

**TOWN PLANNING ACT,
B.E. 2562 (2019)**

HIS MAJESTY KING MAHA VAJIRALONGKORN PHRA VAJIRAKLAOCHAOYUHUA;

Given on the 24th Day of May B.E. 2562;

Being the 4th Year of the Present Reign.

His Majesty King Maha Vajiralongkorn Phra Vajiraklaochaoyuhua is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on town planning;

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which section 26 in conjunction with section 33, section 37, section 38 and section 40 of the Constitution of the Kingdom of Thailand so permits by virtue of provisions of law;

Whereas the reasons and need for the restriction of rights and liberties of persons under this Act lie in facilitating the formulation and preparation of town plans as well as the use of areas and land at all levels to proceed in an efficient manner, thereby benefiting the economy, society, natural resources and the environment as well as benefiting the public and, in this regard, the enactment of this Act duly complies with the conditions provided in section 26 of the Constitution of the Kingdom of Thailand;

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly serving as the National Assembly, as follows.

Section 1. This Act is called the “Town Planning Act, B.E. 2562 (2019)”.

* Translated by Associate Professor Dr. Pinai Nanakorn under contract for the Office of the Council of State of Thailand's Law for ASEAN project. – Tentative Version – subject to final authorisation by the Office of the Council of State.

Section 2.¹ This Act shall come into force after one hundred eighty days as from the date of its publication in the Government Gazette.

Section 3. The following shall be repealed:

- (1) the Town Planning Act, B.E. 2518 (1975);
- (2) the Town Planning Act (No. 2), B.E. 2525 (1982);
- (3) the Town Planning Act (No. 3), B.E. 2535 (1992);
- (4) the Town Planning Act (No. 4), B.E. 2558 (2015).

Section 4. In this Act:

“town planning” means the formulation, preparation and implementation of town plans at varying levels as a framework for physical development at a national level, a regional level, a provincial level, a town level and a rural level as well as in specific areas alongside the national economic and social development plans for the purpose of putting forth urban development and the development of related areas or the countryside towards the obtainability or amelioration of sanitary conditions, comfort, orderliness, exquisiteness, property use, communication and transport, public safety, social welfare, disaster prevention and land-use conflict prevention, in the interest of promoting the economy, society and surroundings, preserving or renovating places or objects possessing artistic, architectural, historical or archeological interests or value or maintaining and conserving natural resources and the environment as well as picturesque or naturally valuable landscapes;

“urban development” means operations involving the formulation of policies as well as the construction, improvement, rehabilitation, renovation, maintenance or any other operation for the purpose of putting forth the development of land or immovable property under the town planning framework, in the interest of life quality development, public well-being and advancement of towns, related areas or the countryside in varying aspects;

“unitary town plan” means plans, policies and projects and also measures for general control in any particular area, for use as guidance for urban development and the maintenance of towns, related areas or the countryside, in respect of the use of property,

¹ Published in Government Gazette, Vol. 136, Part 71a, dated 29th May 2019.

communication and transport, public utilities, public facilities, public services and surroundings, for the achievement of the purposes of town planning;

“specific town plan” means plans and action projects for developing or maintaining a specific area or a relevant undertaking in a town, a related area or the countryside, with a view to creating a new town or putting forth urban development, town conservation or town rehabilitation;

“building” means a building under the law on building control and includes a structure of every kind or any other thing placed on, beneath or over the ground or water surface, for the achievement of the purposes of town planning;

“accessory land” means privately-owned land which is arranged, by a specific town plan, to serve as a free space or to be used also for such other public purposes as a footpath, a passage, an alley behind or beside a building, a water way, a drainage way or a sewer;

“open space” means an area of land indicated in a unitary town plan or a specific town plan to serve, in the main part, as a free space and to be used for the purposes indicated therein;

“water chart” means a water chart under the law on water resources or a chart indicating water-source development zones and flood-water areas;

“planning official” means:

(1) the planning official indicated in the Royal Decree determining boundaries of land to be surveyed for formulating and preparing a unitary town plan or a specific town plan;

(2) Director-General of the Department of Public Works and Town and Country Planning or a local official in charge of formulating and preparing a plan in the case of the application of a unitary town plan or a specific town plan;

“local official” means:

(1) President of a *Changwat* Administrative Organisation, for an area of a *Changwat* Administrative Organisation;

(2) Mayor of a municipality, for an area of a municipality;

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(3) President of a *Tambon* Administrative Organisation, for an area of a *Tambon* Administrative Organisation;

(4) Governor of the Bangkok Metropolitan Administration, for an area of the Bangkok Metropolitan Administration;

(5) Mayor of the Pattaya City, for an area of the Pattaya City;

(6) a local administrator or the head of local administrators' committee of any other local government organisation established by law, for an area of such local government organisation;

“operation official” means the local official or an organ having the duty and power, or entrusted to have the duty and power, to carry out activities in the implementation of a specific town plan;

“local government organisation” means a *Changwat* Administrative Organisation, a municipality, a *Tambon* Administrative Organisation, the Bangkok Metropolitan Administration, the Pattaya City and any other local government organisation established by law;

“*Changwat* Governor” includes the Governor of the Bangkok Metropolitan Administration in the case of the formulation and preparation of a unitary town plan or a specific town plan in the area of the Bangkok Metropolitan Administration;

“Director-General” means the Director-General of the Department of Public Works and Town and Country Planning;

“Minister” means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to issue Ministerial Regulations and Notifications of the Ministry of Interior in the execution of this Act.

Such Ministerial Regulations and Notifications of the Ministry of Interior shall come into force upon their publication in the Government Gazette.

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CHAPTER I
GENERAL PROVISIONS

Section 6. The provisions of this Act are aimed at prescribing formal requirements for the formulation and preparation of town plans at all levels as well as the administration of town planning to ensure the operation and administration which are appropriate and in line with directive principles of State policies, national strategies, national economic and social development plans, national reform plans and procedures, economic and social circumstances and natural resources and the environment, by laying down the framework and policies for area development and the use of land at a national level, a regional level, a provincial level, a town level and a rural level, and decentralising the power to formulate and prepare town plans to local government organisations, having regard to the ability to accommodate change or development of areas, for the following purposes:

- (1) formulating and preparing town plans at each level to ensure consistency;
- (2) formulating the framework and policies for urban development and the development of related areas as well as the countryside in a balanced and sustainable manner;
- (3) formulating the framework and policies for the development and preservation of natural resources and the environment;
- (4) formulating the framework for the conservation and maintenance of artistic and cultural values;
- (5) laying down guidance to be observed by State agencies in setting policies and development projects within their duties and powers in line with town plans at each level;
- (6) resolving problems involving impacts from inconsistent use of land to ensure efficient use capable of preventing, curing or mitigating possibly arising disasters.

Section 7. The town planning charter prepared by the National Town Planning Policy Board under section 75 (8) shall, upon its approval by the Council of Ministers, bind State agencies and other agencies concerned in further implementation thereof in accordance with their duties and powers.

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CHAPTER II
FORMULATION AND PREPARATION OF TOWN PLANS

Section 8. Town plans under this Act are:

(1) area-use policy plans, which signify the laying down of framework policies and strategies for national development with respect to the use of areas for operation by State agencies and which are classified into three types as follows:

- (a) the national policy plan;
- (b) regional policy plans;
- (c) *Changwat* policy plans;

(2) land use plans, which signify the laying down of framework directions and action plans for the use of land in any particular area for urban development and the maintenance of towns, related areas and the countryside and which are classified into two types as follows:

- (a) unitary town plans;
- (b) specific town plans.

Section 9. The formulation and preparation of area-use policy plans under section 8 (1) and land use plans under section 8 (2) shall require public hearing, consultation and participation in accordance with the rules and procedures prescribed by the Town Planning Commission with the approval of the National Town Planning Policy Board, having regard to persons to be affected by each type of plans, and shall require publicity through diverse and comprehensive methods, with information adequate for public comprehension of impacts on the people, communities, the environment, biological diversity and directions for remedying grievances or injuries to the public or communities.

In formulating and preparing area-use policy plans under section 8 (1) and land use plans under section 8 (2), the Department of Public Works and Town and Country Planning shall co-ordinate with agencies and sectors concerned, in the interest of the integration of operations in the execution of this Act.

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Section 10. For the purpose of the achievement of the purposes of town planning, the Department of Public Works and Town and Country Planning shall put in place a review of area-use policy plans every five years or may, in the case where it is necessary for ensuring consistency with changing directive principles of State policies, national strategies, national economic and social development plans, national reform plans and procedures, economic and social circumstances or natural resources and the environment, put in place a review of area-use policy plans prior to such interval.

The Department of Public Works and Town and Country Planning shall prepare an annual report on the implementation of this Act of the preceding fiscal year for submission to the National Town Planning Policy Board for approval within ninety days as from the end of the fiscal year. The report shall at least contain a summary of operations involving the formulation and preparation of town plans under section 8, the achievement of the operations in pursuit of this Act and also problems as well as obstacles.

Section 11. The formulation and preparation of *Changwat* policy plans shall be in line and linked with regional policy plans while the formulation and preparation of regional policy plans shall be in line and linked with the national policy plan.

Section 12. Upon publication of the national policy plan, regional policy plans or *Changwat* policy plans in the Government Gazette, State agencies shall carry out activities in accordance with their duties and powers in the implementation of such policy plans. In this regard, the Department of Public Works and Town and Country Planning shall have the duty to give advice to State agencies as well.

CHAPTER III AREA-USE POLICY PLANS

PART I NATIONAL POLICY PLAN

Section 13. For the purpose of the achievement of the purposes of town planning, the Department of Public Works and Town and Country Planning shall formulate and

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prepare the national policy plan as a framework for policies and strategies for national development with respect to the use of areas, urban development, the development of related areas and the countryside, key infrastructure, the development of special areas, the preservation of natural resources and the environment and other necessary acts, for submission to the National Town Planning Policy Board for approval and publication in the Government Gazette.

Section 14. The national policy plan under section 13 consists of:

- (1) purposes of the formulation and preparation of the national policy plan;
- (2) framework policies, goals and physical plans and charts for national development or conservation, as follows:
 - (a) the use of areas;
 - (b) settlement and community systems;
 - (c) varying infrastructures, at least consisting of water management, public health, education, energies, tourism, communication and transport and also information technology systems;
 - (d) special development areas, which are areas for the development in accordance with the Government's policy or a special undertaking put in place by the State;
 - (e) natural resources, the environment and the ecosystem;
 - (f) local arts, culture and history;
 - (g) urban development and rural development;
 - (h) linkage with countries in the region;
 - (i) other necessary acts;
- (3) measures and operational methods for the achievement of the purposes of the national policy plan;
- (4) the administration and development of town planning, practices and co-operation of agencies and sectors concerned and also timeframes for the operation.

