

Town Planning Act, B.E. 2518

BHUMIBOL ADULYADEJ, REX.

Given on 5th February B.E. 2518

Being the 30th year of the present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

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

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

Section 1. This Act is called the "Town Planning Act, B.E. 2518".

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. The Town and Country Planning Act, B.E. 2495 shall be hereby repealed.

All other laws, rules and regulations, in so far as they are herein provided, or are contrary hereto, or inconsistent herewith, shall be hereby replaced.

Section 4. In this Act:

"town planning" means the preparation, making and implementation of a general plan and a specific plan in the area of a town and related areas, or in the country in order to built or develop a new town or a part thereof or to replace a damaged town or a part thereof for the purpose of providing Government Gazette Vol. 92, Part 33, Special Issue, page 8, dated 13th February B.E. 2518, or improving sanitation, amenity and convenience, orderlines, beauty, use of property, public safety, and social security, of improving economy, social affair, and environment, of preserving a place and an object of interest or value in the field of art, architecture, history or antiquity, or of preserving natural resources, landscape of beauty or natural interest.

"general plan" means a plan, policy, and project, including a measure of general

control, to be used as guidance in the development and maintenance of a town and related areas, or of the country in the fields of use of property, communication and transport, public service, and environment, for the purpose of achieving the objective of town planning.

“specific plan” means a plan and operation project for the development or maintenance of a specific area, or related affairs in a town and related areas, or in the country, for the benefit of town planning.

“building” means a building under the law on the control of building construction, including every kind of structure or any other thing placed on, under, or over the surface of land or water.

“accessory space” means privately owned land arranged by a specific plan as a free space or for other public uses as well, such as pavement, foot-path, passage-way behind or beside a building, water-way, drain or sewer.

“open space” means the area of land specified in a general plan or a specific plan as a mainly free space and for a specified purpose.

“planning officer” in the case where a Royal Decree prescribing an and of land to be surveyed for the preparation or approval of a general plan and for a specific plan is enforced, means the planning officer as specified in the Royal Decree; in the case where a general plan is enforced, means the Director of the Office of Town Planning, or the local officer who prepares and makes the general plan; in the case where a specific plan is enforced, means the person who prepares and makes the specific plan.

“local officer” in a municipal area means the municipal council; in a *Sukha Phiban* area, means the *Sukha Phiban* council; in a *Changwat* administrative authority area, means the *Changwat* Governor, or *Nai Amphoe* entrusted by the *Changwat* Governor to act on his behalf; in the Bangkok Metropolitan area, means the Governor of Bangkok Metropolis, or the *Khet* Chief entrusted by the Governor of Bangkok Metropolis to act on his behalf.

“operation officer” means the local officer, or the State organization or State corporation, having the powers and duties, or so entrusted, to carry out the specific plan.

“local administrative authority” means a *Changwat* administrative authority, municipality, *Sukha Phiban* or Bangkok Metropolis.

"*Changwat* Governor" includes the Governor of Bangkok Metropolis, in case of the preparation and making of a general plan or a specific plan in the Bangkok Metropolitan area.

"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 for the carrying out of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Chapter 1. Board of Town Planning

Section 6. There shall be a Board of Town Planning composed of the Under-Secretary of State for Interior as Chairman, Under-Secretary of State for Agriculture and Co-operatives, Under-Secretary of State for Communication, Under-Secretary of State for Industry, Director of the Budget Bureau, Secretary-General of the National Economic and Social Development Board, not more than seven qualified persons in the field of town planning or its directly related field and not more than seven representatives of independent institutes or organizations and other persons having interest to town planning, as members. The Director of the Office of Town Planning is the member and secretary.

In case of the preparation, making or approval of a general plan or a specific plan in the Bangkok Metropolitan area, the Under-Secretary of State for Bangkok Metropolis shall also be a member.

The Cabinet shall appoint members under paragraph one from qualified persons, representatives of independent institutes or organizations and other persons, and such members appointed from representatives of independent institutes or organization and other persons must not be government officials or local authority officials holding a permanent position or receiving a salary.

Section 7. The Board of Town Planning shall have the powers and duties concerning town planning as provided in this Act, and shall have the duty to advise the units having duties concerning town planning on various matters relating to town planning.

Section 8. The Board of Town Planning shall have the powers to appoint one or several

sub-committees to act or decide on matters within its powers and duties or to assist in any operation as entrusted, and then to report back to the Board. Section 11 and Section 12 shall apply hereto *mutatis mutandis*.

Section 9. The members of the Board of Town Planning appointed by the Cabinet shall hold office for a term of two years.

In the case of appointment of a member of the Board during the term of office of the members already appointed, notwithstanding whether it be an additional appointment or a replacement, the person so appointed shall hold office for the remaining term of the members already appointed.

A member of the Board of Town Planning who vacates office may be re-appointed.

Section 10. Apart from vacating office at the end of the term under Section 9, the member appointed by the Cabinet vacates office upon:

- (1) death;
- (2) resignation;
- (3) dismissal by the Cabinet;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) being sentenced to a term of imprisonment by a final judgement of the court except for a petty offence or an offence committed through negligence.

Section 11. At a meeting of the Board of Town Planning, the presence of not less than one-half of the total number of members is required to constitute a quorum.

Where the Chairman is absent at a meeting, the members present shall elect a member to preside over the meeting.

Section 12. A decision of the meeting shall be by majority of votes.

Each member shall have one vote. In case of an equality of votes, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 13. The Office of Town Planning shall act in accordance with the resolution of the Board of Town Planning. In case of an activity under the powers and duties of other unit or

person under this Act or any other law, the Office of Town Planning shall speedily inform such unit or person of the resolution of the Board of Town Planning, and shall follow up the result of the conduct of the affair of such unit or person, and then shall report back to the Board of Town Planning without delay.

Chapter 2. Survey for the Preparation and Making of a General Plan or a Specific Plan

Section 14. In the preparation and making of a general plan or a specific plan, a Royal Decree prescribing the area of land to be surveyed for the preparation and making of a general plan or a specific plan may be issued.

Such Royal Decree shall specify:

- (1) the purpose of the survey in the preparation and making of the general plan or the specific plan;
- (2) the planning officer;
- (3) the locality to be surveyed, with an attached map showing the area to be surveyed;
- (4) the duration of the enforcement of the Royal Decree, which must not extend beyond five years.

Section 15. During the duration of the enforcement of the Royal Decree prescribing the area of land to be surveyed, the planning officer shall have the following powers:

- (1) to make as entry as may be necessary for the survey;
- (2) to prescribe the area of land intended to be the area of a general plan or of a specific plan;
- (3) to prescribe rules on the use of property, for the purpose of the preparation and making of the general plan or the specific plan, upon approval by the Board of Town Planning;
- (4) to make the level, limit and boundary markings as may be necessary;
- (5) to require a government unit, State organization, or State enterprise to forward a map or a plan showing the area of land as may be necessary, for the purpose of the preparation and making of the general plan or the specific plan.

Provided that he shall not enter a building, the ground of a house or a fenced garden adjoining a dwelling house, except when permitted by the owner or the occupier of the im-

movable property, or when the owner or the occupier of the immovable property has been notified of the affair to be conducted not less than three days before the beginning of such act.

Section 16. The Royal Decree issued under Section 14 shall lapse upon the issuance of a Ministerial Regulation enforcing the general plan, or upon the enforcement of an Act enforcing the specific plan, as the case may be, in the area in the said Royal Decree.

Chapter 3. Preparation and Making of a General Plan

Section 17. A general plan consists of:

- (1) the purpose of the preparation and making of the general plan;
- (2) a map showing the general planning area;
- (3) a plan made up in one or several copies, with prescription, containing every or some of the following important matters:
 - (a) a plan prescribing the use of property as classified;
 - (b) a plan showing open spaces;
 - (c) a plan showing communication and transport project;
 - (d) a plan showing public utility project;
- (4) details accompanying the plans;
- (5) policy, measure and method of implementation of the general plan.

Section 18. Where the preparation and making of a general plan for any locality is considered appropriate, the Office of Town Planning may prepare and make the general plan for such locality, or the local officer of such locality may prepare and make the general plan of his own for the locality. In the case where the local officer prepares and makes the general plan of his own, a prior consent from the Board of Town Planning is required.

If the area of such general plan overlaps the areas of several administrative localities, the Board of Town Planning may order the Office of Town Planning or the local officer of one locality or those of the localities concerned, to prepare and make the general plan, and may prescribe the amount of the expense to be paid *pro rata* by the local administrative authority of each locality.

In the case where the local officer requests the advice of the Office of Town Planning in the preparation and making of the general plan, the Office of Town Planning shall cooperate with the local officer as requested.

Section 19. Upon the preparation and making of a general plan in any locality, the Office of Town Planning shall notify the local officer of such locality of it, and such local officer shall give the Office of Town Planning his opinion thereon.

In the preparation and making of any general plan, the Office of Town Planning or the local officer, as the case may be, shall cause it to be advertised in order to inform the public of it, and shall cause at least two meetings to be held in order to hear the public opinion in the locality where such general plan is to be prepared and made. In such hearing of the public opinion, it may be prescribed that only the representatives of the public, as may be appropriate, are allowed to attend the meeting. The rules, methods and conditions for the advertisement, the meeting and the expression of opinion shall be prescribed by a Ministerial Regulation.

Section 20. When the local officer has prepared and made a general plan, he shall forward it to the Office of Town Planning for consideration. If the Office of Town Planning considers it appropriate to modify or alter the general plan, it shall notify the local officer of it, and also of its reason. If the local officer does not agree with the opinion of the Office of Town Planning, he shall notify the Office of Town Planning of his reason, whereupon the Office of Town Planning shall proceed under Section 22 without delay.

Section 21. In any *Changwat* where a general plan is prepared and made, the *Changwat* Governor shall appoint a General Planning Advisory Board composed of a representative of the local administrative authority, a representative of the Office of Town Planning, and not fewer than ten but not more than fifteen representatives of other government units and other persons as deemed appropriate, with the duty to give advice and opinion concerning the general plan to be prepared and made by the Office of Town Planning or the local officer.

In the case where a general plan to be prepared and made covers the area of two *Changwat* or more, the Board of Town Planning shall appoint a General Planning Advisor Board.

The Minister shall lay down regulations concerning the appointment of the General Planning Advisory Board and the performance of duty thereof.

The provisions on the meeting in Chapter I shall apply *mutatis mutandis* to the meeting of the General Planning Advisory Board.

Section 22. The Office of Town Planning shall submit the general plan prepared and made by the Office of Town Planning or the local officer to the Board of Town Planning for consideration. In the case where the Office of Town Planning is of the opinion that it is appropriate to

modify or alter the general plan prepared and made by the local officer but the local officer does not agree to it, the opinion of the Office of Town Planning and the reason of the local officer in so disagreeing shall be submitted at the same time.

Section 23. Upon approval by the Board of Town Planning, the Office of Town Planning or the local officer preparing and making the general plan shall cause the posting up of a notice of the map showing the area of the general plan at a conspicuous place at the *Khet* or *Khucaeng* Office of Bangkok, or the *Amphoe* office, the local administrative authority office, and a public place within the area of such general plan for not less than sixty days. The date of the posting up shall also be entered in such notice.

Such notice shall contain an invitation to interested persons to go and examine the plans and prescriptions of the general plan at the Office of Town Planning, or the Office of the local officer preparing and making such general plan. The method of giving notice shall be in accordance with the rule of the Ministry of Interior.

Section 24. If, within sixty days from the date of the posting up of the said notice under Section 23, any interested person requests the Office of Town Planning or the local officer preparing and making such general plan, in writing, to modify or alter or cancel the prescription concerning the use of property in such general plan, whether or not the Office of Town Planning or the local officer agrees with such request, the Office of Town Planning or the local officer, as the case may be, shall submit such request together with his opinion to the Board of Town Planning. In the case of submission by the local officer, it shall be processed through the Office of Town Planning.

