

KINGDOM OF CAMBODIA
Nation Religion King

(Logo)

Ministry of Tourism

No. 076 P.

Phnom Penh, June 13, 2008

PRAKAS
on the Granting of Tourism Licenses
to Restaurants and Food Stores

The Ministry of Tourism

Pursuant to:

- The Constitution of the Kingdom of Cambodia;
- Royal Decree No. NS/RD/0704/124, dated July 15, 2004, on the Appointment of the Royal Government of the Kingdom of Cambodia;
- Royal *Kram* No. NS/RK/0196/15, dated January 24, 1996, on the Establishment of the Ministry of Tourism;
- Subdecree No. 34 S.E., dated August 5, 1997, on the Organization and Functioning of the Ministry of Tourism;
- Subdecree No. 26 S.E., dated May 3, 2000, on the Adjustment to the Functions, Duties and Establishment of Legal Persons and the Department of International Cooperation and ASEAN of the Ministry of Tourism;
- Necessary request of the Ministry of Tourism;

Hereby decides

Article 1: The restaurant and food store businesses include:

- Tourist restaurants and food stores
- Local restaurants and food stores

1- Tourist restaurants and food stores

A- A tourist restaurant is a type of business that serves food and beverages, having waiters and waitresses serve several times, every day and everywhere, mostly for tourists such as at large restaurants, medium[-sized] bar-bistro restaurants, small restaurants and beer garden restaurants.

- A large restaurant is a restaurant that serves many types of food and beverages, has waiters and waitresses, uses modern utilities, provides high standard services, serves food and drinks many times [breakfast, lunch, dinner, etc.] and also caters for various ceremonies, has accompanying music performances in the evening and at night, or does not have music performances.

- A medium[-sized] bar-bistro restaurant is a restaurant that serves cooked food in the form of a buffet, sells cakes and nonalcoholic or low alcohol beverages which are organized close to the customers and have a high standard of service.

- A small restaurant is a restaurant that serves food and nonalcoholic or low alcohol beverages with a limited number of foods according to its menu. It does not have modern utilities or accompanying music performance and has fewer than 100 seats.

- A beer garden restaurant is a restaurant that serves all types of drinks and limited foods as well as has accompanying music performances for both national and international customers to enjoy singing and listening to.

B- A tourist food store is a business that serves food and beverages served by waiters/waitress or through self-service and offers limited food and beverage services as well as serves takeaway food [that does not fall into the three standard meals], packed food and barbecue. Some food stores serve many times while others serve only one or two meals.

❖ Some food stores that mainly serve beverages are as follows:

- Pub: is a business that mainly serves beverages and limited foods such as cool food, packaged food at reasonable prices.
- Hotel bar: is a business that operates in a hotel. This sort of business mainly serves drinks/beverages and limited food, which requires a person who can make cocktails to sell beverages of all types and of high quality, and it operates within a limited period of time.
- Coffee bar: is a business that mainly serves beverages that require considerable skill [to make] such as coffee, [which is served with] food as secondary.
- Coffee House: is a coffee shop that serves coffee with varying techniques and is decorated in different styles. Other than coffee, it also provides high quality alcoholic drinks and operates from the time it opens until all customers leave.
- Drink bar: is a business that serves cocktails and after-hours snack food and some extra, [such as] coffee, tea and other beverages.

❖ The food stores that mainly serve food include:

- Self-service bar: is a kind of business which enables self-service with hot food (soup), cooked food, cold food, packaged food which is stored in a glass cabinet, nonalcoholic or low alcoholic beverages.
 - Universal bar: is a kind of business which enables self-service with a lot of small food stores which, when combined, form a restaurant called a co-restaurant, serving many kinds of food for customers to choose according to their preference.
 - Fast food bar: is a kind of business which is self-service and serves after-hours food, snack food, package food such as hamburger, pizza...etc.
 - Snack bar: is a kind of food business which has waiters and waitresses, serves cold and fresh food, hot food, after-hours food, nonalcoholic and low alcohol beverages and desserts. It is open from morning until night.
 - Grill bar: is a kind of business which serves grilled meat, meat-stuffed bread, fried potato, fried fish...etc.
- ❖ Catering bar: is a kind of business that cooks food such as pre-cooked food, packaged food...etc. for a particular institution or public resort.

2- Local restaurants and food stores

Local restaurants and canteens are businesses that serve limited food and beverages, do not have modern utensils and operate only for one or two meals.