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PART II
REGIONAL POLICY PLANS

Section 15. For the purpose of the achievement of the purposes of town planning, the Department of Public Works and Town and Country Planning shall formulate and prepare regional policy plans as directions for the development and maintenance of areas covering more than one *Changwat* with respect to the use of land, urban development, rural development, communication and transport, public utilities, public facilities and public services and also the maintenance and preservation of natural resources and the environment, for submission to the National Town Planning Policy Board for approval and publication in the Government Gazette.

Section 16. The regional policy plan under section 15 consists of:

- (1) purposes of the formulation and preparation of the regional policy plan;
- (2) a map indicating the territorial coverage of the regional policy plan;
- (3) a single plan or several plans, with key substances as follows:
 - (a) plans indicating the use of land;
 - (b) plans indicating settlement and community systems;
 - (c) plans indicating communication and transport systems;
 - (d) plans indicating public utilities, public facilities and public services in accordance with the infrastructure;
 - (e) plans indicating tourism development zones;
 - (f) plans for urban development and rural development;
 - (g) plans of special development areas;
 - (h) plans indicating areas of local arts, cultures and history;
 - (i) plans indicating areas of natural resources, the environment and the ecosystem;
 - (j) plans indicating water charts;

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(k) plans indicating linkage with countries in the region;

(l) other necessary plans;

provided that in the case where the regional policy plan fails to contain any key substance under (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k), it shall require approval by the National Town Planning Policy Board and be supported by a justifiable reason which shall also be indicated in such regional policy plan;

(4) policies, measures and operational methods for the implementation of the purposes of the regional policy plan;

(5) the administration and development of town planning, practices and co-operation of agencies and sectors concerned and also timeframes for the operation.

PART III CHANGWAT POLICY PLANS

Section 17. For the purpose of the achievement of the purposes of town planning, the Department of Public Works and Town and Country Planning shall formulate and prepare *Changwat* policy plans as directions for the development and maintenance of provincial areas with respect to the use of land, urban development, rural development, communication and transport, public utilities, public facilities and public services and also the maintenance and preservation of natural resources and the environment, for submission to the Town Planning Commission for approval and publication in the Government Gazette.

Section 18. The *Changwat* policy plan under section 17 consists of:

- (1) purposes of the formulation and preparation of the *Changwat* policy plan;
- (2) a map indicating the territorial coverage of the *Changwat* policy plan;
- (3) a single plan or several plans, with key substances as follows:
 - (a) plans indicating the use of land;
 - (b) plans indicating settlement and community systems;
 - (c) plans indicating urban development promotion zones;

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(d) plans indicating communication and transport projects, also with an indication of links of communication and transport networks;

(e) plans indicating public utilities, public facilities and public services in accordance with the infrastructure;

(f) plans indicating conditions of natural resources, the environment and the ecosystem;

(g) plans indicating water charts;

(h) plans indicating tourist attraction development zones;

(i) plans indicating industry development zones;

(j) plans indicating agricultural development zones;

(k) plans of special development areas;

(l) plans indicating zones for the conservation of local arts, cultures and history and surroundings in provincial areas;

(m) other necessary plans;

provided that in the case where the *Changwat* policy plan fails to contain any key substance under (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k) or (l), it shall require approval by the Town Planning Commission and be supported by a justifiable reason which shall also be indicated in such *Changwat* policy plan;

(4) particulars supplementary to the plans as may be necessary;

(5) policies, measures and operational methods for the implementation of the purposes of the *Changwat* policy plan;

(6) the administration and development of town planning, practices and co-operation of agencies and sectors concerned and also timeframes for the operation.

CHAPTER IV LAND USE PLANS

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Section 19. In the case where any area warrants the formulation and preparation of a unitary town plan or a specific town plan, a Royal Decree may be enacted for determining boundaries of land to be surveyed for formulating and preparing a unitary town plan or a specific town plan.

In such Royal Decree, there shall be an indication of:

- (1) purposes of the survey for formulating and preparing a unitary town plan or a specific town plan;
- (2) the planning official;
- (3) the locality in which the survey is to be conducted, together with a map indicating the territorial coverage of the survey, annexed to the Royal Decree;
- (4) the duration for the applicability of the Royal Decree, which shall not exceed five years.

The Royal Decree under paragraph one shall cease to be in force when a unitary town plan or a specific town plan comes into force or when the duration under (4) elapses, whichever first occurs.

Section 20. During the applicability of the Royal Decree determining boundaries of land to be surveyed under section 19, the planning official shall have the duties and powers as follows:

- (1) to enter into any place for conducting a survey from sunrise to sunset;
- (2) to prepare preliminary proposals for areas for which a unitary town plan or a specific town plan is intended to be formulated and prepared;
- (3) to enter marks indicating levels, scopes and boundary lines, as may be necessary;
- (4) to notify Government agencies, State enterprises or other agencies of the State to furnish maps or plans indicating boundaries of land to the extent necessary for the formulation and preparation of a unitary town plan or a specific town plan.

In the performance of duties under (1) and (3), if it is necessary to enter into a building, a dwelling place, a working place or any other immovable property for conducting a survey, not less than fifteen days' prior written notice shall be given to the lawful owner or

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possessor of such place and, in the performance of such duties, no action shall be carried out in a manner causing disturbance or annoyance to persons staying or residing in such place and an identification card of the planning official or an identification card of the competent official shall be produced to persons concerned.

Section 21. During the applicability of the Royal Decree determining boundaries of land to be surveyed under section 19, the Minister shall have the power to prescribe rules on the use of property for the purpose of the formulation and preparation of a unitary town plan or a specific town plan, with the recommendation of the Town Planning Commission or the *Changwat* Town Planning Committee, as the case may be.

PART I
UNITARY TOWN PLANS

Section 22. A unitary town plan consists of:

- (1) purposes of the formulation and preparation of the unitary town plan;
- (2) a map indicating the territorial coverage of the unitary town plan, with an indication of information on the topography, altitude and geographic co-ordinates;
- (3) a single plan or several plans prepared on the basis of an appropriate scale possessing such sufficient resolution as to allow ease of public access and ease of comprehension and linkable with digital international standard maps in accordance with modern technology, with key substances as follows:
 - (a) plans determining land use as classified;
 - (b) plans indicating open space;
 - (c) plans indicating communication and transport projects, also with an indication of links of communication and transport networks;
 - (d) plans indicating public utilities, public facilities and public services projects;
 - (e) plans indicating areas of natural resources and the environment;
 - (f) plans indicating water charts;

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(g) other necessary plans;

provided that in the case where the unitary town plan fails to contain any key substance under (a), (b), (c), (d), (e) or (f), it shall require approval by the Town Planning Commission or the *Changwat* Town Planning Committee, as the case may be, and be supported by a justifiable reason which shall also be indicated in such unitary town plan;

(4) particulars supplementary to the plans;

(5) land use stipulations requiring actions or forbearance to ensure the achievement of the purposes of the unitary town plan and the plans under (3) in all respects, as follows:

(a) types and sizes of undertakings;

(b) types, kinds, sizes, height and descriptions of buildings;

(c) the floor area ratio;

(d) the building coverage ratio or the open space ratio;

(e) a setback from natural boundaries, roads, land boundary lines, buildings, public water resources and other necessary places, including buffer zones;

(f) sizes of land lots in respect of which permission may be granted for the construction of buildings;

(g) other necessary stipulations prescribed in the Notification of the Minister upon recommendation of the Town Planning Commission;

provided that in the case where the unitary town plan fails to contain any stipulation under (a), (b), (c), (d), (e), (f) or (g), it shall require approval by the Town Planning Commission or the *Changwat* Town Planning Committee, as the case may be, and be supported by a justifiable reason which shall also be indicated in such unitary town plan;

(6) policies, measures and operational methods for the implementation of the purposes of the unitary town plan, which may be directions for the adjustment of the ratio under (5) (c), directions for the application of fiscal and financial measures or appropriate directions for the resolution of emerging problems and obstacles, in the interest of promoting development or in the interest of providing remedies for affected persons.

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Section 23. In formulating and preparing a unitary town plan, it shall be the duties and powers of the Department of Public Works and Town and Country Planning or a local government organisation or the Department of Public Works and Town and Country Planning together with a local government organisation.

In the case of the formulation and preparation of a unitary town plan which covers the areas of the entire *Changwat*, it shall be the duties and powers of the Department of Public Works and Town and Country Planning or the *Changwat* Administrative Organisation concerned or the Department of Public Works and Town and Country Planning together with the *Changwat* Administrative Organisation.

In the case of the formulation and preparation of a unitary town plan which covers partial areas of the *Changwat* or *Changwats*, as to which administrative areas of several local government organisations in the same *Changwat* or several *Changwats* are included, it shall be the duties and powers of the Department of Public Works and Town and Country Planning or the *Changwat* Administrative Organisations or all local government organisations in the areas for which the unitary town plan is to be jointly formulated and prepared or the Department of Public Works and Town and Country Planning together with all local government organisations in the areas for which the unitary town plan is to be jointly formulated and prepared. In this regard, procedures for the operation and procedures for determining costs to be proportionally borne by each local government organisation shall be as prescribed in the Notification of the Ministers upon recommendation of the Town Planning Commission.

In the case where the Department of Public Works and Town and Country Planning or a local government organisation intends to formulate or prepare a unitary town plan, it shall notify the other party prior to its formulation and preparation. In the case where any party disagrees with the formulation and preparation thereof and agreement thereon fails to be reached, the Minister shall give a final decision upon recommendation of the Town Planning Commission. Upon the final decision, the formulator and preparer of the unitary town plan shall take action in pursuit of such decision, provided that opinions of the other party shall also be taken into account to assist the consideration and operations.

Section 24. In formulating and preparing a unitary town plan in the area of the Bangkok Metropolitan Administration, the Governor of the Bangkok Metropolitan Administration shall appoint a unitary town planning advisory committee consisting of a representative of the

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Department of Public Works and Town and Country Planning, representatives of Government agencies concerned and other persons deemed appropriate and possessing knowledge and ability in the area of town planning or in other relevant technical areas, the total number of which is not below fifteen and not greater than twenty one, to be in charge of giving advice and opinions on the unitary town plan in the area of the Bangkok Metropolitan Administration.