In the case of approval of the request by the Board of Town Planning, the Board of Town Planning shall order the Office of Town Planning or the local officer, as the case may be, to modify or alter or cancel the said prescriptions in such general plan. In the case of disapproval thereof, the Board of Town Planning shall disallow the request.

Section 25. If, after sixty days from the date of the posting up of the said notice under Section 23, an interested person has not requested modification or alteration or cancellation of the prescription concerning the use of property in such general plan, or has so requested but such request has been disallowed by the Board of Town Planning, or modification or alteration or cancellation of the said prescription has been ordered by the Board of Town Planning, and the Office of Town Planning or the local officer, as the case may be, has done as ordered, the Office of Town Planning shall submit the general plan to the Minister in order that a Ministerial Regulation enforcing such general plan may be issued.

Chapter 4. Enforcement of General Plan

Section 26. The enforcement of a general plan shall be effected by a Ministerial Regulation.

The Ministerial Regulation under paragraph one must contain the items under Section 17 and shall be in force for not more than five years.

Section 27. In the area where a Ministerial Regulation enforcing the general plan has been in force, no person shall use the land differently from that prescribed in the general plan nor act in contravention of the prescriptions of such general plan.

The provisions of paragraph one shall not apply to the case where the occupier of the land has already used the land before the coming into force of the Ministerial Regulation enforcing the general plan, and will continue to so use the land when the Ministerial Regulation enforcing the general plan is in force. But if the Board of Town Planning is of the opinion that such use of land is in contravention of the policy of the general plan in important matters concerning sanitation, public safety and social security, it has the power to prescribe rule, method and condition under which the owner or the occupier of the land must modify, alter or suspend such use of the land within a reasonable time. In the prescription of the said rule, method and condition, the Board of Town Planning shall have regard for the activities for which the land is utilizing, nature of the land and other property relating to the land, investment benefit received or nuisance suffered by the public from such activities, in which case the Board of Town Planning shall invite the owner or the occupier of the land to show facts and to express opinion.

When the rule, method and condition in paragraph two have been prescribed, the Board of Town Planning shall notify the owner or the occupier of the land thereof, and the owner or the occupier of the land has the right to appeal under Section 70.

Chapter 5. The Preparation and Making of a Specific Plan

Section 28. A specific plan consists of:

- (1) the purpose of the preparation and making of the specific plan;
- (2) a map showing the boundary of the specific plan;
- (3) a town plan or an area plan made up in one or several copies, containing all or some of the following important matters:

- (a) a plan showing the prescription on the use of land classified into categories of activities together with the boundary dividing land into categories and zones;
 - (b) a plan showing communication and transport project together with the details showing the limit and size of public ways;
 - (c) a plan showing the details of public utility project;
 - (d) a plan showing open spaces;
 - (e) a plan showing prescription on the level of land;
 - (f) a plan showing the area of the location of a place or object of interest or value in the field of art, architecture, history or antiquity to be conserved, maintained or repaired;
 - (g) a plan showing the area of natural resources, or of landscape of beauty or natural interest, including tree or group of trees, to be conserved or maintained;
- (4) details and explanation accompanying the plans under (3) including the category and kind of the building the construction of which may or may not be permitted;
- (5) prescription of what to be done or not to be done, in accordance with the purpose of the specific plan, in every or some of the following matters:
- (a) limit and size of accessory spaces;
 - (b) category, kind, size, and number of the buildings the construction of which may or may not be permitted;
 - (c) category, kind, size, number and description of dilapidated buildings or those in objectionable condition or are likely to cause danger to the dwellers or passers-by, demolition or removal of which is to be ordered by the local executive board of town planning under Section 55;
 - (d) use of the building, construction or alteration of which has been permitted, in a different way from that originally applied for, for which a permit from the local officer must be obtained.
 - (e) size and plot of the land to be permitted as the site of building for various uses specified in the specific plan, including the area of the land prescribed as free space for the specified uses;
 - (f) conservation, maintenance or repair of place or object of interest or value in the field of art, architecture, history or antiquity;
 - (g) preservation of free spaces;
 - (h) conservation or maintenance of tree or group of trees;
 - (i) demolition, removal or alteration of building;

- (j) other matters, as may be necessary, in accordance with the objective of the specific plan;
- (6) details specifying the land or other immovable property to be expropriated, together with the name of the legal owner or the legal occupier of the property, and the map showing the boundary of the land or other immovable property expropriated for the purpose of town planning in order to be used as public highway under Section 43 (1);
- (7) details specifying the land or other immovable property to be expropriated, together with the name of the legal owner or the legal occupier of the property, and the map showing the boundary of the land or other immovable property expropriated for other purposes of town planning under Section 43 (2);
- (8) details and map specifying the land or other immovable property which is *domain public*, or that owned, occupied or maintained by the Ministry, Sub-Ministry, Department, *Changwat*, local administrative authority, or State organization, which is to be used as public highway or for other purposes of town planning;
- (9) othermap, plan or detail as may be necessary.

Section 29. Where there is a Ministerial Regulation enforcing a general plan in any locality, the local officer of such locality shall prepare and make a specific plan or he may request the Office of Town Planning to do so. The specific plan must be consistent with the general plan.

In any locality where there is no Ministerial Regulation enforcing a general plan, the Minister may order the Office of Town Planning or the local officer to prepare and make a specific plan.

In the case where the local officer prepares and makes the specific plan, he shall submit the principle thereof to the Board of Town Planning for prior approval, in which case the local officer may express his opinion to or request advice from the Office of Town Planning concerning the preparation and making of the specific plan.

Section 30. In the case where the local officer is to prepare and make the specific plan under Section 29, he shall post up notice showing the estimated area where the specific plan is to be prepared and made, at a conspicuous place at the *Khet* or *Khucaeng* Office of Bangkok Metropolis, or the *Amphoe* Office, the local administrative authority office, and public place within the area where such specific plan is to be prepared or made.

Section 31. In the case where the Office of Town Planning prepares and makes the specific plan as ordered by the Minister, or as requested by the local officer under Section 29, it shall forward the map showing the estimated area where the specific plan is to be prepared and made to the local officer to be posted up at a conspicuous place in accordance with Section 30.

Section 32. In the notice showing the estimated area where the specific plan is to be prepared and made under Section 30 and Section 31, there shall contain an invitation to the owner or the occupier of the land, or the person having the right to construct building on the land owned by another person, to submit opinion as well as intention to improve the land in the area shown, in writing to the local officer or the Office of Town Planning, as the case may be within forty-five days from the date of the posting up thereof.

The local officer or the Office of Town Planning may notify the person submitting the opinion and intention under paragraph one that he may give additional opinion.

Section 33. In the preparation and making of any specific plan, the Office of Town Planning or the local officer, as the case may be, shall cause it to be advertised in order to inform the public of it and shall cause at least two meetings to be held in order to hear the public opinion in the locality where such specific plan is to be prepared and made. In such hearing of the public opinion, it may be prescribed that only the representatives of the public, as may be appropriate, are allowed to attend the meeting. The rules, method and conditions for the advertisement, the meeting and the expression of opinion shall be prescribed by a Ministerial Regulation.

Section 34. If the owner or the occupier of the land, or the person having the right to construct building on the land owned by another person, as the case may be, intends to subdivide the land or construct a building for the purpose of education, public health or public utility in the area as posted up under Section 30 or Section 31, he shall notify the local officer or the Office of Town Planning, as the case may be, in writing, of the said intention, sending also the project thereof.

Section 35. Upon receipt of the letter showing the intention under Section 32 or Section 34, the local officer or the Office of Town Planning may approve or disallow the proposal, or may require, in writing, the person showing the intention to sub-divide the land or to construct the building, to modify the project of the sub-division of the land or of the building construction in accordance with the principle approved by the Board of Town Planning under Section 29 within thirty days from the date of the receipt of the letter showing the intention. The owner or the occupier of the land who does not approve of the disallowance or requirement for the

modification has the right to appeal under Section 70.

Section 36. Where the local officer or the Office of Town Planning considers that the subdivision of the land and the category of the building to be constructed are in accordance with the principle approved by the Board of Town Planning under Section 29, the local officer or the Office of Town Planning may require the person showing the intention under Section 34 to enter into a contract to sub-divide the land or to construct the building as agreed. In case of a contract with the person having the right to construct building on the land owned by another person, approval by the legal owner and the legal occupier of the land must be obtained. The contract entered into with the local officer or Office of Town Planning shall consist of the plan of the building area and the details of the building to be constructed.

The method of submission of the plan under paragraph one shall be in accordance with the rule prescribed by the Ministry of Interior.

Section 37. The preparation and making of the specific plan shall be consistent with the contract under Section 36, and regard shall be had for building construction within the duration for which the Royal Decree prescribing the area of land to be surveyed for the preparation and making of the specific plan has been issued.

Section 38. In the case where the local officer prepares and makes the specific plan under Section 29, the specific plan shall be sent to the Office of Town Planning for consideration. If the Office of Town Planning does not agree to the specific plan and the local officer cannot amend the specific plan in order that it be consistent with the opinion of the Office of Town Planning, the Office of Town Planning shall submit it to the Board of Town Planning for the final decision.

Section 39. In the case where the Office of Town Planning prepares and makes the specific plan under the order of the Minister or the request of the local officer under Section 29, the specific plan shall be sent to the local office for consideration. If the local officer does not agree to the specific plan and the Office of Town Planning is of the opinion that it cannot amend the specific plan in order that it be consistent with the opinion of the local officer, the Office of Town Planning shall submit it to the Board of Town Planning for the final decision.

Section 40. Upon approval by the Board of Town Planning of the specific plan made by the local officer or the Office of Town Planning, the Office of Town Planning shall submit the specific plan to the Minister in order that an Act enforcing such specific plan may be enacted.

Chapter 6. Enforcement of Specific Plan

Section 41. The enforcement of a specific plan in any locality shall be effected by Act. Unless provided otherwise by the Act enforcing the specific plan, each Act shall be in force for not more than five years.

When the duration under paragraph (1) has ended, if the local officer or the Office of Town Planning considers it expedient to extend the duration for the enforcement of the Act, it shall submit its opinion to the Board of Town Planning for consideration in order that an Act extending the duration of the enforcement of the specific plan be enacted. The Act extending the duration thereof may prescribe amendment to the specific plan suitable to the condition and environment that have changed.

Section 42. During the enforcement of the Act enforcing the specific plan in any locality, if the local officer or the Office of Town Planning is of the opinion that the condition and environment in the area of the specific plan have changed and that it is expedient to make suitable amendment to the prescriptions or details of the specific plan as provided in the Act enforcing the specific plan, the local officer or the Office of Town Planning shall submit the proposed amendment to the Board of Town Planning. If the Board of Town Planning approves the amendment, and such amendment does not change the prescriptions and details of the specific plan in the part concerning the expropriation of land or other immovable property, or the demolition or removal of building, or does not cause any other expropriation of land or immovable property or demolition or removal of other building, the Board of Town Planning shall report to the Minister in order that a Ministerial Regulation amending the specific plan be issued.

Section 43. Where the Act enforcing a specific plan in any locality has been enacted, the land or other immovable property owned or occupied by a private individual and the expropriation of which is prescribed in the Act enforcing the specific plan, if:

- (1) to be used as public highway, it shall be deemed to be expropriated under the law on public highway; and the provisions of the said law shall apply *mutatis mutandis* to the expropriation, except where specifically provided for in the Act enforcing the specific plan;
- (2) to be used for other purposes of town planning, it shall be deemed to be expropriated under the law on the expropriation of immovable property; and the provisions of the said law shall apply *mutatis mutandis* to the expropriation, except where specifically provided for in the Act Enforcing the specific plan.

