

Comparison of the Purpose of the Travel Agency Law in Japan, China and Taiwan



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Where the Problem Lies

Travel is the act of a person moving from one's original place of residence to a destination for a specific purpose, such as for personal purposes such as sightseeing or returning home, or for professional purposes such as business trips, and then returning to the original place of residence again in a short period of time. Human beings are thought to have been traveling since ancient times, but travel developed as an industry only after railroads and ships began to be used by passengers. Since travel developed as an industry, the travel industry has grown significantly, and the content and form of travel activities have become more complex, resulting in an increase in troubles and disputes between travelers and travel agencies providing travel. Therefore, there has been a demand for laws to resolve and prevent such contradictions and disputes between travelers and travel agencies, and to regulate the travel economy in society. This is what is known as travel-related legislation.

However, Article 1 of the Tourism Law, which is the basic law for travel-related regulations in the People's Republic of China (hereinafter referred to as "China"), stipulates that "This Law is enacted to protect the legitimate rights and interests of tourists and travel agencies, adjust the order of the tourism market, protect and rationally utilize tourism resources, and promote the sustainable and healthy development of the tourism industry." Although the point of resolving disputes between travelers and travel agencies is included in the expression "protecting the legitimate rights and interests of tourists and travel agencies," it also includes other objectives such as adjusting the order of the tourism market and promoting the sustainable and healthy development

of the tourism industry. In this way, the objectives of travel-related regulations in each country differ from country to country.

From this perspective, this paper examines how the purpose provisions of travel-related laws differ in Japan, China, and Taiwan (the country's name is the Republic of China; hereafter referred to as "Taiwan"), and the differences in each country's views on travel-related laws that lie behind these differences.

Japan's Travel-Related Laws and Regulations

History of travel-related legislation in Japan

First, let us review the history of travel-related laws in Japan. The first travel-related law in Japan was the "Travel Agency Law" promulgated on July 18, 1952 (Law No. 239 of 1952, effective October 15 of the same year). Six and a half years had passed since the end of the war, and the national economy had steadily recovered. As a result, the number of foreign visitors to Japan had increased, and domestic travel by Japanese people was also gradually increasing. In response to this, the number of travel agencies had also increased rapidly, but there were also many unscrupulous agents among them, causing damage in various places such as fraudulent theft of travel expenses, embezzlement of portions of the staple food and accommodation expenses carried by customers, and other undesirable incidents such as forcing foreign customers to act as agents and making unreasonable demands for agency fees. The Travel Agency Law was enacted to rectify this situation. It was pointed out that if the current state of the travel industry at that time was left as it was, it would hinder the soundness of domestic travel largely cast a shadow over the future of

Japan's international tourism industry and ultimately have a negative impact on international goodwill and friendly relations. Of course, this was not something that Diet members unilaterally decided was necessary, but rather there was a demand from ordinary travelers, schools, transportation providers, accommodation providers, and even travel agencies for some kind of regulatory legislation to be enacted. Thus, the Travel Agency Law, Japan's first basic law for travel-related legislation, was enacted.

After the Travel Agency Law was enacted, it was amended several times, and the name of the law was changed to "Travel Agency Law" when it was promulgated on May 10, 1971 (Law No. 59 of 1971, enforced on November 10 of the same year). The reason for the name change at this time was that the amendment was aimed at ensuring fairness in transactions between travel agencies and optimizing the management of their business in response to the sudden increase and qualitative change in demand for domestic and international travel due to the improvement of the standard of living of the people and the increase in leisure time, so the name was changed to "Travel Agency Law".

Since then, the Travel Agency Act has undergone several amendments to reach its current form (the last amendment was promulgated on June 17, 2022 (Reiwa 4) under Act No. 68 and came into effect on June 1, 2025 (Reiwa 7)).

Purpose of travel-related laws and regulations in Japan

Article 1 of the Travel Agency Act at that time stipulated that "The purpose of this Act is to promote the healthy development of the travel agency industry and to contribute to the improvement of hospitality for Japanese and foreign passengers," and the main purpose was to improve hospitality for passengers.