In formulating and preparing a unitary town plan in the area of any other *Changwat*, if the boundary line under the unitary town plan covers a partial area of the *Changwat* and a local government organisation, the *Changwat* Governor shall appoint a unitary town planning advisory committee consisting of a representative of the Department of Public Works and Town and Country Planning, representatives of Government agencies concerned and other persons deemed appropriate and possessing knowledge and ability in the area of town planning or in other relevant technical areas, the total number of which is not below fifteen and not greater than twenty one, to be in charge of giving advice and opinions on the unitary town plan in the area of such *Changwat*.

In formulating and preparing a unitary town plan which covers local government organisations of which the responsible areas overlie two *Changwats* upwards, the Town Planning Commission shall appoint a unitary town planning advisory committee consisting of representatives of Offices of Public Works and Town and Country Planning of the *Changwats* concerned, representatives of Government agencies concerned and other persons deemed appropriate and possessing knowledge and ability in the area of town planning or in other relevant technical areas, the total number of which is not below fifteen and not greater than twenty one, to be in charge of giving advice and opinions on the unitary town plan in the *Changwats* in which such overlying areas take place.

Section 25. The formulation and preparation of a unitary town plan shall be in line with regional policy plans as well as *Changwat* policy plans, correspond to the need of residents in the locality and be in accordance with the rules, procedures and standards prescribed by the Town Planning Commission.

Section 26. In the case of a unitary town plan formulated and prepared by the Department of Public Works and Town and Country Planning, the Department of Public Works and Town and Country Planning shall submit it to the Town Planning Commission for consideration and approval.

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Section 27. In the case of a unitary town plan formulated and prepared by a local government organisation, the local official shall submit it to the *Changwat* Town Planning Committee for consideration and approval.

Prior to submission to the *Changwat* Town Planning Committee, the local government organisation that formulates and prepares the plan shall seek an opinion from the Department of Public Works and Town and Country Planning and submit the reasoned opinion of the Department of Public Works and Town and Country Planning to the *Changwat* Town Planning Committee for consideration. In the case where the *Changwat* Town Planning Committee disagrees with the opinion of the Department of Public Works and Town and Country Planning and no resolution can be reached, the *Changwat* Town Planning Committee shall submit the unresolved issue to the Town Planning Commission for consideration. Upon the consideration howsoever by the Town Planning Commission, action shall be taken in accordance therewith.

In the case where the Town Planning Commission considers that the unitary town plan formulated and prepared by a local government organisation fails to be in accordance with the rules, procedures or standards relating to town planning or is, for any other reason whatsoever, so inappropriate as to be likely to prejudice public interests, the Town Planning Commission shall have the power to order such local government organisation to make rectification and also fix steps and procedures for the rectification at the same time or may order the local government organisation to discontinue the formulation and preparation of such unitary town plan and order the Department of Public Works and Town and Country Planning to handle the formulation and preparation thereof instead.

Section 28. A unitary town plan jointly formulated and prepared by the Department of Public Works and Town and Country Planning and a local government organisation or by the Department of Public Works and Town and Country Planning and a *Changwat* Administrative Organisation or by the Department of Public Works and Town and Country Planning, a *Changwat* Administrative Organisation and a local government organisation shall be deemed to be a unitary town plan formulated and prepared by a local government organisation and shall be submitted to the *Changwat* Town Planning Committee for consideration and approval.

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In the case where the unitary town plan under paragraph one covers areas overlying at least two *Changwats* upwards, it shall be deemed to be a unitary town plan formulated and prepared by the Department of Public Works and Town and Country Planning and shall be submitted to the Town Planning Commission for consideration and approval.

Section 29. A unitary town plan already considered and approved by the Town Planning Commission or the *Changwat* Town Planning Committee shall be, for public information, disseminated and publicised by an electronic means and other media and a map indicating the territorial coverage as well as details of the unitary town plan shall be notified by being posted at an open place at the *Khet* Office or the *Amphoe* Office and the office of the local government organisation within the territorial coverage of such unitary town plan, as the case may be, for a period of not less than ninety days as from the date of their being posted, provided that the date of their being posted shall also be entered in such notification.

In making such dissemination or notification, there shall be an invitation by which interested persons may examine plans as well as stipulations of the unitary town plan at the Department of Public Works and Town and Country Planning or the office of the local government organisation that formulates and prepares such unitary town plan.

Section 30. In the case where any interested person intends to amend, vary or repeal the stipulations under section 22 (5), such interested person shall submit an application to the Department of Public Works and Town and Country Planning or the local government organisation that formulates and prepares such unitary town plan.

The application for amending, varying or repealing the stipulations under section 22 (5) shall be for public interests or founded upon the opinion which the interested person who submits the application has addressed at the time of the public hearing under section 9.

Interested persons who are eligible for submitting an application, the submission of an application and procedures for the consideration of an application shall be in accordance with the rules and procedures prescribed by the Town Planning Commission.

Section 31. If, within the period of time under section 29, any interested person submits an application under section 30 to the Department of Public Works and Town and Country Planning or the local government organisation that formulates and prepares such unitary town plan, the Department of Public Works and Town and Country Planning or the local

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official shall refer such application together with the opinion thereon to the Town Planning Commission or the *Changwat* Town Planning Committee, as the case may be.

In the case of a unitary town plan formulated and prepared by the Department of Public Works and Town and Country Planning, if the Town Planning Commission has considered the application of the interested person and disagrees with it, it shall issue an order dismissing such application and explain reasons therefor to the interested person. In the case where the Town Planning Commission agrees with the application, it shall order the Department of Public Works and Town and Country Planning to amend, vary or repeal the stipulations concerned in such unitary town plan.

In the case of a unitary town plan formulated and prepared by a local government organisation, the *Changwat* Town Planning Committee shall, after its consideration of the application of the interested person, refer the result of the consideration thereof to the Department of Public Works and Town and Country Planning. If the Department of Public Works and Town and Country Planning does not have any opinion to the contrary, it shall notify the *Changwat* Town Planning Committee for information and further proceeding. But, if the Department of Public Works and Town and Country Planning does not concur with the opinion of the *Changwat* Town Planning Committee, the Department of Public Works and Town and Country Planning shall refer such application together with the opinion of the *Changwat* Town Planning Committee as well as the opinion of the Department of Public Works and Town and Country Planning to the Town Planning Commission for consideration. The consideration by the Town Planning Commission shall be deemed final and the *Changwat* Town Planning Committee shall then notify it to the person who has submitted the application.

Section 32. When, at the expiration of the period of time under section 29, no interested person has submitted an application under section 30 or an application has been submitted but dismissed by the Town Planning Commission or when the Department of Public Works and Town and Country Planning has no opinion to the contrary, the Department of Public Works and Town and Country Planning or the local official, as the case may be, shall proceed with the issuance of the Notification of the Ministry of Interior or the Local Ordinance, as the case may be, without delay. For this purpose, the Department of Public Works and Town and Country Planning shall submit the Notification of the Ministry of Interior directly to the Council of Ministers for prior consideration and approval.

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In the case where the local assembly of the local government organisation that formulates and prepares the unitary town plan fails to proceed with the issuance of the Local Ordinance under paragraph one within a reasonable time and the *Changwat* Town Planning Committee considers it expedient to have the unitary town plan for application in such area, the *Changwat* Town Planning Committee shall refer the unitary town plan formulated and prepared by the local government organisation to the Town Planning Commission within sixty days as from the date of the resolution of the *Changwat* Town Planning Committee.

In the case where the Town Planning Commission, after its consideration, approves such unitary town plan without amending land use stipulations, it shall be deemed that such unitary town plan is the unitary town plan formulated and prepared by the Department of Public Works and Town and Country Planning and the Department of Public Works and Town and Country Planning shall proceed with the issuance of the Notification of the Ministry of Interior.

In the case where Town Planning Commission does not approve the unitary town plan or approves it with amendment or variation of land use stipulations, the Department of Public Works and Town and Country Planning shall proceed with the amendment or variation of the unitary town plan in accordance with the opinion of the Town Planning Commission. In such case, it shall be deemed that the unitary town plan so amended or varied by the Department of Public Works and Town and Country Planning is the unitary town plan formulated and prepared by the Department of Public Works and Town and Country Planning and the Department of Public Works and Town and Country Planning shall submit such unitary town plan to the Town Planning Commission for consideration and approval and cause the unitary town plan, only in the part where such amendment or variation is made, to be posted for a period of not less than thirty days and, for this purpose, the provisions of section 29, section 30 and section 31 paragraph one and paragraph two shall also apply to the proceeding under this section *mutatis mutandis*.

In the case of the proceeding under paragraph four, when, at the expiration of the period of time for the posting, no interested person has submitted an application for the amendment, variation or repeal of the stipulations under section 22 (5) or an application has been submitted but dismissed by the Town Planning Commission, the Department of Public Works and Town and Country Planning shall proceed with the issuance of the Notification of the Ministry of Interior.

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Section 33. A unitary town plan shall be introduced by issuance of the Notification of the Ministry of Interior or the Local Ordinance and shall contain key substances under section 22.

The Local Ordinance shall come into force upon its publication in the Government Gazette.

In the case where there are Notifications of the Ministry of Interior or Local Ordinances for the application of several unitary town plans in the same area, the unitary town plan subsequently promulgated shall prevail.

Section 34. The Department of Public Works and Town and Country Planning or the local official, as the case may be, shall prepare a report on the evaluation of the change in circumstances and the environment following the application of a unitary plan in accordance with the period of time prescribed by the Town Planning Commission or the *Changwat* Town Planning Committee, as the case may be, provided that that the period of time shall not exceed five years as from the date on which the Notification of the Ministry of Interior or the Local Ordinance for the application of the unitary town plan comes into force or as from the date on which the Town Planning Commission or the *Changwat* Town Planning Committee completes its consideration of the previous evaluation report, and shall then submit it to the Town Planning Commission or the *Changwat* Town Planning Committee for consideration. If the Town Planning Commission or the *Changwat* Town Planning Committee considers that there exists such material change in the circumstances or the environment as to render such unitary town plan to be unsuitable for accommodating urban development or town maintenance or as to entail its amendment or variation in the interest of urban development in respect of economic and social matters, natural resources and the environment, the Department of Public Works and Town and Country Planning or the local government organisation shall carry out improvement through the formulation and preparation of a new unitary town plan to ensure appropriateness.