In both cases, the Director of the Office of Town Planning, or the *Changwat* Governor of the locality specified in the Act enforcing the specific plan shall be the expropriation officer, and the boundary of the land or other immovable property to be expropriated as contained in the map appended to the Act enforcing the specific plan shall be deemed the boundary of the land or other immovable property expropriated.

In the case where an Act enforcing the specific plan is enacted within five years from the date of the enforcement of the Royal Decree prescribing the area of land to be surveyed under Section 14, the compensation to be paid to the owner or the occupier of the property expropriated under this section, if the Act enforcing the specific plan has not otherwise prescribed it, shall be prescribed according to the fair price of the property expropriated as of the date of the enforcement of the said Royal Decree.

In the case where an Act enforcing the specific plan is enacted without the said Royal Decree having been issued or after five years from the date of the enforcement of the Royal Decree and the Act enforcing the specific plan does not otherwise prescribe the compensation, it shall be prescribed according to the fair price of the property expropriated as of the date of the enforcement of the Act enforcing the specific plan.

In case of an expropriation of immovable property for improvement in accordance with the specific plan, when the operation officer has made the improvement and intends to let such immovable property or to secure benefit therefrom, he may do so, but he may not do an act causing transfer of ownership therein.

Transfer of ownership in the said immovable property expropriated for improvement may be made by enacting an Act.

Section 44. In the case where it is necessary to take possession of the immovable property expropriated under Section 43 (1), the operation officer shall make agreement with the owner, the occupier or the caretaker of the immovable property concerning the time prescribed for the taking of possession thereof.

In the case where it is necessary to take possession of the immovable property expropriated under Section 43 (2) and the Act enforcing the specific plan provides that the operation officer may take possession of the immovable property before paying or making compensation in accordance with the law on the expropriation of immovable property, the provisions in paragraph one shall apply *mutatis mutandis* hereto but the time prescribed for the operation officer or the person entrusted by him to take possession thereof must not be less

than thirty days from the date of the letter showing the intention of taking the possession of the immovable property.

In the case where the owner or the occupier of the immovable property under Section 43 (2) cannot be found, and the letter showing the intention cannot be sent to the owner or the occupier of the immovable property, the date prescribed for the taking of possession must not be less than thirty days from the date of the posting up of notice which is posted up at the place where such immovable property is situated.

After the time prescribed under paragraph two or paragraph three has elapsed, the operation officer or the person entrusted by him shall have the power to take possession of such immovable property even through the compensation has not yet been paid.

Section 45. The Minister shall have the power to issue Ministerial Regulations prescribing:

- (1) details of the various prescriptions under the Act enforcing the specific plan;
- (2) rules and methods of practice in accordance with the Act enforcing the specific plan.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Section 46. All by-laws or municipal regulations issued by virtue of the law on the control of building construction, the law on public health, the law on the maintenance of cleanliness and orderliness of the country, the law on the control of burial place and crematorium, or of other laws relating to the use of land or other immovable property in force in the locality where the Act enforcing the specific plan is enforced, in so far as already provided in the Ministerial Regulations issued under Section 45 or in contravention of or inconsistent with the Ministerial Regulation issued under Section 45, shall be replaced by the Ministerial Regulations issued under Section 45.

Section 47. In any locality where an Act enforcing the specific plan is enforced but a Royal Decree enforcing the law on the control of building construction has not yet been issued, the Royal Decree enforcing the law on the control of building construction shall be deemed to be issued for the area of such specific plan, including the area within one kilometre from the boundary of the specific plan.

In the area within one kilometre from the boundary of the specific plan where the

law on the control of building construction is enforced under paragraph one, the local officer having the power to grant permit for the construction, alternation, addition or repair of building under the law on the control of building construction, shall submit principles to the local executive board of town planning for consideration, and the *Changwat* Governor shall ensure that the performance of duty by the local officer is in accordance with the principles prescribed by the local executive board of town planning.

Section 48. In the locality where the Act enforcing a specific plan is in force, a person shall not use the land or modify or alter the immovable property differently from that prescribed in the Act enforcing the specific plan or in the Ministerial Regulations issued under Section 42 or Section 45.

Section 49. In the case where the specific plan includes the area of several local administrative authorities, the Minister may issue a Ministerial Regulation empowering only local officer of any local administrative authority to grant permit for the construction, alteration, addition or repair of building. In such case the said local officer shall have the power to grant permit for the construction, alteration, addition or repair of building throughout the area of such specific plan under the law on the control of building construction.

Chapter 7. The Local Executive Board of Town Planning

Section 50. In the locality where the Act enforcing a specific plan is in force, there shall be a local executive board of town planning, composed of the following persons:

- (1) In the Bangkok Metropolitan area, the Governor of Bangkok Metropolis as Chairman, representatives of the Ministry of Public Health, the Treasury Department, the Public Prosecution Department, the National Housing Authority, the Industrial Co-operative Authority of Thailand, and of the Office of Town Planning, the land officer of Bangkok Metropolis, the Chief of the Town Planning Division of Bangkok Metropolis, not more than four qualified persons in the field of town planning or its directly related field and not more than four representatives of independent institutes or organizations and other persons having interest to town planning appointed by the Minister, as members;
- (2) in the area of other *Changwat*, the *Changwat* Governor as Chairman, the *Changwat* Public Works officer, the *Changwat* Revenue officer, the *Changwat* Chief Physician, the *Changwat* Public Prosecutor, the *Changwat* land officer, not more than three persons qualified in the field of town planning or its

directly related field and not more than three representatives of independent institutes or organizations and other persons having interest in the town planning appointed by the Minister, as its members.

In the case of proceeding in any municipal or any *Sukha Phiban* area, the Mayor of the municipality or the Chairman of the *Sukha Phiban* of such locality shall also be the member, and in the case of proceeding outside the municipal or the *Sakha Phiban* area, *Nai Amphoe* of such locality shall also be member.

The members appointed from the representatives of independent institutes or organizations and other persons must not be government officials or local authority officials holding a permanent position or receiving salary.

The Chairman of the local executive board of town planning shall appoint a member or any person secretary of the board.

Section 51. The local executive board of town planning shall have the following powers and duties:

- (1) to consider and issue order concerning the arrangement of privately owned land to be used as accessory space under the specific plan;
- (2) to approve the grant of accessory space as *domaine public*;
- (3) to consider and issue order concerning the demolition, removal or alteration of the building which is required to be demolished removed or altered under the specific plan;
- (4) to hear, and give decision on the appeal submitted to the local executive board of town planning;
- (5) to carry out matters in accordance with the powers and duties provided in this Act.

Section 52. The members of the local executive board of town planning appointed by the Minister shall hold office for a term of two years.

In the case of appointment of a member of the local executive board of town planning during the term of office of the members already appointed, notwithstanding whether it be an additional appointment or a replacement, the person so appointed shall hold office for the remaining term of the members of the local executive board of town planning already appointed.

A member of the local executive board of town planning who vacates office may be re-appointed.

Section 53. Section 10, Section 11 and Section 12 shall apply *mutatis mutandis* to the local executive board of town planning.

Chapter 8. The Demolition, Removal or Alteration of Building

Section 54. In the case where the Act enforcing the specific plan prescribes for the demolition, removal or alteration of building, the operation officer shall make details showing the demolition, removal or alteration of building for the consideration of the local executive board of town planning.

Section 55. The local executive board of Town Planning shall consider the reason and details of the demolition, removal or alteration of building, to ensure that they conform with the specific plan. In so doing, it may request opinion from the Office of Town Planning, or it may order the operation officer to re-make the details.

Where the local executive board of town planning issues any order after due consideration, the operation officer shall notify the owner of the occupier of the building concerned, in writing of the order of the local executive board of town planning and of the action to be taken in accordance with such order, not less than sixty days before the date the action is taken, and shall also send relevant details of the demolition, removal or alteration of the building. But the owner or the occupier of the building who does not approve of the order of the local executive board of town planning has the right to appeal under Section 70.

Section 56. If the building to be demolished, removed or altered is *domaine publice* or State property under the occupation or care of any government unit, the *Chagwat* Governor shall accordingly modify the governor at unit concerned therewith in writing and the said government unit shall modify the local executive board of town planning of its consent or objective there is a dispute between the government unit and the local executive board of town planning, it shall be submitted to the Board of Town Planning for a final decision.

Section 57. In the case where the private individual, who is the owner of the building having been notified in writing of the requirement to demolish or remove the building, has not exercised the right to appeal under Section 70 or has exercised such right but the appeal is dismissed by the Board of Town Planning, the owner of the building must comply with the order of the operation officer or the decision of the appeal within thirty days from the date of the receipt thereof.

If the owner of the building does not commence to demolish or remove the building or has partly demolished or removed the building but it is apparent that the demolition or removal of the building will not be completed within the time prescribed in the order, the operation officer shall send a written reminder to the owner of the building. If such person still neglects to take action in accordance with the order within the time prescribed therein, which must not be less than fifteen days without a good reason, the operation officer shall have the power to enter the land, and to demolish or remove such building, charging the owner of the building for the expense. The expense may be deducted from the compensation under Section 57 payable to the owner of such building. In the demolition or removal of the building, the operation officer must carry it out economically, and the expense to be charged on the owner of the building must not exceed the compensation under Section 59.

Upon computation of expense, the operation officer shall notify the owner of the building, in writing of it. The owner of the building who does not agree therewith has the right to appeal under Section 70.

Section 58. In the case where the private individual, who is the owner or the occupier of the building, having been notified of the requirement to alter the building, does not commence to alter the building, or has partly altered the building but it is apparent that the alteration will not be completed within the time prescribed in the order, the operation officer shall send a written reminder to the owner or the occupier of the building. If such person still neglects to take action in accordance with the order within the time prescribed therein, which must not be less than fifteen days, without a good reason, the operation officer shall make a report to the local executive board of town planning in order to cancel such alteration order and to give a demolition or removal order for the building. Section 57 shall apply *mutatis mutandis* to the demolition or removal of the building and to the charging of the owner or occupier for the expense.

Section 59. Where the local executive board of town planning has ordered the owner to demolish, remove or alter the building under Section 57, or Section 58, the operation officer, with the approval of the local executive board of town planning, shall prescribe a fair compensation to be paid to the following persons:

- (1) if it is a building that cannot be removed, the compensation shall be paid to the owner of the building already constructed on the day of the enforcement of the Act enforcing the specific plan.
- (2) if it is a building or a part thereof that can be demolished and moved, the compensation shall be paid to the owner of the building already constructed

on the day of the enforcement of the Act enforcing the specific plan. The said compensation shall be prescribed only for the costs of the demolition, the transport and the reconstruction;

- (3) the tenant of the land or the building, which is required to be demolished or removed, who has a lease or a contract in writing and registered with the competent official, which can be enforced under the Civil and Commercial Code and such evidence had been made before the day of the enforcement of the Act enforcing the specific plan, or made after such day with permission of the local officer, and such lease has not been suspended on the day the local officer orders the demolition or removal of the building, the compensation for such lease shall be prescribed only for the damage actually suffered by the tenant on account of having to vacate the land or the building before the suspension of the lease;
- (4) the person having the right under Section 1349 or Section 1352 of the Civil and Commercial Code and losing the right of way, or the right to lay down water-pipe, drainage-pipe, electric wire or other similar installation through the land where the building is required to be demolished or removed, when such person has already paid compensation to the owner of the land for the use of such right.

The operation officer shall notify the person having the right to receive compensation, in writing, of the amount of the compensation. The person having the right to receive the compensation who does not agree with the said amount of compensation has the right to appeal under Section 70.