Furthermore, Article 1 of the Travel Agency Act states, "The purpose of this Act is to ensure the fairness of transactions conducted by persons engaged in the travel industry by implementing a registration system for those engaged in the travel industry and by promoting the proper activities of the organizations they organize, thereby contributing to ensuring the safety of travel and increasing convenience for travelers," which is a significant change from the purpose provisions of the Travel Agency Act [1].

From this difference in purpose provision, the purpose provision of the Travel Agency Law was placed at the forefront of resolving travel-related troubles, i.e., contributing to the improvement of customer service and promoting the healthy development of the travel agency industry. However, the purpose provision during the Travel Agency Law era was "ensuring fairness in transactions conducted by those engaged in the travel industry by promoting the proper activities of the organizations it organizes," and a wider range of actions were regulated than simply "improving customer service" by promoting the "proper activities" of related organizations. It can be said that this amendment was aimed at ensuring fairness in transactions by travel agents and optimizing the management of their business in response to the sudden

increase and qualitative change in domestic and international travel demand [2]. And the Travel Agency Law specifically stipulated "Japanese and foreign passengers" because there were not many foreigners visiting Japan during the Travel Agency Law era. In contrast, foreigners visiting Japan were no longer particularly rare during the Travel Agency Law era, so it seems that the term "traveler" was simply used.

China's Travel Regulations

History of travel-related legislation in China

The basic law of travel-related laws in China is the "Travel Law" (President's Order No. 3 was promulgated on April 25, 2013, and came into effect on October 1 of the same year. The last amendment was made on October 26, 2018, with President's Order No. 16 being promulgated and put into effect on the same day). The reason why the law was not promulgated and put into effect until 2013, despite being the basic law of travel-related laws, is said to be as follows. Naturally, the drafting of the Travel Law began in the late 1970s when the reform and opening-up policy began, and the draft was completed. However, the Chinese travel industry at that time was still in its early stages, and interests could not be reconciled in various ways, which created major conflicts over the contents of the draft, and in the end the draft could not even be formally discussed. Later, as Chinese society became more mature, the calls for the enactment of travel-related laws grew louder, and in response to this, a drafting group for travel-related laws was formed in December 2009, and a draft was created in about two and a half years, which was then adopted [3].

However, this only refers to the establishment of a basic law for travel-related regulations in China, and regulations on travel agencies existed before that in a form other than a basic law. This was the "Interim Regulations on the Management of Travel Agencies" issued by the State Council on May 11, 1985, and came into effect on the same day [4]. This Interim Regulations on the Management of Travel Agencies was abolished on October 15, 1996, when the "Regulations on the Management of Travel Agencies" were issued and put into effect by the State Council, and the "Regulations on the Management of Travel Agencies" were also abolished on February 6, 2016, when the "Regulations on the Management of Travel Agencies" were issued and put into effect by the State Council (the Travel Agency Ordinance was last revised on November 29, 2020).

The structure of China's travel-related laws is as follows: travel agencies are regulated by the Interim Regulations on the Management of Travel Agencies, the Regulations on the Management of Travel Agencies, and the Regulations on Travel Agencies, while everything else is regulated by the Travel Law.

Purpose of travel-related regulations in China

As we saw in 1, Article 1 of the Travel Law states, "This Law is enacted for the purposes of protecting the legitimate rights and

interests of tourists and travel agents, regulating the order of the tourism market, protecting and rationally utilizing tourism resources, and promoting the sustainable and healthy development of the tourism industry.”

In contrast, Article 1 of the Interim Travel Agency Management Ordinance stipulates, “This regulation is enacted in order to strengthen the management of travel agencies, protect the legitimate rights and interests of travelers, and promote the development of the tourism industry,” and Article 1 of the Travel Agency Management Ordinance and Article 1 of the Travel Agency Ordinance are the same, stating, “This regulation is enacted in order to strengthen the management of travel agencies, protect the legitimate rights and interests of travelers and travel agencies, maintain order in the tourism market, and promote the healthy development of the tourism industry.”