These kinds of restaurants and canteens are not located in tourism resort areas and mainly serve domestic customers with fewer than 100 seats, such as noodle shops, cooked rice shops and coffee shops.

Article 2: - The provision of tourism licenses to tourist restaurants and food stores, postponing, revoking, and closing of businesses are the competency of the Ministry of Tourism.

Article 3: - The provision of tourism licenses to local restaurants and food stores, postponing, revoking, and closing of the businesses are the competency of territorial authorities through the District Tourism Office.

Article 4: - The preparation to apply for tourism licenses for tourist restaurants and food stores shall be done by the business owner or manager himself/herself by complying with the formalities determined in addition to attaching the following required documents:

- A- Letter of permission to locate the business issued by territorial authorities for construction, renovation or repair. The permit to build a new construction for restaurant or canteen businesses has to be issued by the Ministry or Department of Land Management, Urban Planning and Construction;
- B- Certificate or certification of [commercial] registration in the commercial register;
- C- Certificate of security, safety protection and fire systems issued by the Ministry of Interior or Provincial–City Police Stations;
- D- Certificate of sanitation issued by the Ministry or Department of Health;
- E- Identification card or passport;
- F- Certificate of insurance for public duties and responsibilities;
- G- Letter of agreement by the business owner if the manager is not the owner;
- H- Diploma or certificate of the manager which certifies the studied skill of hospitality or tourism management.

Article 5: - The preparation to apply for tourism licenses for local restaurants and food stores shall be done by the business owner or manager himself/herself by complying with the formalities determined as well as by attaching the following required documents:

- A- Letter of permission to locate the business issued by the territorial authorities for construction, renovation or repair. A permit to build a new construction for restaurant or canteen businesses has to be issued by the Ministry or Department of Land Management, Urban Planning and Construction;
- B- Certificate or certification of [commercial] registration in the commercial register issued by the Department of Commerce;
- C- Certificate of security, safety protection and fire systems issued by the Provincial–City Police Stations;

- D- Certificate of sanitation issued by the Provincial-City Department of Health;
- E- Identification card or passport;
- F- Certificate of the manager which certifies the studied skill of hospitality issued by the Department of Tourism.

Article 6: A beer garden must be located at least 200 meters away from schools, hospitals, pagodas, embassies and main administrative institutions.

Article 7: - Licenses for tourist restaurants and food stores will be issued for use after the businesspersons have correctly and adequately completed the applications for business operations within 30 working days at the latest counting from the application date. In case the Ministry or Provincial-City Department of Tourism declines to issue or does not renew the restaurant and food store licenses, the Ministry or Department of Tourism will provide written notification of its reason [for doing so] to the businesspersons no later than 10 working days from the date of application receipt.

- Licenses for local restaurants and food stores will be issued for use after the businesspersons have correctly and adequately completed the above defined documents to apply for business operations within 12 working days at the latest counting from the application date. In case the territorial authorities decline to issue or do not renew the local restaurant and food store licenses, the territorial authorities will provide written notification of its reason [for doing so] to the businesspersons no later than five working days from the date of application receipt.

Article 8: - When the applicant has adequately and properly completed the formalities as defined in Article 4, the Ministry or Provincial-City Department of Tourism or the territorial authorities will issue the license for business operations with one-year's validity.

- In case the applicant fails to complete the formalities adequately and in a timely manner, the applicant may request to pledge that s/he temporarily owes any document and guarantees to complete it within a period of three months. In such case, the Ministry or Department of Tourism or the territorial authorities will issue a provisional license for business operation with three-month's validity. After getting adequate and properly completed documents as per the pledge, the Ministry or Department of Tourism or the territorial authorities will issue a license with one-year's validity to the customer.

Article 9: The license is valid for one year, as from the issue date. One month before the license expiration, the businessperson has to apply for license renewal by attaching the old license and business rates. During the period of applying for the license renewal, the

businessperson still has the right to run their business until the Ministry or Department of Tourism or the territorial authorities examines and decides on the qualifications for providing renewal of a business license.

Article 10: When there is any transfer, sale, lease, repair, closure, relocation of a business or change of the manager or businessperson, it is required to submit an application through the Provincial–City Department of Tourism or the territorial authorities three months in advance.