Section 60. The operation officer shall provide suitable temporary dwelling for the person under Section 59 (1), (2) or (3) to reside in as may be necessary but for not less six months and not more than one year, where the said person cannot find a dwelling for himself. In prescribing the compensation under Section 59, regard may be had as to the provision of temporary dwelling.

Where it is deemed appropriate, the operation officer may allow extension of residence for not more than six months.

Section 61. In the case where the operation officer provides a new land or building for the said person under Section 60 by means of a hire-purchase or lease, and the said person is willing to reside in the newly provided land or building, the operation officer shall set aside the compensation payable under Section 59 for payment of the hire-purchase or lease. In case of

a hire-purchase, the amount of money set aside shall be as agreed upon by the operation officer and the said person. In case of a lease, the operation officer shall set aside the money for the rent of one year and six months. The remaining amount of money from the amount set aside shall be paid to the said person. In this matter, the operation officer shall notify the said person, in writing, of the amount of money set aside and the remaining amount of money. The said person who does not agree there with has the right to appeal under Section 70.

In the case where land is provided for construction by the said person himself, the operation officer shall give assistance and facilities for the construction of building on the land provided.

Section 62. In the case where the local executive board of town, planning orders the arrangement of land, as accessory space, the operation officer shall pay the compensation as prescribed by the local executive board of town planning to the owner or the occupier of the said land who has to lose certain right concerning the use of land on account of such arrangement of the land or of being subjected to the burden of having to act or refrain from acting in accordance with the prescriptions concerning the land so arranged.

In prescribing the compensation under paragraph one, the local executive board of town planning shall consider the extent of the loss or limitation of the burden of having to act or to refrain from acting, as well as the benefit to be received by the owner or the occupier of the land in using the accessory space. Provided that the compensation prescribed must not be above the price of the land. For the purpose of the computation of the price of the land under this section, Section 64 concerning the fair price for transfer shall apply *mutatis mutandis*.

The local executive board of town planning shall notify the owner or the occupier of the land, in writing, of the prescription of compensation. The owner or the occupier of the land who does not approve thereof has the right to appeal under Section 70.

Section 63. The land arranged to be an accessory space shall be exempted from local rate for the part so arranged.

Section 64. Where any owner of an accessory space who intends to grant the accessory space as *domaine public* while receiving compensation, if the local executive board of town planning is of the opinion that the accessory space has been used mainly for public benefit, it shall accept such accessory space as *domaine public*; and the operation officer shall pay compensation to the owner at the price provided by the Act enforcing the specific plan. Where it is not so provided, it shall be prescribed at the equivalent price of the land transferred as is fair on the

day of the enforcement of the Royal Decree prescribing the area of land to be surveyed, notwithstanding whether or not the said Royal Decree is still in force.

Where there is no such Royal Decree, or where the Act enforcing the specific plan comes into force after five years from the date of the enforcement of such Royal Decree, and the Act enforcing the specific plan does not prescribe the compensation otherwise, the compensation shall be prescribed at the equivalent price of the land transferred as is fair on the date of the enforcement of the Act enforcing the specific plan.

The provisions of paragraph one and paragraph two shall not apply to the case of the grant, happening after five years from the date of the enforcement of the Act enforcing the specific plan. In such case, if the Act enforcing the specific plan does not prescribe the compensation otherwise, the compensation shall be as agreed upon, which must not be below the fair price of the land under paragraph one or paragraph two, as the case may be.

Section 65. In the computation of compensation under Section 64, if construction or arrangement has been made in order to make an accessory space under the plan and detail permitted by the local officer before the grant is made, the operation officer shall pay compensation for the expense for the said construction or arrangement in addition to the compensation payable on account of the grant, except where the operation officer himself pays for the expense. The additional compensation payable under this section shall be prescribed by the local executive board of town planning, as it may deem appropriate, having regard also to the benefit of the owner or the occupier, public benefit, the condition at the time of the grant of the thing built, or arranged or constructed.

Section 66. In the case where the local executive board of town planning has prescribed the amount of the compensation payable or where the compensation prescribed has been paid to the owner or the occupier of the land under Section 62, the compensation already prescribed or paid shall be deducted from the compensation for the grant under Section 64.

Section 67. In arranging the land as an accessory space, if it is necessary to construct or arrange in accordance with the plan and detail prescribed by the local officer, at the request of the owner or the occupier of the land, the operation officer may, if he deems appropriate, carry out the construction or arrangement charging such owner or such occupier for the expense.

In charging for the expense under paragraph one, if the construction or the arrangement made by the operation officer is only for the benefit of the owner or the occupier so requesting, the total expense for the construction or the arrangement shall be charged. If it is

also for public benefit, the operation officer will pay for the total expense, or for part of the expense, as he may deem appropriate, while the owner of the land shall pay for the rest.

Section 68. Where in the implementation of the specific plan it is necessary to use the land of any person in the area of not more than one kilometre from the boundary of the specific plan, the planning officer has the right to arrange for the building or laying of water-pipe, drainage-pipe, electric wire or other similar installation on, under or above the land of each person if such land is not where a house is situated, by notifying the owner or the occupier of the land concerned, in writing, sending therewith the plan of the proposed use of land, not less than thirty days before the action is taken.

In acting under paragraph one, the planning officer shall prescribe a fair compensation for such use of land to be paid to the owner or occupier of the land, and shall notify the owner or the occupier of the land concerned, in writing, of it without delay.

The owner or the occupier, who does not approve of the action under paragraph one, or of the prescription of the compensation under paragraph two, has the right to appeal under Section 70.

Section 69. In an ordinary case, the local officer of the locality where the specific plan is enforced shall be the operation officer. But the Minister, upon the advice of the Board of Town Planning, may appoint a State organization or State corporation, having the powers or duties or being entrusted therewith, to act as operation officer in such locality.

Chapter 9. Appeal

Section 70. The person having the right to appeal may appeal within thirty days from the date of the receipt of the order or the written notification in the following cases:

- (1) the prescription of the rule, method and condition for the use of land under Section 27 paragraph two;
- (2) the disallowance or requirement concerning the project of the sub-division of the land or of the building construction under Section 35.
- (3) the order of the demolition, removal or alteration of the building under Section 55;
- (4) the charging for the expense in the demolition or removal of the building under Section 57 paragraph two or Section 58;
- (5) the prescription of the amount of the compensation under Section 59;

- (6) the setting aside of the compensation under Section 61;
- (7) prescription of the amount of the compensation under Section 62;
- (8) the arrangement for building or laying of water-pipe, drainage-pipe, electric wire or other similar installation under Section 68 paragraph one, and the prescription of the amount of compensation for the use of land under Section 68 paragraph two.

The appeals under (4) and (6) shall be submitted to the local executive board of town planning and those under (1), (2), (3), (5), (7) and (8) shall be submitted to the Board of Appeal.

Upon the decision of the local executive board of town planning or the Board of Appeal, as the case may be, if the appellant is not satisfied therewith, the appellant shall have the right to submit the case to the Administrative Court which one month from the date of the knowledge of such decision. Where the Administrative Court has not been established under the Construction, the provisions of this paragraph shall not apply.

Section 71. There shall be a Board of Appeal composed of the Minister as Chairman, the Director-General of the Public Prosecution Department, a person qualified in the field of town planning, a persons qualified in law, a person qualified in economics, as members. The Chairman of the Board of Appeal shall appoint a member or any person secretary of the Board.

The Cabinet shall appoint qualified persons members of the Board. The member who is a qualified person may not at the same time be a member of the Board of Town Planning or a member of a sub-committee of the Board of Town Planning.

Section 72. The Board of Appeal shall have the powers and duties to hear and give decision on the appeal submitted to it.

Section 73. The Board of Appeal shall have the power to appoint one or several sub-committees to do any act within its powers or to assist in any operation as entrusted, except to give decision on appeal, and Section 11 and Section 12 shall apply *mutatis mutandis* hereto.

Section 74. The members of the Board of Appeal appointed by the Cabinet shall hold office for a term of two years. Members vacating office at the end of the term may be re-appointed.

In the case of appointment of a member of the Board of Appeal during the term of

office of the members already appointed, the person so appointed shall hold office for the remaining term of the members already appointed.

Section 75. Section 10, Section 11 and Section 12 shall apply *mutatis mutandis* to the Board of Appeal.

Section 76. The rule and method of submission of the appeal and the procedure for deciding the appeal shall be prescribed by a Ministerial Regulation.

Section 77. During the appeal, the appellant, the owner or the occupier of the land or building, the person having the right of occupation over the land of another person, the planning officer, the local executive board of town planning, the local officer or the operation officer, as the case may be, shall not carry out or do any act which is the subject matter of the appeal.

Chapter 10. Miscellaneous

Section 78. In the performance of duty, the local officer, the planning officer, the operation officer and the member of the local executive board of town planning shall have the right to issue a letter requiring the person concerned to appear and give explanation or to forward an evidential document or other thing as may be necessary for the performance of duty, for consideration.

Section 79. In the performance of duty, the local officer planning officer, operation officer, the member of local executive board of town planning and the official under the local officer, official under the planning officer, official under the operation officer, or official under the member of the local executive board of town planning shall have the power to enter the land or building in the locality where there is a Ministerial Regulation enforcing the general plan, or the locality where an Act enforcing the specific plan is in force between sunrise and sunset, in order to make inquiry or to request the inspection of an evidential document or other thing concerned from the owner, the occupier or the caretaker of such land or building, or to carry out any act as may be necessary while care must be taken so as not to cause any damage. Where damage is caused by the said act, the local officer, the planning officer, the operation officer or the member of the local executive board of town planning, as the case may be, shall prescribe compensation for the damage to be paid to the person suffering therefrom.

In the case where it is necessary to carry out a survey, the owner, the occupier or the caretaker of the land or building shall be notified of it not less than seven days in advance of such survey.

In the performance of duty, the local officer, the planning officer, the operation officer, the member of the local executive board of town planning and the official under the local officer, the official under the planning officer, the official under the operation officer, or the official under the member of the local executive board of town planning shall produce his identity card or letter showing his position and duties to the person concerned.

Section 80. For the purpose of the execution of this Act, the local officer, the planning officer, the operation officer, the member of the local executive board of town planning, and the official under the local officer, the official under the planning officer, the official under the operation officer, or the official under the member of the local executive board of town planning shall be the competent official under the Penal Code.

Section 81. The official authorized by the operation officer has the power to enter the land or building in the locality where the Act enforcing the specific plan is in force, in order to examine, repair, maintain or cleanse the water-pipe, drainage-pipe, electric wire, or other similar installation, or to inspect the condition of the upon space between sunrise and sunset.

In the performance of duty, the official under paragraph one shall produce his identity card and letter showing his position and duties as well as the letter of authorization to carry out the said act from the operation officer to the person concerned.

Section 82. The owner, occupier or caretaker of the land or building must give facilities as may be reasonable to the local officer, the planning officer, the operation officer, the member of the local executive board of town planning, and the official under the local officer, the official under the planning officer, the official under the operation officer, or the officila under the member of the local executive board of town planning in the performance of their duty.

Chapter 11. Penalties

Section 83. Any person who violaies or fails to comply with Section 27 or Section 45 shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding ten thousand Baht, or to both.

Upon request by the local officer, the Court may order the offender to modify the altered condition of the immovable property as prescribed in the general plan or the specific plan within a prescribed time, or may empower the local officer to make any arrangement in order to make alteration or modification in accordance with the general plan or the specific plan and to charge the owner or the occupier of the immovable property for the expense actually

and economically incurred.