The preparation of an evaluation report under paragraph one shall be in accordance with the Rule prescribed by the Town Planning Commission. In this regard, the report shall contain an indication of facts concerning the change of land use, population density, policies or projects of the Government, economic and social circumstances, natural resources and the environment, communication and transport, disaster prevention and other factors relating to town planning, also having regard to public participation.

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Section 35. In amending a unitary town planning only in respect of any particular area or part in order to be suited to changing circumstances and environment or for public interests, the Department of Public Works and Town and Country Planning or the local official, as the case may be, shall submit it to the Town Planning Commission or the *Changwat* Town Planning Committee for consideration. In the case of amendment by the local official, the provisions of section 27 paragraph two and paragraph three shall also apply *mutatis mutandis*.

Upon approval by the Town Planning Commission or the *Changwat* Town Planning Committee, a map indicating the territorial coverage of the unitary town plan as amended and the details of the amendment shall be notified by being posted at an open place at the *Khet* Office or the *Amphoe* Office and the office of the local government organisation within the territorial coverage of such unitary town plan for a period of not less than thirty days as from the date of their being posted, provided that the date of their being posted shall also be entered in such notification and there shall be, in such notification, an invitation by which interested persons may address opinions in writing within the period of time indicated in the notification.

The provisions of section 31 shall also apply to the consideration of opinions of interested persons under paragraph two *mutatis mutandis*.

Section 36. For the purpose of facilitating the achievement of the purposes, and the efficient operation, of the urban development and town maintenance in the areas in which a town plan has been formulated and prepared, when the Notification of the Ministry of Interior or the Local Ordinance has been issued for the application of a unitary town plan, the operation of physical development projects in the public sector shall be in line with policies and land use directed by the unitary town plan.

Section 37. In the area in which a unitary town plan has been put into application, no person shall have any land use in derogation from the requirement set forth in the unitary town plan or perform any act in a manner contrary to the land use stipulations directed by such unitary town plan.

The provisions of paragraph one shall not apply to the case where the owner or possessor of land has had the land use prior to the application of the unitary town plan in such area and will continue such land use. But, if the Town Planning Commission or the *Changwat* Town Planning Committee considers that the continuance of such land use is materially

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contrary to policies of the unitary town plan as regards sanitation, public safety, social welfare or public interests, the Town Planning Commission or the *Changwat* Town Planning Committee has the power to prescribe rules, procedures and conditions requiring the owner or possessor of the land to make rectification or change within a specified period of time or to discontinue such land use. In prescribing such rules, procedures and conditions, regard shall be had to the undertaking to which the land use relates, conditions of the land and other property pertaining to the land, investment, benefits or annoyance obtained by the public from such undertaking. In this regard, the Town Planning Commission or the *Changwat* Town Planning Committee shall also invite the owner or possessor of the land to provide facts and opinions.

In prescribing such rules, procedures and conditions under paragraph two, if it causes any injurious effect on or prejudice to the right originally enjoyed by the owner or possessor of the land, compensation therefor shall be fixed in accordance with the rules and procedures prescribed in the Notification of the Minister with the recommendation of the Town Planning Commission.

When the rules, procedures and conditions under paragraph two have been prescribed and compensation under paragraph three has been fixed, the Town Planning Commission or the *Changwat* Town Planning Committee shall give written notification thereof to the lawful owner or possessor of the land. The lawful owner or possessor of the land who disagrees with it has the right to appeal under section 90.

Section 38. Prior land use under section 37 paragraph two means the use of land for the conduct or operation of any undertaking in the area concerned, in the cases as follows:

(1) in the case where the prior land use or the prior operation of the undertaking on the land is required by the law, bye-law, Rule, Regulation or Notification to be subject to permission or approval from the specified agency or organ or to be subject to certain action to be taken for the acquisition of the right to the land use or to the operation of the undertaking on the land, permission or approval shall first be obtained or action shall first be taken as required by the law, bye-law, Rule, Regulation or Notification for the purpose of acquiring the right to the land use or to the operation of the undertaking on such land, in respect of the activities which are the direct subject-matter of such use or the operation of such undertaking;

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(2) in the case where the prior land use or the prior operation of the undertaking on the land is not required by the relevant law, bye-law, Rule, Regulation or Notification to be subject to permission or approval from any agency or organ, the land use or the operation of the undertaking on the land for such purpose shall be considered on the basis of the true state of affairs.

PART II SPECIFIC TOWN PLANS

Section 39. The formulation and preparation of a specific town plan shall be put into operation by enactment of an Act or a Royal Decree, as the case may be.

In the case where it is necessary to expropriate immovable property in the implementation of a specific town plan, the expropriation of immovable property shall be in accordance with the law on expropriation of immovable property.

Section 40. A specific town plan consists of:

- (1) purposes of the formulation and preparation of the specific town plan;
- (2) a map indicating the territorial coverage of the specific town plan;
- (3) a single plan or several plans, with key substances as follows:

(a) plans indicating the determination of land use classified into types of undertakings, together with boundary lines by which land is divided into types and zones;

(b) plans indicating communication and transport projects, also with an indication of links of communication and transport networks as well as details as to lines and sizes of public ways;

(c) plans indicating details of public utilities, public facilities and public services in accordance with the infrastructure;

(d) plans indicating open space;

(e) plans indicating the determination of land surface levels;

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(f) plans indicating sites of places or objects possessing artistic, architectural, historical or archeological interests or value deserving promotion, maintenance or renovation;

(g) plans indicating areas of natural resources and the environment or picturesque or naturally valuable landscapes and also detached trees or groups of trees deserving promotion or maintenance;

(h) plans indicating green areas and conservation areas;

provided that in the case where the specific town plan fails to contain any key substance under (a), (b), (c), (d), (e), (f), (g) or (h), it shall require approval by the Town Planning Commission and be supported by a justifiable reason which shall also be indicated in such specific town plan;

(4) particulars and explanatory notes supplementary to the plans under (3) and also types and kinds of buildings permitted or not permitted to be constructed;

(5) stipulations requiring actions or forbearance to ensure the achievement of the purposes of the specific town plan, as follows:

(a) boundary lines of ways and sizes of privately-owned land for use as accessory land;

(b) types, kinds, descriptions, sizes, height and the number of buildings permitted or not permitted to be constructed;

(c) types and sizes of undertakings permitted or not permitted to be operated;

(d) types, kinds, sizes, the number and descriptions of buildings which are so damaged or are in the state of such aversion or are likely to be so harmful to residents or commuters as to be ordered to be demolished or moved in accordance with the order of the local town planning administration committee under section 57;

(e) the use of buildings permitted to be constructed or changed, which departs from the use applied for at the time of the application for the construction, in respect of which permission from the local official is required;

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(f) sizes and lots of land permitted to be sites for the construction of buildings to be used for such purposes as indicated in the specific town plan and also areas of the land designated as open space for the indicated purposes;

(g) the promotion, maintenance or renovation of places or objects possessing artistic, architectural, historical or archeological interests or value;

(h) the maintenance of open space;

(i) the promotion or maintenance of detached trees or groups of trees;

(j) the modification, demolition or relocation of buildings;

(k) other necessary acts to ensure the achievement of the purposes of the specific town plan;

provided that in the case where the specific town plan fails to contain any stipulation under (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) or (k), it shall require approval by the Town Planning Commission and be supported by a justifiable reason which shall also be indicated in such specific town plan;

(6) details as to privately-owned land for use as accessory land for the purpose of the implementation of the specific town plan;

(7) details as to and a map indicating land or other immovable property which is the *domaine public* of the State or owned, possessed or taken care of by a Ministry, a sub-Ministry, a Department, a *Changwat*, a local government organisation or a State agency and which is intended to be used for the town planning purpose;

(8) other maps, plans or details as are necessary.

In the case where a specific town plan is intended to be formulated and prepared in any particular area, if no unitary town plan has been formulated and prepared in that area or a unitary town plan has been formulated and prepared but contained no key substances under section 22 (5) (c), (d), (e) or (f), the key substances under section 22 (5) (c), (d), (e) or (f) may also be specified, where it is necessary for the purpose of the formulation and preparation of a specific town plan.

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The Act or Royal Decree enacted under section 39 may also make provision empowering the Minister to issue Ministerial Regulations prescribing details of the stipulations under (5) and also the rules and procedures in the execution of the specific town plan.

Section 41. Upon issuance of the Notification of the Ministry of Interior or the Local Ordinance for the application of a unitary town plan in any locality, a local government organisation of such locality, if it thinks appropriate, may put in place the formulation and preparation of a specific town plan in its locality or request the Department of Public Works and Town and Country Planning to formulate and prepare it.

In any locality, irrespective of whether the Notification of the Ministry of Interior or the Local Ordinance has been issued for the application of a unitary town plan, if the Minister with the recommendation of the *Changwat* Town Planning Committee considers that there occurs a necessary cause for formulating and preparing a specific town plan, the Minister may order the Department of Public Works and Town and Country Planning or a local government organisation to formulate and prepare a specific town plan.

In the case of the formulation and preparation of a specific town plan without containing the compositions under section 40 (5) (a), (d) and (j) (6) and (7), the Town Planning Commission may, if it thinks appropriate, order the Department of Public Works and Town and Country Planning to formulate and prepare a specific town plan only for such area.

In the case where a local government organisation formulates and prepares a specific town plan, the local official shall first submit principles of the specific town plan to the Town Planning Commission for approval. For this purpose, the local official may express opinions to or seeks advice from the Department of Public Works and Town and Country Planning in relation to the formulation and preparation of a specific town plan.

Section 42. In the case where the Department of Public Works and Town and Country Planning or a local government organisation formulates and prepares a specific town plan under section 41, the local official shall post a notification indicating the territorial coverage of the specific town plan expected to be formulated and prepared at an open place at the *Khet* Office or the *Amphoe* Office and the office of the local government organisation within the territorial coverage of such specific town plan and also at at least one obviously conspicuous place in the territorial coverage of such specific town plan, for a period of not less than ninety days as from the date of its being posted, provided that a written notification shall

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also be expeditiously given to owners or possessors of immovable property located in such territorial coverage and publicity thereof shall be made by electronic means as well.

Section 43. In the notification indicating the territorial coverage of a specific town plan expected to be formulated and prepared under section 42, owners or possessors of land or persons having lawful rights in other persons' land shall be invited to express opinions and intentions to make improvement of the land in the territorial coverage indicated. For this purpose, it shall be made in writing to be submitted to the local official or the Department of Public Works and Town and Country Planning, as the case may be, within forty-five days as from the date of expiry of the period of time in the notification under section 42.