Article 11:

❖ Payment of tourist restaurant and food store license applications for new or renewed business operations is defined as below:

A-Payment for first year of business:

- Big Restaurant:
 - With a capacity of 101–200 persons = 600,000 riels
 - With a capacity of 201–300 persons = 1,000,000 riels
 - With a capacity of more than 301 persons = 1,200,000 riels
- Medium-sized bar–bistro restaurant = 600,000 riels
- Small restaurant:
 - With a capacity of 50–100 persons = 400,000 riels
 - With a capacity of less than 50 persons = 200,000 riels
- Beer garden restaurant = 800,000 Riels
- Canteen:
 - With a capacity of more than 51 persons = 400,000 riels
 - With a capacity of less than 50 persons = 200,000 riels

B- Relocation or change of business manager shall be subject to payment of 10 percent of the fee defined in Article 11 “A”.

❖ Payments for local restaurant and food store license applications, new or renewed businesses, relocation, change of manager are determined by the territorial authorities.

Article 12: - The business owner or manager shall apply for a new or renewed license and receive the license at the Provincial–City Tourism Department or District Tourism Office.

- The license shall be subject to examination and decision by the Provincial–City Tourism Department or the territorial authorities within a defined period of 12 working days.
- For the license to be examined and decided by the Ministry of Tourism, the Department of Tourism shall accept the application and conduct an inspection of the business place and forward it to the Ministry of Tourism within five working days. The Ministry of Tourism (the Department of Tourism Industry) has to accept and examine the application and request a decision on the issuance of the tourism license within 12 working days. If necessary, the Ministry of Tourism may re-inspect the business place within five working days from the date of application receipt. The Ministry of Tourism will send the finished license to the Department of Tourism within three working days.

Article 13: - The businessperson who has obtained the tourism license shall properly use the license and shall comply with the instructions and provisions of the Ministry of Tourism.

- In case of damage to or loss of the license, the businessperson shall write a letter giving clear reasons and certification from the competent authorities to reapply for a provisional tourism license within 30 days from the date of the damage or loss thereof.

Article 14: Any case of the following business operation:

- A- For any business that operates by using an expired license or failing to properly comply with the guidelines of the Ministry of Tourism, the businessperson will be fined 200% (two hundred percent) of the fee paid. Should the businessperson not implement the fine within three months, the Ministry or Department of Tourism or territorial authorities will postpone [operation of] the business, or revoke their license, or close their business.
- B- Any business operation without a license will be subject to written warning and business closure.
- C- Should the Ministry or Department of Tourism or the territorial authorities find that the businessperson has provided false or invented documents relating to the application for business operations, the Ministry or Department of Tourism or the territorial authorities has the right to revoke the license or suspend the business.
- D- In case the businesspersons commit an offense against the provisions of the state's laws, their license will be revoked and their business will be closed and they shall be liable to punishment before the law in force.

Article 15: - When the business premises are subject to suspension or license revocation, the Ministry or Department of Tourism or the territorial authorities will issue a written notice to the owner or manager for them to comply with. In case the notice cannot be sent to the owner or manager for any reason, or the owner or manager concerned refuses to acknowledge it, the notice will be posted in front of that company or business premises and shall be photocopied and sent to the local tourism association and competent agents for information.

Article 16: Postponement or revocation of the license shall not be for longer than six months. During the period the license is postponed or revoked, the business premises are not authorized to conduct any activity. After expiration of the postponement or revocation period, the owner or manager shall submit a letter to the Ministry or Department of Tourism or the territorial authorities to request to re-[commence] operation of their business.

Article 17: Any person who hinders inspection or who provides a fake license against the provision of the Ministry of Tourism will be responsible for any administrative action or punishment according to the law in force.

Article 18: Three months after signature on this *prakas*, the Ministry or Department of Tourism or the territorial authorities will no longer allow operation of the tourist restaurants and food stores or local restaurants and food store businesses without licenses.

Article 19: Any provisions contrary to the contents of this *prakas* shall be abrogated.

Article 20: This *prakas* shall take legal effect from the date of signature onwards.

Minister
(Signature and stamp)

THONG KHON

CC:

- General Secretariat of the Senate
- General Secretariat of the National Assembly
- Cabinet of *Samdech* Prime Minister
- Office of the Council of Ministers
- All relevant ministries-institutions
- All Provincial-City Halls "for information"
- All Provincial-City Tourism Departments "for official purposes"
- All restaurant and food store businesses " for implementation"
- Royal Gazettes
- Records - Archives