Section 84. Any person

- (1) who does not appear and give the explanation, or forward the evidential document or the thing concerned as required in the letter of the local officer, the planning officer, or the member of the local executive board of town planning under Section 78, or refuses to give an explanation or gives a false explanation,
- (2) who obstructs or does not give facilities to the local officer, the planning officer, the operation officer, the member of the local executive board of town planning, and the official under the local officer, the official under the planning officer, the official under the operation officer, or the official under the member of the local executive board of town planning in the exercise of their duty under Section 15 or Section 82, or
- (3) who violates the order of demolition or removal of the building, or the building, or the decision on the appeal under Section 57.

shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding three thousand Baht, or to both.

Countersigned by

Sanya Dharmasakti
Prime Minister

資料一 5 タイ国建築基準法

Building Control Act 1979 の概要について

以下の取りまとめは、標記法律の英語版に基づく概要である（現実的には若干異なる運用があるという情報もあるので詳細については再確認する必要がある。）

序

序では、この法律の適用地域（Royal Decree によって公布される。）及び各種用語の定義が記されている。

Chapter 1 General Provision

§ 6, § 7 適用除外当の建築物指定

§ 8 Ministerial Regulation[※]（強度、安全、防火等の特定）を公布できる旨の規定
※ 英語版が無い。

§ 9, § 10 Bye-laws を公布できる旨の規定

Chapter 2 Building Control Committee

Ministerial Regulation, Bye law の公布に当たってのアドバイスに同意及び本法の施行に当たっての Recommendation と suggestion を与えること等を目的とした Building Control Committee が設置される。

Chapter 3 Construction, Modification, Tearing Down, Removal and Use or Reuse of Buildings

§ 21, § 22, § 23, § 24 建築物の建築等の際して Local competent officer より licence を得る必要があることの規定

§ 26 許可あるいは不許可は 45 日以内に結論を出さなければならないが、その期間は 2 回（各回 45 日以内）延長できる。

§ 32 完了証明書なしでの使用開始の禁止条項

Chapter 4 Authority and Duty of Local Competent Officer

Local competent officer の権限と義務についての規定

例

§ 40 無許可建築の場合の建築行為禁止命令及び危険建築物の使用禁止命令等

Chapter 5 Appeals

Chapter 6 The Engineer and the Inspector

Engineer と Inspector の建設現場への立入調査権の規定

Chapter 7 Fire Area

火災地域の宣言と当該地域における一定期間の建築等の禁止及び火災地域における効果的な improvement diagram の宣言等の規定

Chapter 8 Miscellaneous Provisions

Chapter 9 Penalty Provisions

Transitory Provisions

備考：日本の建築基準法と異なり，具体的基準は Ministerial Regulation 及び Bye-laws に委任している。

BUILDING CONTROL ACT

1979

BHUMIBOL ADULYADEJ REX.

Given on the 8th day of May 1979

Being the 34th Year of the Present Reign

By Royal Command of His Majesty King Bhumibol Adulyadej it is hereby proclaimed that:

Whereas it is expedient to amend the law on the control of the construction of buildings and the law on re-construction of fire area control and congregate them into one same law;

His Majesty the King, by and with the advice and consent of the National Legislative Assembly, in its capacity as Parliament, as follows;

Section 1. The Act shall be called the "Building Control Act 1979".

Section 2. This Act shall come into force on the day following its publication in the Government Gazette. A Royal Decree shall be issued to specify the localities and their area to which the Act applies.

Section 3. The following shall be repealed

- (1) The Control of the Construction of Buildings Act 1936;
- (2) The Control of the Construction of Buildings Act (No. 2) 1961;
- (3) Announcement of the Revolutionary Party No. 192 dated 31 July 1962;
- (4) Re-Construction of Fire Area Control Act 1933;
- (5) Re-Construction of Fire Area Control Act (No. 2) 1953.

Section 4. In this Act:

"Building" means any masonry or timber dwelling house, shad, shop, floating house, warehouse, office or other structure in which persons may dwell or use, including:

- (1) any spectator's stand or other erection for people to assemble;
- (2) any dam, bridge, culvert, passage or drain, dock, slipway, landing stage, wharf or landing, fence or wall including gate abutting or near public ways or any structure for use by the public in general.
- (3) any signboard or structure for fixing or installing signboard.
 - (a) being fixed or installed over a public way and having a area exceeding one square metre or weighing, with the structure included, more than ten kilogrammes;
 - (b) being fixed or installed at a place where the horizontal distance from a public way being less than the vertical distance from the ground level and having an area or weight exceeding that prescribed in the Ministerial Regulation;
- (4) any area or structure for vehicle parking, turning around, and entrance of a building specified under Section 8 (9).
- (5) any other structure specified in the Ministerial Regulation.

Which shall include the various parts of such building.

"Public place" means any place that is open to the public or that the people in general are allowed to enter or pass through whether payment is required or not.

"Grounds-plan" means a map of the area of land showing the outlines, location and boundaries of the land and building constructed, modified, torn down, removed, used or reused, including the brief outlines and boundaries of the adjoining public place(s) and building(s).

"Design plan" means a drawing or outline made for the benefit of constructing, modifying, tearing down, removing, using or reusing a building, which shows essential particulars of the various parts, dimensions and symbols of materials, and functions of the building sufficiently complete for such purpose.

"Supplementary particulars to a design plan" means detailed information on quality and kind of the materials and the method for implementation or construction, modification, tearing down, removal, use or reuse of the building to be in accordance with the design plan.

"To modify" means to alter, add to, reduce or expand the physical characteristics of the boundaries, design, shape, proportions, weight or area of the structure of the building or its various members already existing to be different from the original, and which is not a repair or modification specified in the Ministerial Regulations.

“To repair” means to restore or replace the various parts of the building back to good condition.

“To remove” means to take off or away such parts which form the structure of the building as a post, beam, joist or other parts of the structure specified in the Ministerial Regulations.

“Fire area” means an area in which a fire broke out and burnt down from 30 household buildings and up or covered an area from one rai and up, including the surrounding areas within the thirty-metre radius.

“Supervisor” means a person who is charged with the duty of direction and control of the construction, modification, tearing down or removal of the building.

“Operator” means the owner or possessor of the building who constructs, modifies, tears down or removes the building himself, including the person who undertakes to perform the said work for money payment or not and the sub-contractor.

“Inspector” means the person appointed by the local authority as the inspector.

“Engineer” means an engineer or architect of the Department of Public Works or who is appointed by the local authority as the engineer.

“Local authorities” mean “Municipalities, Sanitary Districts, Changwat Administrative Organizations, Bangkok Metropolis, Pattaya City, and other local administrative organizations announced by the Minister as the local authorities under this Act.

“Bye-law” means a law or regulation issued by virtue of the Legislative power of the local authorities such as Municipal ordinances, Sanitary Districts’ regulations, Changwat’s bye-laws, bye-laws of Bangkok Metropolis, or bye-laws of Pattaya City, etc.

“Local Competent Officer” means:

- (1) the mayor, for a municipal area;
- (2) the sanitary council chairman, for a sanitary district area;
- (3) the Changwat Governor, for a Changwat Administrative Organization;
- (4) the Bangkok Metropolis Governor, for the Bangkok Metropolitan area;
- (5) the Pattaya City Deputy, for the Pattaya City area;
- (6) the head of a corporation of a local administrative organization announced

by the Minister as a local authority under this Act, for such local authority area.

“Minister” means the Minister in 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 to

- (1) prescribe fees not to exceed the rates in the schedule annexed to this Act or to exempt fees;
- (2) prescribe application form for permission, licence certificate, substitute, and order or other forms required for the execution of this Act;
- (3) prescribe other activities for the execution of this Act.

Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Chapter 1. General Provisions

Section 6. This Act shall not apply to the throne or Royal Palaces.

Section 7. The Minister shall have the power to issue Ministerial Regulations granting exemption from or easing restriction on or specifying conditions for the execution of this Act in connection with the following building either in part or in the entirety:

- (1) the buildings of Ministries, Bureau and departments under official use or use for public benefits;
- (2) the buildings of local authorities under official use or use for public benefits;
- (3) the buildings of state organizations lawfully established under use for activities of the organizations or use for public benefits;
- (4) ancient places, monasteries and temples, and various buildings used for religious activities and construction of which is specifically and already controlled by law;
- (5) office buildings of international agencies or office buildings of the agencies established under the agreements between the Thai Government and the Governments of foreign countries;
- (6) office buildings of foreign embassies or consulates;
- (7) temporary building for use in constructing permanent buildings or buildings

for temporary use with a definite period set for removal.

Section 8. For the benefits of strength, safety, fire prevention, public health, environment conservation, city planning, architecture, and facilitating traffic and other activities required for the execution of this Act, the Minister, by advice of the Buildings Control Committee, shall have the power to issue Ministerial Regulations specifying:

- (1) the characteristics, design, shape, proportion, area and site of building;
- (2) weight bearing, withstanding, endurance, and characteristics and properties of the materials used;
- (3) weight bearing, withstanding and endurance of the building or the ground supporting the building;
- (4) design and method pertaining to the installation of the system of water supply, electricity, gas and fire prevention;
- (5) design and number of bath-rooms and toilets;
- (6) electrical lighting system, ventilation, drainage and garbage and refuse disposal;
- (7) characteristics, level and area of open space outside the building or the building line;
- (8) distance or level between a building and another building or boundary of other person's land, or between a building and a road, track, soi, footpath, or public land;
- (9) area or structure for vehicle parking and turning ground and entrance to building of some type or category, including characteristics and size of such area or structure;
- (10) area prohibited for construction, modification, tearing down, removal and use or reuse of building of some type or category;
- (11) criteria, procedures and conditions for construction, modification tearing down, removal, use or reuse of a building;
- (12) criteria, procedures and conditions for application for permission, permission approval, licence renewal, issuance of certificate and substitutes under this Act.

Section 9. Subject to the provision under Section 10, a local authority shall have the power to issue bye-laws specified under Section 8 in so far they are not inconsistent with the Ministerial Regulations issued under Section 8.

Section 10. In the case of a necessity or where it is justifiable by specific special reason,

a local authority may issue bye-laws on some certain matter that are inconsistent with or contrary to those provided in the Ministerial Regulations issued under Section 8, upon having the consent from the Buildings Control Committee and the approval from the Minister.

Section 11. The bye-laws issued under Section 9 or Section 10 shall be effective upon their publication in the Government Gazette.

Section 12. The Ministerial Regulations issued under Section 8 or the bye-laws issued under Section 9 or Section 10 that are in consistent with or contrary to the law on city-planning shall be prevailed by the law on city-planning.

Section 13. In the case it deems appropriate that construction, modification, tearing down, removal and use or reuse of a building of any tape or category in any area of the time no Ministerial Regulation or bye-law under Section 8 (10) has been issued, the Minister, by advice of the Public Works Department Director-General or the local competent officer, as the case may be, shall have the power to announce in the Government Gazette the temporary prohibition for construction, modification, bearing down, removal and use or reuse of the building in such area and shall proceed to issue Ministerial Regulations or bye-laws within one year from the effective date of the said announcement.

If the Ministerial Regulations or bye-laws are not issued within the period pursuant to paragraph one, the said announcement shall be repealed.

Chapter 2. Buildings Control Committee

Section 14. There shall be a Buildings Control Committee comprising the Public Works Department Director-General as the Committee Chairman, one representative each of the Ministry of Public Health, the Ministry of Industry, the Department of Local Administration, the Highways Department, the Department of Public Prosecutions, the Department of Town and Country Planning, the Office of the National Environment Board, the Bangkok Metropolis, the Office of the Board for the Control of Engineering Profession and the Office of the Board for the Control of Architectural Profession, and not more than four qualified persons who are appointed by the Minister as Committee Members, and the Head of the Office of the Buildings Control Committee as the Member and Secretary.