The local official or the Department of Public Works and Town and Country Planning may notify persons who have, by written submission, expressed opinions and intentions under paragraph one to express additional opinions.

Section 44. Upon receipt of the written indication of the intention under section 43, the local official or the Department of Public Works and Town and Country Planning may grant approval or rejection thereto or order, in writing, the person indicating the intention to use the land or construct buildings to amend the project for the land use or for the building construction or to take any other action in accordance with the principles approved by the Town Planning Commission under section 41 paragraph four within thirty days as from the date of receipt of the written indication of the intention. The owner or possessor of the land or the person having a lawful right in another person's land, who disagrees with the rejection or the amendment order has the right to appeal under section 90.

Section 45. The formulation and preparation of a specific town plan shall be made in line with a unitary town plan and regard shall be had to opinions of owners or possessors of land or persons having lawful rights in other persons' land under section 43, public hearing and participation under section 9 and permission obtained for the construction of buildings within the period of time of the promulgation of the Royal Decree determining boundaries of land to be surveyed for formulating and preparing the specific town plan.

Section 46. In the case where a local government organisation formulates and prepares a specific town plan under section 41, the specific town plan shall be referred to the Department of Public Works and Town and Country Planning for approval. If the Department of

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Public Works and Town and Country Planning disagrees with the specific town plan and the local government organisation is unable to revise the specific town plan in conformity with opinions of the Department of Public Works and Town and Country Planning, the Department of Public Works and Town and Country Planning shall refer the matter to the Town Planning Commission for final decision.

Section 47. In the case where the Department of Public Works and Town and Country Planning formulates and prepares a specific town plan under section 41, the specific town plan shall be referred to the local government organisation for giving opinions thereon. If the local government organisation disagrees with the specific town plan and the Department of Public Works and Town and Country Planning considers that the specific town plan may not be revised in conformity with opinions of the local government organisation, the Department of Public Works and Town and Country Planning shall refer the matter to the Town Planning Commission for final decision.

Section 48. When the Town Planning Commission has approved a specific town plan formulated and prepared by the local government organisation or the Department of Public Works and Town and Country Planning, the Department of Public Works and Town and Country Planning shall submit the specific town plan to the Minister for further proceeding towards enactment of an Act for the application of such specific town plan.

In the case where a specific town plan does not contain the compositions under section 40 (5) (a), (d) and (j) (6) and (7), the Department of Public Works and Town and Country Planning shall submit the specific town plan to the Council of Ministers for proceeding with the issuance of a Royal Decree for the application of the specific town plan.

Section 49. During the application of an Act or Royal Decree for the application of a specific town plan in any locality, if the local government organisation or the Department of Public Works and Town and Country Planning considers that circumstances and the environment in the territorial coverage of the specific town plan have so changed as to warrant revision of stipulations or details of the specific town plan as provided in the Act or Royal Decree for the application of the specific town plan to ensure appropriateness, the local government organisation or the Department of Public Works and Town and Country Planning shall submit the matter to the Town Planning Commission for the revision of the specific town plan.

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Section 50. In the locality covered by the Act or Royal Decree for the application of a specific town plan, ordinances or municipality ordinances issued by virtue of the law on buildings control, the law on public health, the law on the maintenance of cleanliness and orderliness of the country, the law on cemeteries and crematoriums control or any other law relating to the use of land or other immovable property insofar as it is concerned with the use of land, which are contrary to or inconsistent with the Ministerial Regulation issued under section 40, shall be replaced by the Ministerial Regulation issued under section 40.

Section 51. In the locality covered by the Act or Royal Decree for the application of a specific town plan, a person shall not have any land use or carry out any change or modification of immovable property in derogation from the stipulations in the Act or Royal Decree for the application of the specific town plan or the Ministerial Regulation issued under section 40.

Section 52. In the locality covered by an Act for the application of a specific town plan, there shall be a local town planning administration committee, consisting of persons as follows:

(1) in the area of the Bangkok Metropolitan Administration, the Governor of the Bangkok Metropolitan Administration shall be Chairperson and a representative of the Office of the Attorney-General, a representative of the Department of Lands, a representative of the Treasury Department, a representative of the Department of Public Works and Town and Country Planning, a representative of the Department of Industrial Works, a representative of the National Housing Authority, not more than four representatives of other agencies concerned with town planning and natural resources and the environment, not more than four qualified persons in town planning or an area directly relating to town planning and not more than four other persons concerned with town planning appointed by the Town Planning Commission shall be members, and the Director of the City Planning Department of the Bangkok Metropolitan Administration shall be a member and secretary;

(2) in any other *Changwat*, the *Changwat* Governor shall be Chairperson and the Provincial Public Prosecutor holding highest office of the Office of Provincial Public Prosecutors, the Provincial Land Official, the Local Treasury Official, *Nai Amphoe* of the locality concerned, the Provincial Industry Official, President of the *Changwat* Administrative Organisation, not more than four representatives of other agencies concerned with town planning and natural resources

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and the environment, not more than three qualified persons in town planning or an area directly relating to town planning and not more than three other persons concerned with town planning appointed by the Town Planning Commission shall be members, and the Provincial Public Works and Town and Country Official shall be a member and secretary;

(3) in an area overlaying at least two *Changwats* upwards, the Town Planning Commission shall appoint Chairperson and not less than fifteen but not more than twenty-one members, consisting of representatives of the Offices of Public Works and Town and Country Planning in the *Changwats* concerned, representatives of other agencies concerned, not less than three qualified persons in town planning or an area directly relating to town planning and not more than three other persons concerned with town planning, provided that local officials in the territorial coverage of the specific town plan shall also be members.

Members appointed from other persons concerned with town planning under paragraph one shall not be Government officials or officials of the local administration holding permanent positions or salaries.

Section 53. Qualified members and members who are other persons concerned with town planning under section 52 shall hold office for a term of three years.

In the case where the appointed qualified members or members that are other persons concerned with town planning vacate office before the expiration of the term or in the case where additional members are appointed during the term of office of members already appointed, the persons appointed to fill the vacancies or as additional members shall hold office for the remaining term of the members already appointed.

Upon the expiration of the term under paragraph one, if new qualified members or new members that are other persons concerned with town planning have not yet been appointed, the qualified members or members who are other persons concerned with town planning, who have vacated office at the expiration of the term, shall remain in office for the continuance of work until the newly appointed qualified members or members who are other persons concerned with town planning take office.

Qualified members or members that are other persons concerned with town planning, who vacate office, may be re-appointed as members but may not serve for more than two consecutive terms.

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Section 54. The provisions of section 72 and section 74 shall apply *mutatis mutandis* to the qualifications, prohibitions and vacation of office of qualified members and members that are other persons concerned with town planning of a local town planning administration committee, except that the power of the Council of Ministers in the case under section 74 (3) shall be the power of the Town Planning Commission.

Section 55. The provisions of section 76 and section 77 shall apply to meetings of a local town planning administration committee *mutatis mutandis*.

Section 56. A local town planning administration committee shall have the duties and powers as follows:

(1) to consider and give orders in connection with the arrangement of privately-owned land for use as accessory land in accordance with the specific town plan;

(2) to consider a transfer of accessory land for serving as *domaine public* of the State in the territorial coverage of the specific town plan under section 66;

(3) to consider and give orders in connection with the modification, demolition or relocation of buildings which are required to undergo such measures in accordance with the specific town plan;

(4) to fix the remuneration under section 59, section 64, section 66 and section 67;

(5) to consider and decide upon appeals submitted to the local town planning administration committee;

(6) to perform any other duty as provided in this Act.

Section 57. When the operation official has completed the preparation of details of the modification, demolition or relocation of buildings, the local town planning administration committee shall consider reasons and such details to ensure conformity with the specific town plan. In this regard, the committee may seek opinions of the Department of Public Works and Town and Country Planning or may order the operation official to prepare the details anew.

When the local town planning administration committee has completed its consideration and given any order howsoever, the operation official shall notify the order to

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owners or possessors of the buildings concerned for information as to the order of local town planning administration committee as well as the action to be taken in pursuit of such order, not less than sixty days prior to the date on which the action is required to be taken in pursuit of such order, provided that the details of the modification, demolition or relocation of buildings concerned shall also be furnished. The owner or possessor of the building who disagrees with the said order has the right to appeal under section 90.

The notification of an order of the local town planning administration committee under paragraph two shall be made, by registered post requiring acknowledgement of receipt thereof, to the owner or possessor of the building at such person's domicile or may be made by a memorandum to be acknowledged by such person's signature thereon. In the case where the notification may not be made by such procedures, a copy of the order shall be posted at an open and conspicuous place at such building or its location and it shall be deemed that the owner or possessor of the building has had the knowledge of such order at the expiration of fifteen days as from the date of its being so posted.

Section 58. If the building required to be modified, demolished or relocated is a *domaine public* of the State for common use by the public or a *domaine public* of the State used for a specific interest of the State or is the State property that is in possession or custody of any particular State agency, the *Changwat* Governor shall, in writing, notify it to the State agency concerned with the *domaine public* of the State or State property for information and such State agency shall, in writing, declare its consent or objection to the local town planning administration committee. In the event of a conflict between the State agency and the local town planning administration committee, the matter shall be referred to the Town Planning Commission for decision.

Section 59. When the local town planning administration committee has ordered the owner or possessor to modify, demolish or relocate a building under section 57, the operation official shall proceed with payment of the remuneration as fixed by the local town planning administration committee. The person entitled to the remuneration, who disagrees with the fixing of the remuneration, has the right to appeal under section 90.

Persons entitled to remuneration and procedures for payment of remuneration for the modification, demolition or relocation of buildings shall be as prescribed by the Director-General.

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Section 60. In the case where the private owner or possessor of a building who has received written notification demanding the demolition or relocation of the building has failed to exercise the right to appeal under section 90 or has exercised the right to appeal but the Appeal Committee disagrees with the appeal, the owner or possessor of the building shall comply with the order of the local town planning administration committee or the decision upon the appeal within a period of thirty days as from the date of the knowledge of the order or the decision upon the appeal.

In the case where the owner or possessor of the building fails to demolish or relocate the building within the period of time specified under paragraph one, the operation official shall give the owner or possessor of the building written warning. If such person, without reasonable justification, continues to neglect to take action in pursuit of the order within the period of time, which shall not be less than fifteen days, as specified in the warning, the operation official shall have the power to enter the land and demolish or relocate such building at the expense of the owner or possessor of the building. Expenses may be deducted from the remuneration under section 59 payable to the owner or possessor of such building. The operation official shall carry out the demolition or relocation of the building in an economical manner and the expenses to be charged against the owner or possessor of the building shall not be greater than the remuneration under section 59.