From this, it seems that there is no big difference in the purpose provisions of the Travel Law and the Travel Agency Ordinance. This is because both aim to protect the legitimate rights and interests of travel agencies and travel traders, maintain order in the tourism market, and promote the healthy development of the tourism industry [5]. However, there is a difference in that the method of achieving this purpose of the Travel Agency Ordinance is limited to “strengthening management of travel agencies.” However, the Travel Law also stipulates the obligations of travel traders and regulations for travel traders, so it can be said that Chinese travel traders are subject to double regulations by the Travel Law and the Travel Agency Ordinance. In the end, it seems that the purpose provisions of travel-related laws in China are sufficient if they stipulate the protection of the legitimate rights and interests of travel agencies and travel traders, maintain order in the tourism market, and aim for the healthy development of the tourism industry. And the purpose provisions of travel-related laws required in China, as mentioned in 1., compared to Japanese travel-related laws, stipulate the purpose of protecting health resources and promoting the sustainable and healthy development of the tourism industry, which is a provision that does not exist in Japan. In this regard, China’s travel-related laws and regulations have been amended to include the objective of promoting the sustainable and healthy development of the tourism industry, which is a distinctive feature of China [6].

Taiwan’s Travel Laws and Regulations

History of travel-related legislation in Taiwan

Taiwan was under Japanese rule from April 17, 1895 (Meiji 28, Guangxu 21) to October 21, 1945. During the Japanese rule, a railway was built in Taiwan to accommodate Japanese (mainlanders) sightseeing in Taiwan, and the island could be traveled around by rail, so the infrastructure was already in place to allow for sufficient travel. However, after the end of the Japanese rule and the start of the Republic of China government rule, the government made policies such as recapturing mainland China,

and there was no time to travel. There was great confusion within Taiwan, as exemplified by the 228 Incident, and travel-related laws were not enacted any more. However, on May 16, 1968, the Taiwanese government announced that it planned to develop and unify the tourism industry, and at the same time announced that it would draft a law for this purpose. This led to the establishment of the basic law for Taiwan’s travel-related laws, called the “Development Tourism Act” (promulgated and enforced on July 30, 1969). The Tourism Development Ordinance has since been amended many times and is still in effect today (the final amendment was promulgated and came into effect on April 2, 2025).

However, this was still related to the basic law of travel-related regulations, and restrictions on travel agencies had already been imposed by the “Travel Industry Management Regulations” that were issued and put into effect on October 27, 1953 [7].

Taiwan, martial law was in effect from May 20, 1949, to July 15, 1987. During this period, the rights of citizens were severely restricted, but the government enacted the Tourism Development Act to develop and unify the tourism industry. Therefore, the Tourism Development Act, which was enacted at the beginning, also reflected martial law and the clear “civil war” state with China. For example, Article 8 of the Tourism Development Act (Article 5 after the amendment promulgated and enforced on November 24, 1980) contains provisions regarding “international promotion of tourism.” From the perspective of international promotion, this provision seems to have been intended to attract foreign tourists to Taiwan and encourage them to like Taiwan to tilt international opinion in Taiwan’s favor during the “civil war” with China. This provision on “international tourism promotion” still exists today, although it was amended and promulgated and put into effect on November 14, 2011, to add the phrase “in accordance with demand in overseas markets,” stating that it is not for the purpose of gaining international public opinion [8].

Purpose of travel-related laws and regulations in Taiwan

As mentioned in 4.1, the Tourism Development Act was enacted during the period of great change in Taiwanese society, when martial law was lifted, and so its purpose and provisions vary greatly depending on the period. First, Article 1 of the original Tourism Development Act, which was promulgated and put into effect on July 30, 1969, stated, “This Act is enacted in order to accelerate the development of the tourism industry, the promotion of international cultural exchange, and the prosperity of the domestic economy.” Then, in the revised Tourism Development Act, which was promulgated and put into effect on November 24, 1980, Article 1 was amended to read, “This Act is enacted in order to develop the tourism industry, promote Chinese culture, strengthen international friendly relations, improve the mental and physical health of the people, and promote the prosperity of the domestic economy. Other laws shall apply to matters not provided for in this Act.” The phrase “promotion of Chinese culture”

appears here, presumably for the purpose of international PR that the birthplace of “Chinese culture” is Taiwan, not China. Furthermore, in the revised Tourism Development Ordinance promulgated and put into effect on November 14, 2001, Article 1 was revised to read, “This ordinance is enacted for the purposes of developing the tourism industry, promoting Chinese culture, sustainable management and utilization of Taiwan’s unique natural ecological and cultural landscape resources, strengthening international friendly relations, improving the mental and physical health of the people, and promoting the prosperity of the domestic economy. Other laws shall apply to matters not provided for in this ordinance [9].” Furthermore, in the revised Tourism Development Ordinance promulgated and put into effect on February 4, 2015, Article 1 was revised to read, “This ordinance is enacted for the purposes of developing the tourism industry, promoting traditional culture, spreading awareness of natural ecological protection, sustainable management and utilization of Taiwan’s unique natural ecological and cultural landscape resources, strengthening international friendly relations, improving the mental and physical health of the people, and promoting the prosperity of the domestic economy,” and remains the same to this day.