Section 15. A Member who is appointed by the Minister shall hold office for a term of three years.

In the event of an appointment of either an additional or replacement Member during the term of office of the Members already appointed, the newly-appointed Member shall hold office for the remaining period of the term of office of the already appointed Members.

A Member who terminates office may be re-appointed but not for more than two successive terms.

Section 16. Resides vacating office upon expiration of the term of office pursuant to Section 15, the Members shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Minister;
- (4) becoming a bankrupt;
- (5) becoming an incompetent or quasi-incompetent person;
- (6) being sentenced to imprisonment by final judgement or being imprisoned by lawful order, except where the offence has been committed through negligence or is petty one.

Section 17. A meeting of the Buildings Control Committee is required to be attended by not less than half the total number of the Committee Members to constitute a quorum. In the event the Committee Chairman is absent or is unable to perform his duty, the attending Members shall elect one Member among them as the meeting chairman.

A decision of the meeting shall be determined by a majority.

A Committee Member shall have one vote and, when votes on each side are equal, the casting vote shall be given by the meeting chairman to decide the question.

Section 18. The Buildings Control Committee shall have the power and duty to

- (1) give advice in the issue of the Ministerial Regulations under Section 8;
- (2) give consent for the issue of the by-laws under Section 9 or Section 10;
- (3) give recommendations and suggestions to the local competent officers in their execution of this Act;
- (4) execute other duties provided in this Act.

Section 19. The Buildings Control Committee may a sub-committee for consideration

and execution of any task entrusted by the Buildings Control Committee.

The provision of Section 17 shall be applied to the meetings of the sub-committee *mutatis mutandis*.

Section 20. The Office of the Buildings Control Committee shall be established within the Department of Public Works and shall have the duty to administer technical and administrative work for the Buildings Control Committee, to give consultation and suggestion to the Committee for Appeal Consideration, and to co-ordinate work and give assistance to the Local Authorities in the execution of this Act.

Chapter 3. Construction, Modification, Tearing Down, Removal, and Use of Reuse of Buildings

Section 21. No person shall construct a building unless the owner of such building has obtained the licence from the local competent officer.

Section 22. No person shall modify a building, unless the owner of such building has obtained the licence from the local competent officer.

Section 23. No person shall tear down the following buildings, unless the owners of such buildings have obtained the licences from the local competent officer:

- (1) a building of more than fifteen metres in height which the distance between the building and another building or a public land is less than the height of the building;
- (2) a building which is less than two metres distant from another building or a public land.

Section 24. No person shall remove a building, unless the owner of such building has obtained the licence from the local competent officer.

Section 25. The local competent offices shall refuse to consider any application for construction, modification, tearing down or removal of a building that has the characteristics of or is classified under the controlled engineering profession under the law on engineering profession or under the controlled architectural profession under the architectural profession, if the engineer or architect responsible for such work implementation as specified in the application is not a licensee for engagement in the controlled engineering profession or in the controlled

architectural profession, as the case may be.

Section 26. Upon receiving the application pursuant to Section 21, Section 22, Section 23 or Section 24, the local competent officer shall consider and issue a licence or a written notification of disapproval order together with reasons for disapproval to the applicant within forty-five days from the day on which the applicant is received.

In the event the local competent officer is unable to issue the license or the notification of disapproval order within the time period specified in paragraph one due to a cause, such period may be extended not more than two times and each time for not more than forty-five days. In such event, however, the applicant must be notified in writing of the period extension and its justification each time before the expiration of the time period specified in paragraph one or the extension thereof, as the case may be.

In the event the local competent officer issues a license or disapproval order, he shall notify the applicant of such action without delay.

Section 27. In considering the applicant pursuant to Section 26 the local competent officer shall have the power to order the applicant to modify the site plan, design plan, supplementary particulars to the design plan, or calculation sheets already submitted to be correct to and in accordance with the Ministerial Regulations issued under Section 8 or the bye-laws issued under Section 9 or Section 10, and Section 26 paragraph three shall be applied *mutatis mutandis*.

After the applicant for the licence has modified the site plan design plan, supplementary particulars to the design plan, or calculation sheets in accordance with the order of the local competent officer, the competent officer shall make examination and consideration and issue the licence within thirty days. But if and in the case the applicant has modified same in deviation in material part from that ordered by the local competent officer, it shall be regarded that the application is newly submitted and the proceeding pursuant to Section 26 shall be taken.

Section 28. In the case the person who calculates the design plan, supplementary particulars to the design plan and calculation sheets submitted together with the application pursuant to Section 21, Section 22, Section 23 or Section 24 is a licensee for engagement in the controlled engineering profession under the law on engineering profession, the local competent officer shall examine and consider only the parts that do not deal with particulars pertaining to technical engineering and, however, in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

Section 29. In applying for permission to construct, modify, tear down, or remove a building, the applicant for the licence shall specify the name together with the statements or consent of the work supervisor in the application for the licence.

The work supervisor may be any person or the owner of the building, except where it is prohibited by the law on engineering profession or the law on architectural profession.

Section 30. If the licensed person is to remove the work supervisor whose name is specified in the licence or the work supervisor is to resign from the duty, the local competent officer shall be so informed, in writing, in so far as, however, it does not affect the civil duty and rights between the licensed person and such work supervisor.

In the event of removal or resignation pursuant to paragraph one, the licensed person shall temporarily suspend the work implementation until the new work supervisor is available and a written notification together with a letter of consent of the new work supervisor has been submitted to the local competent officer.

Section 32. No person shall arrange to have a building constructed, modified, torn down, or removed in deviation from the approved site plan, design plan and supplementary particulars to the design plan and the methods and conditions specified by the local competent officer in the licence, however, except;

- (1) where it is not inconsistent with the ministerial Regulations issued under Section 8 or the bye-laws issued under Section 9 or Section 10;
- (2) where it is a case prescribed in a Ministerial Regulation.

In the event the construction, modification, tearing down or removal of a building is in violation of the provision in paragraph one, it shall be regarded that it is an act of the work supervisor, unless he can prove it to be other person's.

Section 32. Buildings classified under the controlled use category are the buildings for use for the following business:

- (1) warehouses, theatres, hotels or medical treatment places;
- (2) commerce, industry, education, public health or other activities prescribed by Ministerial Regulations.

Upon the licensed person having completed the construction, modification or

removal of the building classified under the controlled use category, the owner or possessor of such building shall not use or allow other person to use the building for the activities specified in the licence, unless the local competent officer has issued a certificate stating that the building has been completely constructed, modified or removed accordingly as licensed.

The owner or possessor of the building pursuant to paragraph two shall not use or allow other person to use such building for any activity pursuant to paragraph one except that specified in the licence for construction or modification or removal.

Section 33. The owner or possessor of a building which is not classified under the controlled use category shall not use or allow other person to use the said building for any activity specified under Section 32 paragraph one, unless the licence has been obtained from the local competent officer and the provisions of Section 26 and Section 27 shall be applied *mutatis mutandis*.

The provision of paragraph one shall be applied to the reuse of a building classified under controlled use category for one activity to other activity *mutatis mutandis*.

Section 34. The owner or possessor of the building, that is required to have an area or structure for vehicle parking, turn about or entrance pursuant to Section 8 (9), shall not modify or use the vehicle park, turn about or entrance for other activity either in the entirety or in part unless the licence has been obtained from the local competent officer.

Section 35. The licence issued under Section 21, Section 22, Section 23 or Section 24 shall be valid throughout the period specified in the therein. The person who wishes to renew the licence shall submit an application before such licence expires and, after having submitted the said application, may carry on his business until the local competent officer orders disapproval for renewal of such licence.

Section 36. The licence issued under Section 21, Section 22, Section 23, Section 24 or Section 33 shall not be transferable, unless written permission has been obtained from the local competent officer.

Section 37. In the event that a person who has obtained the licence under Section 21, Section 22, Section 23, Section 24 or Section 33 dies, his heir or executor who wishes to continue to construct, modify, tear down, remove, use or reuse such building shall notify the local competent officer in writing within thirty day from the day of the death of the licensed person. In this case, it shall be regarded that the said heir or executor is the person who obtains

the licence on behalf of other person.

Section 38. During the construction, modification, tearing down or removal, as the case may be, of a building, the licensed person is required to keep one set of the licence, site-plan, design-plan, and supplementary particulars to the design-plan at the area of the said licensed work ready for inspection by the Engineer or the Inspector.

The possessor of a building classified under the controlled use category shall display the certificate pursuant to Section 32 or the licence pursuant to Section 33 at a conspicuous place of the building.

Section 39. In the event a licence or certificate is lost, destroyed or damaged at a material part, the holder of such licence or certificate shall apply to the local Competent Officer for a substitute licence or certificate within fifteen days from the day of knowledge of the loss, destruction or damage.

Application for a substitute licence or certificate and issue of a substitute licence or certificate shall be in accordance with the criteria procedures and conditions prescribed in the Ministerial Regulations.

The substitute licence or certificate shall be effective according to the law as the licence or certificate, as the case may be.

Chapter 4. Authority and Duty of Local Competent Officer

Section 40. In the event that there arises a violation of Section 21, Section 22 or Section 24, or any construction, modification or removal of any building that violates Section 31, the local competent officer shall have the power to order the owner or the possessor of the building, the operator or work supervisor, as the case may be, to order suspension of the activity implementation. And if the building may endanger health, life, body or property, the local competent officer may forbid the owner or possessor of the building to use or allow other person to use the building in the entirety or in part.

After having effected the order pursuant to paragraph one, the local competent officer shall consider to issue order pursuant to Section 42 paragraph one or Section 43 paragraph one, as the case may be, without delay but not to be later than thirty days from the day of receipt of the order for the said suspension.

Section 41. In the event that there arises a violation of Section 23, or any tearing down of any building that violates Section 31, the provisions of Section 40 paragraph one and Section 43 shall be applied mutatis mutandis, provided that the local competent officer issues his order pursuant to Section 43 promptly and not to be later than thirty days from the date of the order for the suspension of the tearing down of the building.

In the event of non-compliance with the order of the local competent officer pursuant to paragraph one, if the local competent officer is of the opinion that the building of which the removal has been suspended may endanger health, life, body or property, the local competent officer shall have the power to have the removal carried out and have the provisions of Section 42 paragraph three, paragraph four and paragraph five applied mutatis mutandis.

Section 42. In the event that the procedures pursuant to Section 40 have been effected and such acts have brought about no changes in accordance with the Ministerial Regulations issued under Section 8 or the bye-laws issued under Section 9 or Section 10, the local Competent Officer shall have the power to order the tearing down of the building in the entirety or in part within the prescribed period which shall not be less than thirty days except where there is reasonable cause, may be extended by the local competent officer.

The person whom the local competent officer orders to tear down building pursuant to paragraph one shall tear down the building in accordance with the criteria procedures and conditions prescribed in the Ministerial Regulations issued under Section 8 (11) or the bye-laws issued under Section 9 or Section 10.

In the event of non-compliance with the order of the local competent officer pursuant to paragraph one, the local Competent Officer shall bring the matter to the Court requesting order for the tearing down of the building. If the facts found through local proceedings are that there is actually a violation of Section 40, the Court shall order the tearing down of the building and in such order the tearing down of the building and in such order the Court may specify the owner or possessor of the building, the operator or the work supervisor or the local Competent Officer as the person responsible for the tearing down as deemed appropriate for each case. In the event that the Court deems it proper for the local Competent Officer to be responsible for the tearing down, the local competent officer may proceed to tear down the building only after an announcement to that effect has been posted up at the area specifying the schedule for tearing down not less than seven days in advance.

In the case the bearing down is to be done by the local competent officer, proper must be taken. However, no person shall command any indemnity from the local competent

officer and all expenses for such work shall be borne by the owner of the building.