Upon calculation of expenses, the operation official shall give written notification thereof to the owner or possessor of the building. The owner or possessor of the building who disagrees therewith has the right to appeal under section 90.

The provisions of section 57 paragraph three shall also apply to the notification of the operation official under this section *mutatis mutandis*.

Section 61. In the case where the private owner or possessor of a building has received the written notification demanding the modification of the building in conformity with a specific town plan but fails to complete the action within the period of time specified, the operation official shall give the owner or possessor of the building written warning and if such person, without reasonable justification, continues to fail to take action in pursuit of the order within the period of time, which shall not be less than fifteen days, as specified in the warning, the operation official shall have the power to carry out the modification of such building at the expense of the owner or possessor of the building. Expenses may be deducted from the

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remuneration under section 59 payable to the owner or possessor of such building. The operation official shall carry out the modification of the building in an economical manner and the expenses to be charged against the owner or possessor of the building shall not be greater than the remuneration under section 59.

Upon calculation of expenses, the operation official shall give written notification thereof to the owner or possessor of the building. The owner or possessor of the building who disagrees therewith has the right to appeal under section 90.

The provisions of section 57 paragraph three shall also apply to the notification of the operation official under this section *mutatis mutandis*.

Section 62. In the case where the owner or possessor of a building who has received the order demanding the demolition or relocation under section 57 is unable to procure his own accommodation, the operation official shall provide temporary and suitable accommodation for a necessary period not exceeding one year, provided that in the case where it is considered appropriate, the operation official may allow a further stay for another period not exceeding six months.

Section 63. In the case where the operation official provides land or a building for a new stay of the person under section 62 by way of a hire-purchase or a lease and such person voluntarily agrees to stay on the land or in the building newly provided, the operation official shall set aside the remuneration payable under section 59 for the purpose of payment under the hire-purchase or lease, in accordance with the rules and procedures prescribed by the Director-General.

In the case where land is provided for such person's own construction of a building, the operation official shall provide assistance and facilitation in the construction of the building on the land provided.

Section 64. In the case where the local town planning administration committee orders the arrangement of land for use as accessory land, the operation official shall pay remuneration as fixed by the local town planning administration committee to the owner or possessor of such land, who may lose certain rights pertinent to the use of land on account of the arrangement of such land or who may be obligated to take action or forbear from action in compliance with stipulations in connection with the land so arranged.

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In fixing the remuneration under paragraph one, the local town planning administration committee shall take into consideration the amount of the loss or restriction of rights, or the compliance or forbearance obligations, to be suffered by the owner or possessor of the land and also the benefits to be obtained by the owner or possessor of the land from the use of the accessory land, provided that the remuneration to be fixed shall not be greater than the value of the land, and for the purpose of the calculation of the value of land under this section, the provisions of section 66 shall also apply to the fixing of the remuneration *mutatis mutandis*.

The local town planning administration committee shall give written notification of the fixing of remuneration to the owner or possessor of the land. The owner or possessor of the land who disagrees therewith has the right to appeal under section 90.

Section 65. The owner of land arranged as accessory land shall be exempted from payment of land and buildings tax in the part covered by such arrangement.

Section 66. In the case where any owner of accessory land intends to transfer the accessory land as *domaine public* of the State for remuneration, if the local town planning administration committee considers that such accessory land has been used for public interests in its substantial part, it shall take such accessory land as *domaine public* of the State and the operation official shall pay remuneration to the owner of the accessory land by reference to the value provided by the Act for the application of the specific town plan. If the value is not provided therein, the value shall be fixed in an amount equivalent to the price of land fairly transferred on the date on which the Royal Decree determining boundaries of land to be surveyed comes into force, whether such Royal Decree remains in force or not.

If there is no Royal Decree determining boundaries of land to be surveyed or in the case where the Act for the application of the specific town plan comes into force after five years as from the date on which such Royal Decree comes into force and the Act for the application of the specific town plan does not otherwise fix the remuneration, the remuneration shall be fixed in an amount equivalent to the price of land fairly transferred on the date on which the Act for the application of such specific town plan comes into force.

The provisions of paragraph one and paragraph two shall not apply to the case where a transfer of accessory land takes place after five years as from the date on which the Act for the application of the specific town plan comes into force. In this case, if the Act for the

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application of the specific town plan does not otherwise fix the remuneration, the remuneration shall be as mutually agreed upon, provided that it shall not be lower than the fair price of land under paragraph one or paragraph two, as the case may be. The owner of the accessory land who disagrees therewith has the right to appeal under section 90.

In the registration of rights and juristic acts relating to accessory land obtained under paragraph one, all fees shall be exempted.

Section 67. In the calculation of remuneration under section 66, if the owner of the accessory land has carried out construction or creation for the purpose of turning the land into accessory land at his own's expense in accordance with the plan and particulars permitted by the local official before the transfer takes place, the operation official shall pay extra remuneration for such construction or creation to the owner of the accessory land in addition to the remuneration payable on account of the transfer.

The local town planning administration committee shall fix extra remuneration payable under paragraph one in an amount it deems appropriate, also taking into consideration benefits of the owner or possessor, conditions of the things constructed or the things created, things constructed at the time of the transfer or the remuneration previously paid. The owner of the accessory land who disagrees therewith has the right to appeal under section 90.

Section 68. In arranging land as accessory land, if it is necessary to carry out construction or creation to ensure conformity with the plan and particulars required by the local official and the owner or possessor of the land makes a request therefor, the operation official may carry out the construction or creation when the operation official considers it appropriate.

In charging expenses under paragraph one, if the construction or creation by the operation official is carried out merely for the benefit of the owner or possessor of the land who has made such request, all expenses incurred in such construction or creation shall be charged but if it is also for public interests, the operation official may, as it may be deemed appropriate, bear expenses in whole or in part while the remainder of the expenses shall be borne by the owner or possessor of the land.

Section 69. In order to enable areas of a specific town plan to have public utility systems linked with those of areas adjacent to the areas of the specific town plan, the

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planning official shall have the power to put in place public utility systems on, beneath or above the land of a person when such land is not the location of a building. For this purpose, written notification, which is accompanied by a plan indicating directions for the use of the land, shall be given to the owner or possessor of the land concerned not less than thirty days prior to the date of the intended operation.

In carrying out the operation under paragraph one, the planning official shall fix fair remuneration, for the use of such land, payable to the owner or possessor of the land and shall notify it in writing to the owner or possessor of the land concerned without delay.

The owner or possessor of the land who disagrees with the operation under paragraph one or the fixing of remuneration under paragraph two has the right to appeal under section 90.

In carrying out the operation under paragraph one, the planning official shall first give written notification, which is accompanied by a plan indicating directions for the use of the land, to the local official in the area in question. In the case of a conflict between the planning official and the local official concerned, the matter shall be referred to the Town Planning Commission for decision.

Section 70. The local official of the locality in which a specific town plan applies shall be the operation official.

In the case of necessity in the interest of enabling the administration of a specific town plan to achieve maximum benefits in respect of the use of areas, the Town Planning Commission may propose to the Council of Ministers the establishment of, within the territorial coverage of the specific town plan and adjacent areas, a development and administration agency which shall have duties and powers as the operation official in such locality.

CHAPTER V NATIONAL TOWN PLANNING POLICY BOARD

Section 71. There shall be a Board called the “National Town Planning Policy Board”, consisting of:

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(1) the Prime Minister or the Deputy Prime Minister entrusted by the Prime Minister, as Chairperson;

(2) the Minister of Interior, as Vice Chairperson;

(3) *ex officio* members, viz, the Minister of Defence, Minister of Finance, Minister of Agriculture and Co-operatives, Minister of Transport, Minister of Digital Economy and Society, Minister of Natural Resources and Environment, Minister of Industry, Secretary-General of the National Economic and Social Development Council, Secretary-General of the Office of National Water Resources, Director of the Bureau of the Budget, President of the Board of Trade of Thailand, President of the Federation of Thai Industries, President of the National Farmers' Council, President of the *Changwat* Administrative Organisations' Council, President of the National Municipal League of Thailand and President of the *Tambon* Administrative Organisations' Association of Thailand;

(4) not more than thirteen qualified members appointed by the Council of Ministers from persons possessing knowledge and ability in town planning, economics, social sciences, geography or other relevant technical areas.

The Permanent Secretary for Interior shall be a member and secretary and the Director shall be a member and assistant secretary.

In the case where the Chairperson considers that the consideration in the course of duties and powers of the National Town Planning Policy Board as specified in section 75 on any occasion concerns any particular matter which falls within the duty or responsibility of any other Minister who is not an *ex officio* member under (3), the Chairperson shall notify it to the Minister who has the duty or responsibility in such matter in order for the Minister to serve as an *ex officio* member as well. In this case, the National Town Planning Policy Board shall consist of the Chairperson, Vice Chairperson and all members.

The appointment of qualified members under (4) shall be in accordance with the rules and procedures prescribed by the Minister.

Section 72. A qualified member under section 71 (4) shall have the qualifications and shall not be under the prohibitions as follows:

(1) being of Thai nationality;

(2) being not lower than thirty-five years of age;

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(3) not being a bankrupt or having previously been a dishonest bankrupt;

(4) not being an incompetent person or a *quasi*-incompetent person;

(5) not having been sentenced to imprisonment by a final judgment, except for an offence committed through negligence or a petty offence;

(6) not having previously been expelled or dismissed from or ordered to leave the Government service, a State agency, a State enterprise or a private agency by reason of any corruption in office, grave misconduct or deemed corrupt practice or malfeasance in the Government service;

(7) not being a holder of a political position, a member of a local assembly or a local administrator, an executive member or holder of a position responsible for the administration of a political party, an adviser to a political party or an official of a political party.

Section 73. A qualified member under section 71 (4) shall hold office for a term of three years.

In the case where a qualified member vacates office before the expiration of the term or in the case where the Council of Ministers appoints an additional qualified member during the term of office of the qualified members already appointed, the person appointed to fill the vacancy or as an additional qualified member shall be in office for the remaining term of the qualified members already appointed.

At the expiration of the term under paragraph one, if new qualified members have not yet been appointed, the qualified members who vacate office at the expiration of such term shall remain in office for the continuance of work until newly appointed qualified members take office.