Also, Article 1 of the Travel Industry Management Regulations originally stated, “For the convenience of all passengers in traveling, unless otherwise provided by law, the management of travel agencies shall be governed by these regulations.” However, with the amendment to the Development Tourism Act, which was promulgated and put into effect on November 24, 1980, Article 47 was amended to read, “The regulations governing scenic areas, tourist hotels, travel agencies, and guide personnel shall be prescribed by the Ministry of Transportation and Communications,” and the purpose provision of Article 1 of the Travel Industry Management Regulations also became, “These regulations shall be formulated in accordance with the provisions of Article 47 of the Development Tourism Act.” Since then, the Development Tourism Act has been amended, and whenever the article number of the then Article 47 has changed, the article number of the Development Tourism Act in Article 1 of the Travel Industry Management Regulations has also been amended, up to the present day [10].

As mentioned in 4.1, when the Development Tourism Act was first enacted, it was thought that there was an aspect of promoting Taiwan to China, but this was not clearly stated in the purpose clause, and the purpose was “to promote international cultural exchange and accelerate the prosperity of the domestic economy.” However, the prosperity of the domestic economy would naturally be a way of promoting Taiwan’s economic power to China, and “promotion of international cultural exchange” seems to be a provision for conducting international cultural exchange as private exchange and maintaining de facto diplomatic relations, even though if a country establishes diplomatic relations with China, Taiwan will no longer have diplomatic relations with that country, and Taiwan will have no choice but to engage with that country in the form of private exchange. Then, the revised Development

Tourism Act, which was promulgated and put into effect on November 24, 1980, stipulated that it was “strengthening international friendly relations,” which is a de facto strengthening of diplomatic relations, and further included the provision of “promotion of Chinese culture,” as mentioned in 4.1, in order to compete with China for the position of a country with authentic Chinese culture, and it is no longer hidden that attracting foreign tourists is part of the fight with China.

Martial law was lifted on July 15, 1987, and since the 2000s, when reconciliation with China progressed further, the revised Tourism Development Ordinance was promulgated and put into effect on February 4, 2015, which abolished the phrase “promotion of Chinese culture” and replaced it with the expression “promotion of traditional culture”. Seen in this light, travel and tourism in Taiwan is a highly political activity directed at China, and the changes in the purpose provisions of the Tourism Development Act also seem to reflect this.

Conclusion

In this paper, we attempted to compare the purpose clauses of the basic laws of travel-related laws in Japan, China, and Taiwan. What became clear from the comparison was that the idea that travel-related laws are enacted to prevent and resolve troubles and disputes between travelers and travel agencies is a Japanese perspective, and travel-related laws are not necessarily enacted with that idea in mind.

Although the objectives of China’s travel-related laws and regulations are to prevent and resolve troubles and disputes between travelers and travel agencies, they also stipulate the objectives of protecting health resources and ensuring the sustainable and healthy development of the tourism industry. Although the idea of using laws to develop an industry has been abandoned in China, there may still be some vestiges of the idea of a planned economy.

Taiwan is perhaps the most distinctive example. The objectives stipulated in the Tourism Development Act, the basic law for Taiwan’s travel-related laws, do not at all address issues such as problems or disputes between travelers and travel agencies. There are numerous stipulations regarding political objectives, such as how to promote traditional culture, how to raise public awareness of ecological conservation, how to strengthen international friendly relations, which are de facto diplomatic relations, and the prosperity of the domestic economy. In 4.2, we explained the reasons why Taiwan is in this situation as part of its policy toward China.

Now that we have a clear understanding of the position and purpose of travel-related regulations for the governments of Japan, China, and Taiwan, our next task is to continue to investigate what other countries are doing.

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