The local competent officer shall have the power to confiscate all the construction materials and articles removed from the part of the building that is torn down for sale and hold the proceeds in lieu of the property in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulation. And if the owner does not claim for the property or the proceeds within one year from the day of notification for tearing down, the property and proceeds shall become the property of the state.

Section 43. In the event the act pursuant to Section 40 is not inconsistent with the Ministerial Regulations issued under Section 8 or the bye-laws issued under Section 9 or Section 10 or is inconsistent but still cannot be corrected or put right, the local competent officer shall have the power to order the owner of the building to apply for the licence or order the owner of the building or the operator to put the building right within the prescribed period, which must not be less than thirty days and, if with reasonable cause, may be extended by the local competent officer.

In examining the application for the licence pursuant to paragraph one, the local competent officer shall have the power to order the applicant to modify the site-plan, design-plan, supplementary particulars to the design-plan or calculation sheets already submitted to be correct and in accordance with the Ministerial Regulations issued under Section 8 or the bye-laws issued under Section 9 or Section 10 within the prescribed period.

If the owner of the building does not submit the application or the owner of the building or the operator does not correct the building pursuant to paragraph one or does not amend the application for the licence pursuant to paragraph two, the local competent officer shall have the power to order the tearing down of the said building in the part deemed appropriate and the provisions of Section 42 paragraph two, paragraph three, paragraph four and paragraph five shall be applied mutatis mutandis.

Section 44. In the event Section 32 or Section 33 is violated, the local competent officer shall have the power to order the owner or the possessor of the building to the use of the building in the part that has not been certified or licensed until Section 32 or Section 33, as the case may be, is complied with.

Section 45. In the event Section 34 is violated, the local competent officer shall have the power to order to owner or possessor of the building to suspend such act. And if the act is to modify the area or structure for vehicle parking, turn about or entrance, the local competent

officer shall have the power to order it be restored to its former condition within the prescribed period and the provision of Section 42 shall be applied mutatis mutandis.

Section 46. In the event the building being constructed, modified or removed with a licence under this Act or having been constructed modified or removed before the day on which this Act comes into force is in the condition or is used in the manner that may endanger health, life, body or property or may not be safe from fire or may cause nuisance to or may affect maintenance of quality and environments, the local competent officer shall have the power to order improvement to be in accordance with the criteria, procedures and conditions prescribed in the Ministerial Regulations.

In the event of a failure to comply with the order of the local competent officer pursuant to paragraph one and such building may cause serious harm to health, life, body or property, the local competent officer shall have the power to order the building to be torn down and the provision of Section 42 shall be applied mutatis mutandis.

Section 47. An order or notification of the local competent officer under this Act shall be made in writing and forwarded by registered mail to an applicant a licence, licensed person, the owner or possessor of a building, operator or work supervisor, as the case may be, at his domicile, or in a memorandum to be signed by the said person in acknowledgement.

In the event the local competent officer cannot forward a written order or a memorandum for acknowledgement pursuant to paragraph one, such order or notification, as the case may be, shall be posted up at an open and conspicuous place at the building or site or building being constructed, modified, torn down, removed, used or reused and it shall be regarded that the applicant for the licence, licensed person, owner or possessor of the building, operator, or work supervisor has received such order or notification since the day following the seven-day period after the day the order or notification being posted up.

Section 48. In performing his duty under this Act, the local competent officer is empowered to enter the building or the building grounds, that causes reasonable suspect that this Act is being violated or is not being complied with, during the time from sunrise to sunset or during work hours of such place and, for this purpose, shall have the authority to question for facts or order the persons being present at the place to present documents or other relevant evidence.

Section 49. The local competent officer shall have the power to appoint any Government official or local authority official, who is knowledgeable or qualified as prescribed in the Minis-

terial Regulation, as the Inspector or Engineer.

Chapter 5. Appeals

Section 50. There shall be a committee for appeals consideration.

- (1) for the Bangkok Metropolis or a Changwat Administrative Organization to comprise the Interior Ministry Under-Secretary of State as Committee Chairman, the Public Works Department Chief Engineer as a Committee Member and other persons, not to be more than six, appointed by the Minister as Committee Members, and the head of the Office of the Buildings Control Committee as Committee Member and Secretary.

The Committee Members appointed by the Minister must not be the officials of the Bangkok Metropolis or a Changwat Administrative Organization members of Bangkok Metropolis Council or a Changwat Council.

- (2) for a municipality, sanitary district, the Pattaya City, or other local authority to comprise the local Changwat Governor as the Committee Chairman, the Changwat Public Prosecution Officer, Changwat Provincial Police Chief, Changwat Chief Physician and other persons, not to be more than five, appointed by the Interior Ministry Under-Secretary of State as Committee Members and a Committee Member elected by the Committee for Appeals consideration as Secretary.

The Committee Members appointed by the Interior Ministry Under-Secretary of State must not be the officials of the local authority or the local authority council.

The provisions of Section 15, Section 16 and Section 17 shall apply to the Committee for Appeals Consideration *mutatis mutandis*.

Section 51. The Committee for Appeals Consideration shall have authority and duty as follows:

- (1) to consider and rule appeals against the orders of the local competent officer;
- (2) to summon by written letter any concerned person to give statements or to order such person to submit documents or other relevant evidence for consideration in ruling appeals;

In performing the duty under

- (3) the Committee for Appeals Consideration or the person authorized by the

Committee for Appeals Consideration may enter the building or building grounds which is the cause for the appeal during the time from sunrise to sunset.

Section 52. Any applicant for a licence, licensed person and person who is given an order by the local competent officer pursuant to Section 26 paragraph one Section 27 paragraph one, Section 41 paragraph one, Section 42, Section 43, Section 44, Section 45 or Section 46 who disagrees with an order of the local competent officer is entitled to appeal to the committee for appeals consideration against such order by filling a written petition to the official at the Office of the Under-Secretary of State for the Bangkok Metropolis or a Changwat Administrative Organization area or at the Changwat or Amphoe Office for a municipality, sanitary district, the Pattaya City or other local authority area within thirty days from the day of receipt of such order.

The Committee for Appeals Consideration shall rule the appeal within thirty days from the day of receipt of such appeal and then notify the ruling to the appellant and the local competent officer. The ruling shall be final. But if the appellant still disagrees with the ruling, he may bring the case to the court of justice within thirty from the day of receipt of the ruling notification.

The local competent officer shall act in accordance with the ruling of the Committee for appeals consideration or decision or judgement of the Court of justice.

During the appeal the appellant or the local competent officer shall not treat the building which is the cause for the appeal in any way, except that the building is dangerous to persons or property or is in the state that requires immediate action.

The provision of Section 47 shall apply to the notification of the appeal ruling *mutatis mutandis*.

Chapter 6. The Engineer and the Inspector

Section 53. The Engineer or the Inspector shall have the authority to enter the site in which construction, modification, tearing down or removal of a building is under way to see whether this Act is being complied with or not and, for this purpose, shall have the power to question for facts or order the being present or working at the place to present documents or other relevant evidence.

Section 54. When there is reasonable cause to suspect that any building has been constructed, modified, torn down or removed in a way that violated or did not comply with this Act, or there is reasonable cause to suspect that any building is being used or reused in such a way that violaters or does not comply with Section 32, Section 33 or Section 34, or any building that has characteristics pursuant to Section 46, the Engineer shall have the power to ender such building and the building grounds to inspect and, for this purpose, shall have the authority to question for facts and order the persons being present or working at the place to produce documents or other relevant evidence.

Section 55. In performing the duty pursuant to Section 53 or Section 54, the Engineer or the Inspector shall do so during the time from sunrise to sunset or during the wore time of such place and, for this purpose, shall produce his identification card upon request by the persons concerned.

The identification card shall be in the form prescribed in the Ministerial Regulation.

Chapter 7. Fire Area

Section 56. When a fire breaks out in any area that has the characteristics of a fire area, the local competent officer shall announce the display of the fire area at the office of the local authority and at the place of the fire by having a brief map showing the boundary lines of the fire area and specifying prohibitions under this Act.

Section 57. Within fourty-five days from the day the fire broke out, no person shall construct, modify, repair, tear down or remove any building in the fire area and the person licensed to construct, modify, tear down or remove buildings in the said area before theday of the fire shall suspend his activity under the licence during the said period.

The provisions of Section 40, Section 41, and Section 42 shall apply to the violation in paragraph one mutatis mutandis.

The provision in paragraph one shall not apply to:

- (1) construction of temporary buildings for the benefits of relief of distress carried out or controlled by the authorities;
- (2) modification or repair buildings as necessary for temporary dwelling or use.

Section 58. The local competent officer shall consider whether the fire areas should be

improved or not by taking into consideration the benefits in fire prevention, public health, environmental quality maintenance town and country planning, architecture and traffic facilitation, then submit his recommendations along with a brief map showing the boundary lines of the fire area. In the case that the fire area cover the areas under more than one local competent officers, the local competent officers concerned shall jointly consider and submit recommendations within fifteen days from the date of the fire.

The Buildings Control Committee, after having considered the opinions of the local component officer, shall submit its opinions together with notes to the Minister for consideration and instructions for the local competent officer to announce to the people in the fire area as to whether the area will be improved or not. The said announcement shall be posted up at the office of the local authority and at the place where the fire broke out within forty-five days from the date of the fire.

Section 59. In the case it is announced that there is to be no improvement of the fire area, the prohibitions pursuant to Section 57 paragraph one shall then be cancelled.

In the case it is announced that the fire area is to be improved, the prohibitions pursuant to Section 57 paragraph one shall remain in force for another sixty days from the day of the improvement announcement, and the Office of the Buildings Control Committee shall make an improvement diagram of the fire area to be submitted to the Minister for announcement in the Government Gazette as the effective improvement diagram of the fire area within the said time period.

Section 60. After the improvement diagram of the fire area has been announced, no person shall construct, modify, tear down, or remove buildings in the area according to the improvement diagram of the fire area to deviate from those prescribed in the diagram and all the licences for construction, modification, tearing down or removal of buildings issued before the improvement diagram of the fire area is announced and become effective which are inconsistent with the said diagram shall be cancelled.

The provisions of Section 40, Section 41 and Section 42 shall apply to the violation of the provision in paragraph one *mutatis mutandis*.

Section 61. In the case where it is necessary to acquire any land or immovable property for utilization as prescribed in the improvement diagram of the fire area, such land or immovable property shall be appropriate by applying the law on immovable property appropriation *mutatis mutandis*.

Section 62. If a fire breaks out in any locality that has the characteristics of a fire area, if such locality still has no Royal Decree, this Act shall apply and it shall be regarded that there is a Royal Decree promulgating this Act in such locality as from the day the fire break out. But if, later on, it is announced that there is to be no improvement in the fire area pursuant to Section 58, it shall be regarded that the said Royal Decree is cancelled as from the day on which the local competent officer effects the announcement.

Chapter 8. Miscellaneous Provisions

Section 63. In the duty performance of the Committee for Appeals Consideration, the persons assigned by the Committee for Appeals Consideration, cases comparison committee members, local competent officers, Engineers or Inspectors under this Act, the applicants for licence, licensed persons, owners or possessors of buildings, operators, work supervisors or concerned persons being present at the places shall provide them appropriate facility and assistance.

Section 64. In performing duty under this Act the Committee for Appeals Consideration, persons assigned by the Committee for Appeals Consideration, cases comparison committee members, local competent officers, engineers and inspectors shall become the officers under the Criminal Code.

Chapter 9. Penalty Provisions

Section 65. Any person who violates or does not comply with Section 21, Section 22, Section 23, Section 24, Section 31, Section 32, Section 33, Section 34, Section 42 paragraph two, Section 52 paragraph four, Section 57 or Section 60 is liable to a fine of not exceeding ten thousand baht.