A qualified member who vacates office at the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

Section 74. In addition to the vacation of office upon the expiration of the term, a qualified member vacates office upon:

(1) death;

(2) resignation;

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(3) being removed by the Council of Ministers on the ground of neglect of duties, misbehaviour or lack of competence;

(4) being disqualified or being under any prohibition under section 72.

Section 75. The National Town Planning Policy Board shall have the duties and powers as follows:

(1) to determine policies and goals in connection with town planning and urban development of the country;

(2) to determine measures for strengthening co-operation from the civil society sector and co-ordination amongst agencies in the public and private sectors in connection with town planning;

(3) to propose to the Prime Minister opinions on fiscal and financial measures and other measures for promoting investment and supporting operations in the implementation of objectives of town planning and for putting forth fairness in relation to land use;

(4) to propose opinions to the Prime Ministers for giving directions and prescribing rules on the performance of government service in the case where it appears that any State agency fails to perform in compliance with the law, Rules or Regulations relating to town planning and may thereby cause serious damage;

(5) to approve the national policy plan and regional policy plans;

(6) to supervise and accelerate the formulation and preparation of the national policy plan as well as regional policy plans and monitor, inspect and evaluate operations in the implementation therewith;

(7) to approve an annual report as prepared by the Department of Public Works and Town and Country Planning under section 10 and submit the same to the Council of Ministers for consideration and approval prior to submission to the House of Representatives and the Senate and public dissemination for general information;

(8) to prepare a town planning charter which shall serve as fundamental principles to be observed by persons concerned in town planning, for submission to the Council of Ministers for consideration and approval;

(9) to perform any other duties as provided in this Act.

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Section 76. At a meeting of the National Town Planning Policy Board, the presence of not less than one half of the total number of members is required to constitute a quorum.

At a meeting of the Board, if the Chairperson is not present or is unable to perform the duty, the Vice Chairperson shall preside over the meeting. If the Chairperson and the Vice Chairperson are not present or are unable to perform the duty, one member shall be elected at the meeting to preside over the meeting.

At a meeting of the Board, if a matter in which any particular member has an interest is to be considered, such member has no right to attend the meeting for considering such matter.

The National Town Planning Policy Board shall meet at least twice a year.

Section 77. A decision of a meeting shall be by a majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 78. The National Town Planning Policy Board shall have the power to appoint sub-committees for considering or performing activities as entrusted by the National Town Planning Policy Board.

The provisions of section 76 and section 77 shall also apply *mutatis mutandis* to meetings of sub-committees.

Section 79. The National Town Planning Policy Board shall have the power to demand any person to furnish documents, action plans, projects or any other document considered as necessary or affecting town planning policies. For this purpose, it may also demand persons concerned to give explanations.

CHAPTER VI

TOWN PLANNING COMMISSION

Section 80. There shall be a commission called the “Town Planning Commission”, consisting of:

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(1) the Minister of Interior, as Chairperson;

(2) *ex officio* members, viz, the Permanent Secretary for Defence, Permanent Secretary for Agriculture and Co-operatives, Permanent Secretary for Transport, Permanent Secretary for Digital Economy and Society, Permanent Secretary for Natural Resources and Environment, Permanent Secretary for Culture, Permanent Secretary for Industry, Secretary-General of the Office of the National Economic and Social Development Council and Secretary-General of the Office of National Water Resources;

(3) qualified members appointed by the Council of Ministers from persons possessing knowledge, ability, expertise and experience in town planning, architecture, engineering, law, economics, social sciences, the environment, history or archeology and agriculture, provided that one member shall be from each area;

(4) members who are a representative of the Council of Engineers, a representative of the Architects' Council of Thailand, a representative of the Board of Trade of Thailand, a representative of the Federation of Thai Industries and a representative of the Local Government Organisations' Association;

(5) not more than four members appointed by the Council of Ministers from representatives of institutions or other persons concerned in town planning, at least one of whom shall be from the civil society sector.

The Director-General shall be a member and secretary.

The rules and procedures for the acquisition of members under (4) and (5) shall be in accordance with the Rule prescribed by the Director-General with the approval of the National Town Planning Policy Board.

In the case where the Chairperson considers that the consideration in the course of duties and powers of the Town Planning Commission as specified in section 81 on any occasion concerns any particular matter which falls within the duty or responsibility of the Permanent Secretary of any other Ministry who is not an *ex officio* member under (2), the Chairperson shall notify it to the Permanent Secretary of the Ministry who has the duty or responsibility in such matter in order for the Permanent Secretary to serve as an *ex officio* member as well. In this case, the Town Planning Commission shall consist of the Chairperson and all members.

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Section 81. The Town Planning Commission shall have the duties and powers as follows:

(1) to approve *Changwat* policy plans or unitary town plans formulated and prepared by the Department of Public Works and Town and Country Planning;

(2) to approve unitary town plans covering areas overlying two *Changwats* upwards and specific town plans;

(3) to give the National Town Planning Policy Board and *Changwat* Town Planning Committee opinions or advice on technical matters concerning town planning and urban development;

(4) to supervise and accelerate the formulation and preparation of *Changwat* policy plans and monitor, inspect and evaluate operations in the implementation therewith;

(5) to prepare a report summarising the formulation and preparation of town plans under the responsibility of the Town Planning Commission;

(6) to decide questions on duties and powers as well as responsibility of State agencies in relation to the formulation and preparation of unitary town plans and specific town plans;

(7) to perform any other duties as provided in this Act or as entrusted by the National Town Planning Policy Board.

Section 82. The Town Planning Commission shall have the power to appoint sub-committees for considering or performing activities as entrusted by the Town Planning Commission.

Section 83. The provisions of section 72, section 73 and section 74 shall also apply *mutatis mutandis* to the qualifications and prohibitions, the holding of office and the vacation of office of the Town Planning Commission's qualified members, members who are representatives of institutions and members who are other persons concerned in town planning.

Section 84. The provisions of section 76 and section 77 shall also apply *mutatis mutandis* to meetings of the Town Planning Commission and sub-committees of the Town Planning Commission.

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CHAPTER VII
CHANGWAT TOWN PLANNING COMMITTEES

Section 85. There shall be a *Changwat* Town Planning Committee, consisting of:

(1) in the area of the Bangkok Metropolitan Administration, the Permanent Secretary for Interior shall be Chairperson and a representative of the Office of the Attorney-General, a representative of the Ministry of Digital Economy and Society, a representative of the Department of Lands, a representative of the Treasury Department, a representative of the Department of Public Works and Town and Country Planning, a representative of the Department of Industrial Works, a representative of the National Housing Authority, a representative of the Traffic Police Division, a representative of the Office of National Water Resources, a representative of the Board of Trade of Thailand, a representative of the Federation of Thai Industries and not more than four representatives of other agencies concerned with town planning, not more than four qualified persons in town planning or areas directly concerned with town planning and not more than four other persons concerned with town planning appointed by the Town Planning Commission shall be members, and the Director of the City Planning Department of the Bangkok Metropolitan Administration shall be a member and secretary;

(2) in any other *Changwat*, the *Changwat* Governor shall be Chairperson and the Deputy Governor, the Provincial Agriculture and Co-operatives Official, the Provincial Land Official, the Provincial Natural Resources and Environment Official, the Provincial Local Administration Official, the Provincial Tourism and Sports Official, the Local Treasury Official, the Provincial Public Health Medical Doctor, the Provincial Land Reform Official, the Provincial Energy Official, the Provincial Industry Official, the Director of Irrigation Projects in the area concerned, the Director of the Bureau of Highways in the area concerned, the Director of the Bureau of Rural Roads in the area concerned, the Director of the Provincial Bureau of Statistics, a representative of the Department of Public Works and Town and Country Planning, President of the *Changwat* Administrative Organisation, a representative of the Provincial Electricity Authority, a representative of the Provincial Waterworks Authority, a representative of the Provincial Police, a representative of the Regional Office of Water Resources, a representative of the Regional Office of National Water Resources, a representative of the Provincial Chamber of

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Commerce, a representative of the Federation of Thai Industries in the area concerned, a representative of the Provincial Farmers' Council and not more than ten qualified persons appointed by the Town Planning Commission from those possessing knowledge, ability and expertise in town planning or areas relating to town planning shall be members, and the Provincial Public Works and Town and Country Planning Official shall be a member and secretary.

In the case of the formulation and preparation, amendment or approval of a unitary town plan or a specific town plan in an area involving military security, a representative of the Ministry of Defence shall also be a member.

In the case where a position in an agency specified in (2) is unavailable in any particular *Changwat*, it shall be deemed that the *Changwat* Town Planning Committee consists of existing members.

In the case where, in any particular *Changwat*, there is no representative of the Provincial Electricity Authority or no representative of the Provincial Waterworks Authority for the performance of duties in such area, a representative of the Metropolitan Electricity Authority or a representative of the Metropolitan Waterworks Authority, that assumes responsibility in the area concerned, as the case may be, shall be a member instead.

Qualified members and members that are other persons concerned with town planning under paragraph one shall not simultaneously be members of the National Town Planning Policy Board or members of the Town Planning Commission or members of sub-committees of such Board or Commission.

Section 86. The *Changwat* Town Planning Committee shall have the duties and powers as follows:

- (1) to approve unitary town plans formulated and prepared by local government organisations;
- (2) to give the Town Planning Commission opinions and recommendations on matters concerning the formulation and preparation of *Changwat* policy plans, unitary town plans formulated and prepared by the Department of Public Works and Town and Country Planning which cover areas overlying two *Changwats* upwards and specific town plans;

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(3) to give advice and opinions on the formulation and preparation of unitary town plans to the Department of Public Works and Town and Country Planning or local officials;

(4) to promote and support operations concerning town planning and urban development;

(5) to carry out the supervision, monitoring, inspection and evaluation and give advice and recommendations in connection with the control and development in the implementation of town plans;

(6) to prepare a report summarising the formulation and preparation of town plans under the responsibility of the *Changwat* Town Planning Committee;

(7) to consider and decide upon appeals submitted to *Changwat* Town Planning Committee;

(8) to perform any other duties as provided in this Act.

Section 87. The *Changwat* Town Planning Committee shall have the power to appoint sub-committees for considering or performing activities as entrusted by the *Changwat* Town Planning Committee.

Section 88. The provisions of section 72, section 73 and section 74 shall also apply *mutatis mutandis* to the qualifications and prohibitions, the holding of office and the vacation of office of the *Changwat* Town Planning Committee's qualified members and members that are other persons concerned with town planning, save that the power of the Council of Ministers in the case under section 74 (3) shall be the power of the Town Planning Commission.

