guiding after obtaining or re-obtaining a license.

The tour-guide re-training shall consist of forty-nine (49) lessons, with each lesson lasting fifty (50) minutes.

The provisions of paragraph 2, paragraph 4 and paragraph 5 of Article 7, Article 9, paragraph 2 and paragraph 3 of Article 10, Article 11, Article 12, Article 14, and Article 15 of these Regulations as pertinent to the pre-service training of tour guides shall apply, mutatis mutandis, to re-attendance in training under paragraph 1 of this Article.

Article 17 An applicant for a travel guide license shall fill out an application form and submit it, along with pertinent certificates and documents, to the Tourism Bureau or an authorized organization commissioned by the Tourism Bureau for the issuance of the license.

A tour guide ceasing to work as such shall within ten (10) days return all of his or her licenses to the Tourism Bureau or an authorized organization commissioned by the Tourism Bureau; if a license is not returned within the stipulated time, the Tourism Bureau shall issue a public announcement of the revocation of the license.

Commissioned matters as referred to in paragraph one of this Article, along with related legal grounds, shall be announced and published in government bulletins or newspapers.

Article 18 (delete)

Article 19 A tour guide license shall be valid for three years. Applications for license renewal shall be filed with the Tourism Bureau or an authorized organization commissioned by the Tourism Bureau before the expiration date.

Article 20 In the event of loss of or damage to a license, a tour guide shall apply, with reasons stated in writing, for replacement or reissuance.

Article 21 When practicing his or her business, a tour guide shall be subject to the instruction and supervision of the employing travel agency or the hiring organization or group.

Article 22 A tour guide shall practice his or her business in accordance with the tour itinerary and contents arranged by the employing travel agency or the hiring organization or group, and may not make arbitrary changes except when necessitated by force majeure or special accidents.

Article 23 When practicing his or her business, a tour guide shall wear his or her license in a visible position on his or her chest to facilitate contact for services and inspection by the Tourism Bureau.

Article 24 If a tour guide encounters an incident or accident in the practice of his or her duties, he or she shall immediately take appropriate measures, and shall report the course and handling of the event to the Tourism Bureau and the

employing travel agency, organization or group within 24 hours.

Article 25 For the supervision of tour guides, the Tourism Bureau may dispatch authorized personnel to inspect their business practices at any time.

Article 26 The Tourism Bureau may award or recognize a tour guide who is found to have met any of the following conditions:

1. Having performed in an outstanding manner in upholding national honor and fostering international friendship.
2. Having a good record of promoting Taiwanese culture and upholding good social customs.
3. Having made concrete contributions to the maintenance of national security or social order.
4. Having a concrete record of providing good services to travelers and upholding travel safety.
5. Having a concrete record of promoting the public interest and team spirit in an enthusiastic manner.
6. Having written reports that are full and accurate and that provide comprehensive information with reference value.
7. Having made achievements with originality and practicability in research related to tourism or the tour guide business.
8. Having provided tour guide services in an outstanding manner for over fifteen consecutive years.
9. Having manifested other good conduct or practices deserving of commendation.

Article 27 A tour guide may not engage in any of the following behaviors:

1. Acting in an improper manner when providing tour guide services.
2. Failing to take proper care of tourists who have fallen ill.
3. Arranging tourists to purchase goods, or receiving kickbacks for other services without authorization.
4. Demanding extra charges from tourists.
5. Buying goods from or selling goods to tourists.
6. Taking goods or money from tourists by improper means.
7. Engaging privately in foreign exchange.
8. Violating professional code of conduct.
9. Lending a license to be used by others.
10. Delaying the provision of services without justifiable reason, or entrusting others to provide services without authorization.
11. Evade, obstruct, or refuse an inspection by an administrative or police agency; or not to provide/present documents, information and/or other articles as may be necessary.

12. Provision of services without authorization after ceasing to be eligible to act as a tour guide.

13. Operating a travel business without authorization or providing tour guide services for a non-travel business operator.

14. Provision of tour guide services under employment by a foreign travel operator.

15. Before transporting tourists, it is discovered that the means of transport are not provided by lawful operators and also failing to report the travel agency; while using the tour bus for transportation, the escape and safety guide is failed to be explained and demonstrated, according with the checklist form prescribed by Directorate General of Highways, MOTC.

16. While providing tour guide services, failing to warn and prevent the acts of the received or guided tourists after discovering that such acts could damage natural resources or tourist facilities.

Article 28 A tour guide who violates the provisions of Article 5, paragraph 5 of Article 6, paragraph 2 of Article 17, Article 19, Article 21 to Article 24, and Article 27 of these Regulations shall be punished by the Tourism Bureau in accordance with Article 58 of the Tourism Development Act.

Article 29 A fee of five hundred (500) New Taiwan dollars shall be charged for the issuance of each tour guide graduation certificate issued in accordance with these Regulations; the same fee shall be charged for the replacement of such certificate.

Article 30 A fee of two hundred (200) New Taiwan dollars shall be charged for the issuance, re-issuance or replacement of a tour guide license.

Article 31 These Regulations shall become effective on the date of their promulgation.