Section 89. The provisions of section 76 and section 77 shall also apply *mutatis mutandis* to meetings of the *Changwat* Town Planning Committee and sub-committees of the *Changwat* Town Planning Committee.

CHAPTER VIII APPEALS

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Section 90. A person having the right to appeal may appeal within thirty days as from the date of receipt of the order or written notification in the following cases:

(1) the prescription of rules, procedures and conditions for land use under section 37 paragraph two;

(2) the fixing of compensation under section 37 paragraph three;

(3) the rejection or order given in connection with a project for the land use or for the building construction under section 44;

(4) the giving of an order for the modification, demolition or relocation of a building under section 57;

(5) the fixing of the amount of remuneration under section 59, section 64 or section 66, which falls within the power of the local town planning administration committee, and section 67;

(6) the calculation of expenses incurred in the demolition or relocation of a building under section 60;

(7) the calculation of expenses incurred in the modification of a building under section 61;

(8) the establishment of public utility systems and the fixing of remuneration for the use of land under section 69;

(9) the giving of an order for discontinuance of violating acts or the giving of an order for rectification or the giving of an order for correct action in accordance with the rules on the use of property under section 97.

Appeals under (1) and (2) shall be submitted to the Appeals Committee, while appeals under (3), (4), (5), (7), (8) and (9) shall be submitted to the *Changwat* Town Planning Committee and appeals under (6) shall be submitted to the local town planning administration committee.

Section 91. There shall be the Appeals Committee, consisting of the Minister, as Chairperson, the Attorney-General and qualified persons appointed by the Council of Ministers from those possessing knowledge, ability, expertise and experience in town planning, law, the

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environment, public health and economics, on the basis of one being appointed from each of such areas, and one qualified person from a State-owned educational institution, as members.

The Director-General shall be a member and secretary.

A qualified member under paragraph one shall not simultaneously be a member of the National Town Planning Policy Board, the Town Planning Commission or a *Changwat* Town Planning Committee or a member of a sub-committee of such Board, Commission or Committee.

Section 92. The Appeals Committee shall have the power to appoint sub-committees for performing acts which fall within the powers of the Committee or assisting any particular operation as entrusted.

The provisions of section 76 and section 77 shall apply to meetings of the Appeals Committee and sub-committees *mutatis mutandis*.

Section 93. The provisions of section 72 and section 74 shall also apply *mutatis mutandis* to the qualifications and prohibitions and the vacation of office of qualified members of the Appeals Committee.

Section 94. Qualified members under section 91 shall hold office for a term of three years.

In the case where a qualified member vacates office before the expiration of the term or in the case where an additional qualified member is appointed by the Council of Ministers during the term of office of qualified members already appointed, the person appointed to fill the vacancy or as an additional qualified member shall hold office for the remaining term of the qualified members already appointed.

Upon the expiration of the term under paragraph one, if new qualified members have not yet been appointed, the qualified members who have vacated office at the expiration of the term shall remain in office for the continuance of work until the newly appointed qualified members take office.

A qualified member who vacates office at the expiration of the term may be re-appointed but may not serve for more than two consecutive terms.

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Section 95. The Appeals Committee, a *Changwat* Town Planning Committee or a local town planning administration committee shall decide upon an appeal within sixty days as from the date of receipt thereof and notify, in writing, the reasoned decision to the appellant and the planning official, the local official or the operation official, as the case may be.

The rules and procedures for submission of appeals and proceedings for the decision upon appeals shall be as prescribed in the Ministerial Regulation.

Section 96. During the appeal, the appellant, the owner or possessor of land or a building, the person having a possessory right over another person's land, the planning official, the local town planning administration committee, the local official or the operation official, as the case may be, shall discontinue any action or shall not perform any act forming the ground of the appeal unless it is the operation in pursuit of an order or written notification or it is the case where there exists urgent necessity for public interests or where the use of land or the building will cause harm to a person a property or cannot, by nature, be awaited.

CHAPTER IX DUTIES AND POWERS OF WORK PERFORMERS

Section 97. In the case of violation of or failure to comply with the rules on the use of land in boundaries of land to be surveyed for the formulation and preparation of a unitary town plan or a specific town plan under section 21 or land use stipulations of a unitary town plan under section 37 paragraph one or the rules, procedures and conditions for land use prescribed by the Town Planning Commission or the *Changwat* Town Planning Committee under section 37 paragraph two or stipulations on land use in the territorial coverage of a specific town plan under section 51, the local official, the planning official or the operation official, as the case may be, shall have the power to order the land owner, the land user or the owner or possessor of the building to discontinue the violating act or make rectification or take correct action.

The land owner, the land user or the owner or possessor of the building who disagrees has the right to appeal under section 90.

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Section 98. In the performance of duties, the local official, the planning official or the operation official and the member of the local town planning administration committee shall have the power to demand, in writing, persons concerned to give explanations or furnish documents, evidence or other articles necessary for the performance of duties in the interest of assisting considerations.

Section 99. In the performance of duties, the local official, the planning official, the operation official, the member of the local town planning administration committee and the competent official entrusted by such persons shall have the power to enter land or a building located in the locality covered by the application of a unitary town plan or a specific town plan from sunrise to sunset for factual interrogation against or inspection of documents, evidence or relevant articles from the owner, possessor or care-taker of such land or building or for carrying out any act to the extent necessary and in a manner of attempting to avoid damage. If damage is caused by such act, the local official, the planning official, the operation official or the member of the local town planning administration committee, as the case may be, shall fix money in compensation therefor to be payable to the injured person.

In the case where it is necessary to perform any act for the purpose of a survey, not less than seven-day written notification shall be given, for information, to the owner, possessor or care-taker of the land or building prior to the performance of such act.

In the performance of duties, the local official, the planning official, the operation official, the member of the local town planning administration committee and the competent official entrusted by such persons shall produce an identification card used for the performance of duties to persons concerned.

Section 100. The competent official entrusted by the operation official has the power to enter land or a building located in the locality covered by the application of a specific town plan for inspecting, repairing or maintaining public utility systems or for inspecting conditions of open space from sunrise to sunset.

In the performance of duties, the competent official under paragraph one shall produce to persons concerned an identification card together with the instrument by which the competent official is entrusted by the operation official to perform the act in question.

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Section 101. For the purpose of the execution of this Act, the local official, the planning official, the operation official, the member of the local town planning administration committee and the competent official entrusted by such persons shall be officials under the Penal Code.

CHAPTER X PENALTIES

Section 102. In the case where the offender is a juristic person, if the commission of the offence by such juristic person has resulted from the instruction or an action of a director or a manager or any person responsible for the operation of such juristic person or in the case where such person has the duty to give instructions or take action and refrains from giving instructions or taking action, thereby leading to the commission of the offence by such juristic person, such person shall also be liable to the penalty as provided for such offence.

Section 103. Upon request by the local official, the Court may order the offender to rectify conditions of modified immovable property in order for it to be in conformity with the requirements in a unitary town plan or a specific town plan within a specified period of time or empower the local official to take any rectification action to ensure compliance with such unitary town plan or specific town plan on the basis that expenses actually incurred shall be borne by the owner or possessor of the immovable property.

Section 104. Any person who violates an order for demolition or relocation of a building or a decision upon an appeal under section 60 or violates an order for modification of a building under section 61 or violates or fails to comply with an order of the local official, the planning official or the operation official under section 97 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

Section 105. Any person who violates or fails to comply with the rules on the use of property under section 21 or violates or fails to comply with details or rules or practices provided in the Ministerial Regulation under section 40 or violates or fails to comply with section 37 or section 51 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

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In addition to the liability to the penalty under paragraph one, the person who carries out the violation or non-compliance shall also be liable to a fine at the rate not exceeding thirty thousand Baht a day throughout the continuance of the violation or until correct performance takes place.

TRANSITORY PROVISIONS

Section 106. In the initial period, the National Town Planning Policy Board shall consist of members under section 71 (1), (2) and (3) and the Permanent Secretary for Interior shall be a member and secretary for performing the duties of the National Town Planning Policy Board, for the time being until the appointment of qualified members under section 71 (4) is made, which shall not be later than one hundred eighty days as from the date on which this Act comes into force.

Section 107. In the initial period, the Town Planning Commission shall consist of members under section 80 (1), (2) and (4) and the Director-General of the Department of Public Works and Town and Country Planning shall be a member and secretary, for performing the duties of the Town Planning Commission under this Act for the time being until the appointment of members under section 80 (3) and (5) is made, which shall not be later than ninety days as from the date on which this Act comes into force.

Section 108. In the initial period, a *Changwat* Town Planning Committee under section 85 (1) and (2) shall consist of *ex officio* members and the Director of the City Planning Department of the Bangkok Metropolitan Administration or the Provincial Public Works and Town and Country Planning Official shall be a member and secretary, as the case may be, for performing the duties of the *Changwat* Town Planning Committee under this Act for the time being until the appointment of qualified members and members that are other persons concerned with town planning is made, which shall not be later than ninety days as from the date on which this Act comes into force.

Section 109. All Royal Decrees, Ministerial Regulations, Rules, Regulations, Notifications or orders issued by virtue of the Town Planning Act, B.E. 2518 (1975) as amended as in force on the day prior to the date on which this Act comes into force shall continue to be

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in force insofar as they are not contrary to or inconsistent with this Act until Royal Decrees, Ministerial Regulations, Rules, Regulations, Notifications or orders are issued under this Act.

Section 110. Further proceedings in relation to all unitary town plans or specific town plans which are, on the day prior to the date on which this Act comes into force, under formulation and preparation under the Town Planning Act, B.E. 2518 (1975) as amended shall be as determined by the Town Planning Commission, provided that they shall not be contrary to or inconsistent with this Act.

Section 111. All Ministerial Regulations for the application of unitary town plans as in force on the day prior to the date on which this Act comes into force shall continue to be in force until Notifications of the Ministry of Interior or Local Ordinances for the application of unitary town plans are issued and come into force in the same areas.

While there is no Notification of the Ministry of Interior or Local Ordinance under paragraph one, any amendment or repeal of a Ministerial Regulation for the application of a unitary town plan in respect of any particular area or in respect of any particular part or any repeal of a Ministerial Regulation for the application of a unitary town plan in its entirety shall be made by issuance of a Notification of the Ministry of Interior or a Local Ordinance.

Countersigned by:

General Prayut Chan-o-cha
Prime Minister

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