In addition to the penalty pursuant to paragraph one, a person who violates or does not comply with Section 31, Section 32, Section 42 paragraph two or Section 57 shall also be liable a fine of five hundred baht per day throughout the time he still violates or until he performs correctly. A person who violates Section 34 shall also be liable to a fine of one thousand baht per day throughout the time he still violates.

Section 66. Any person who does not comply with Section 30 paragraph one, Section 38 or Section 39 is liable to a fine of not exceeding one thousand baht.

Section 67. Any person who violates Section 30 paragraph two or violated the order of

the local Competent Officer pursuant to Section 40 paragraph one or Section 44 is liable to a fine of five hundred baht per day throughout the time he still violates.

Section 68. Any person

- (1) who does not come forward to give statements or to deliver documents according to the written summon of the Committee for Appeals Consideration pursuant to Section 51 (2) without meaningful reason; or
- (2) who obstructs the duty performance of the Committee for Appeals Consideration, persons assigned by the Committee for Appeals Consideration, local competent officers, engineers or inspectors pursuant to Section 48, Section 51, Section 53 or Section 54, or does not comply with Section 51, Section 53, Section 54 or Section 63, as the case may be.

Shall be liable to imprisonment for not exceeding one month or to a fine of not exceeding one thousand baht or to both.

Section 69. If an offence under this Act is committed by an operator, the offender shall be liable to twice the penalty provided for such offence.

Section 70. If an offence under this Act is committed in connection with a building for agriculture, industry, education or public health or is an act in the trade for rent, hire-purchase, sale or distribution in return for money payment of any building, the offender shall be liable to imprisonment for not exceeding two years or to a fine of ten times the penalty provided for such offence or to both.

Section 71. In the event of a violation of or not complying with Section 21, Section 22, Section 23, Section 24, Section 34, Section 42 paragraph two, Section 52 paragraph four, Section 57 or Section 60, it shall be regarded as being the act of the owner or possessor of the building, operator, work supervisor or the appellant pursuant to Section 52 paragraph four, as the case may be or being the act made according to the order of the said persons, unless such persons can prove that it is the act of other person.

Section 72. In the event a juristic person commits an offence under this Act, it shall be regarded that all the Directors or Managers of such juristic person are the joint offenders with the juristic person, unless it can be proved that such act of the juristic is made without their knowledge or consent.

Section 73. In the event of an offence under this Act, it shall be regarded that the owner or possessor of the land or building nearby or adjoining the building where the offence occurs or the persons whose living or use of the land or building is affected by the said offence is the injured person according to the law on the criminal procedure.

Section 74. There shall be a Cases Comparison Committee.

- (1) for Bangkok Metropolis, to comprise the Bangkok Metropolis Government, representative of the Public Prosecution Department and representative of the Police Department;
- (2) for other Changwat, to comprise the Changwat Governor, Changwat Public Prosecution Officer who is assigned by the Public Prosecution Department Director-General and the Changwat Provincial Police Chief.

All the offences, for which penalty is a fine only, under this Act or the offence under Section 68 shall be considered by the Cases Comparison Committee and once the fine imposed, it shall be regarded that the case is dismissed according to the law on criminal procedure.

In the event the investigation officer shall deliver the case of a person, who has committed an offence pursuant to paragraph one who has submitted to being fined, to the Cases Comparison Committee for imposing fine within seven days from the day of the consent to fine.

Transitory Provisions

Section 75. All the applications for any permission submitted before the day this Act comes into force and are still under consideration by the local Competent officer of the Public Works Department Director-General and any permission granted under the law on control of the construction of buildings or the law on re-construction of fire area or the performance by the licensed persons according to the licensed activity, as the case may be it shall be regarded that they are applications for permission and the granting of permission under this Act *mutatis mutandis*.

In the event that the said application for permission or the consideration to grant permission is different from the application for permission or the consideration to grant permission under this Act, application for permission or consideration to grant permission shall be in accordance with this Act and the local competent officer shall issue an order pursuant to Section 27 for the applicants for licence to perform correctly within thirty days. If an applicant for a

licence does not comply with the order of the local competent officer within the said period, his application shall not be considered.

Section 76. A licensed building for construction or modification that has been completed before the day this Act comes into force, even if it has the characteristics of a building classified under the controlled us category, shall be exempted from having to comply with Section 32 paragraph two.

Section 77. Any locality in which a great number of buildings have been constructed in the state's public land before the day this Act comes into force has turned into or may cause condition that is unsuitable or unsafe for dwelling, fire prevention, public health, environmental quality maintenance, town and country planning and traffic facilitation, upon the Royal Decree prescribing buildings improvement area being issued in that locality, the local competent officer shall issue order, one or many, as follows:

- (1) issue an order for the owners or possessors of the buildings tear down the buildings within a period not exceeding six months from the say of receipt of the order, but such order for tearing down buildings shall be made with the purpose of orderliness of the country, local development or for the benefits of the public in using public land;
- (2) issue an order within thirty days from the day the Royal Decree prescribing buildings improvement area comes into force for the owners or possessors of the buildings to modify or alter the buildings to be correct according to this Act within a period not exceeding sixty days from the day of receipt of the order;
- (3) issue an order for the owners or possessors of the buildings to get rid of or stop the cause that brings about or may bring about condition that is unsuitable or unsafe for dwelling, fire prevention, public health, environmental quality maintenance, town and country planning and traffic facilitation within a period not exceeding sixty days from the day of receipt of the order;
- (4) issue an order for the owners of the buildings to sign the land lease with the local competent officer according to the criteria, procedures, conditions and rates of rent specified by the Ministry of Interior.

An owner or possessor of the building who complies with the orders of the local competent officer pursuant to paragraph one shall be exempted from punishment; but if such a person does not comply, he shall be liable to a fine of not exceeding fifty thousand baht and shall be also ordered by the local competent officer to tear down the building within a period to be

prescribed. If such person refuses to tear down the building within the said period, he shall be liable to a fine, on a daily basis, of one thousand baht per day throughout the time he still does not comply or until he consents to the local competent officer having the building torn down. In the latter case, the provisions of Section 42 paragraph four and paragraph five shall apply mutatis mutandis.

The Royal Decree pursuant to paragraph one shall have a map showing the boundary lines of the area annexed to the Royal Decree, and the local competent officer shall have the power to arrange for the lease of land in that area for revenue for local maintenance. However, the land shall still remain the state's public property.

The land lease pursuant to paragraph one (4) shall have the lease period as agreed upon but shall not exceed ten years. The lease shall not be renewed. Upon expiration of the land lease period, any owner or possessor of a building who refuses to tear down and remove his building out of the area prescribed in the Royal Decree shall be liable to imprisonment for not exceeding three years or to a fine of not exceeding thirty thousand baht, or to both, as well as to a fine, on a daily basis, of one thousand baht per day throughout the time he still refuses or until he consents to the local competent officer tearing down the building. In the latter case, the provision of Section 42 paragraph four and paragraph five shall apply mutatis mutandis.

Section 78. The appeals under the law on control of the construction of buildings filed before the day this Act comes into force are appeals against the orders of the local competent officer that have been submitted to the Committee for Appeals Consideration under this Act.

Section 79. All the Ministerial Regulations, bye-laws, Chagwat's bye-laws, regulations, rules, notification or orders issued under the Control of the Construction of Buildings Act 1936 or the Re-Construction of Fire Area Control Act 1933 shall remain in force only in the parts that are not inconsistent with or contrary to the provisions of this Act.

Section 80. Any locality that had Royal Decree Promulgating the Control of the Construction of Buildings Act 1936 or the Re-construction of the Fire Area Control Act 1933 before the day this Act comes into force shall be regarded as having Royal Decree promulgating this Act.

Counter-signed

S. HOTRAKIJ

Deputy Prime Minister

SCHEDULE OF FEES

- | | | |
|-----|--|---------------|
| (1) | Construction licence | each 200 baht |
| (2) | Modification licence | each 100 baht |
| (3) | Tearing down licence | each 50 baht |
| (4) | Removal licence | each 50 baht |
| (5) | Reuse licence | each 200 baht |
| (6) | Certificate licence | each 50 baht |
| (7) | Substitute licence or certificate | each 10 baht |
| (8) | Licence renewal the same as (1) to (4) | |
| (9) | Inspection of construction plan or building modification, as follows: | |
| (a) | building of not more than three storeys or not more than fifteen metres tall, fees shall be calculated from the total area of all the floors at 2 baht per square metre; | |
| (b) | building of more than three storeys or more than fifteen metres high, fees shall be calculated from the total area of all the floors at 4 baht per square metre; | |
| (c) | building of the category that any one of its storey floor has to receive weight exceeding five hundred kilograms per sq.m. | |
| (d) | sign board, the fees are calculated from the total area determined by the longest part times the widest part at 4 baht per sq.m. | |
| (e) | building of the type that its length must be measured such as dam, drainage, fence or wall, fees are calculated by the length at 1 baht per metre. | |

In calculating fees for design plan inspection fraction of squaremetre or metre from one half up shall be regard as one full unit, less than one half shall be disregarded.

Feb. 9, 1987

M. Yamashita

(D.T.C.P)

BYE-LAWS OF THE BANGKOK METROPOLIS

Re: Control of the Construction of Buildings B.E.2522

の概要について (メモ)

— 特に建築材料等の関連条項を中心にして —

Chapter 1. Definitions

- § 4. (24) "Fire resisting wall"
(36) "Fire resisting material"
(34) "Permanent material"
(38) "Cast iron"
(39) "Wrought iron"
(40) "Steel"
(41) "Reinforcement"
(42) "Ultimate Stress"
(43) "Tension"
(44) "Compression"
(45) "Shear"
(46) "Factor of Safety"
(47) "Load"

Chapter 2. Procedure of Permission

建築許可の手続き及び書式等の規定

Chapter 3. Site-Plans, Construction Drawings and Specifications

各図面が備えるべき内容についての規定

- § 14. Construction Drawings には材料の性質を明記する旨の規定がある。

§15. Permanent で fire resisting material で造られる建築物の Construction drawings には Calculation sheets が添付される。

§16. Specifications には主要建築材料の性質を明示する。

Chapter 4. Particulars of Buildings

§21. Kitchen の不燃規定

§22. 建築材料による階数制限

§23. 建築材料による最下階の床高

§24. 用途，階数による建築材料の制限

§25. 長屋の防火規定等（材料，壁厚，防火壁等）

Chapter 5. Members of Structure

居室の最低床面積，開口部面積，廊下幅員，天井高等の規定

§36. 最下階の床高と材料との関係

§38. 火気室，煙突の構造，材料等

§42. 階段室の建築材料

§43. リフト（エレベーター）の建築材料

§44. 屋根の建築材料

Chapter 6. Strength of Materials and Loads

§47. 構造強度の基本的考え方，本章で指定された強度を超えないこと，
あるいは，信頼ある専門家，機関でのテスト結果の証明が必要。

§48. 以下

各部材の単位強度，コンクリートのかぶり厚さ，Live Load，構造計算の考え方が示されている。 ※地震力がない

Chapter 7. Building Lines & Other Spaces

日本の建築基準法の集団規定にあたる

Chapter 8. Sanitation

雨水，汚水の排水規定等

Chapter 9. The Control of Building Construction

建築工事の際における施工管理規定

§95. 建築工事における建設材料の品質管理規定

Chapter 10. Fees for Examination of Construction Drawings and Issuing Permits

Transitory Provisions

資料-6 収集資料リスト

- | | | |
|-----|--|-----------|
| 1. | Thai Government Gazette in Thai-English (Town Planning Act, B.E.2518) | |
| | Organization Chart | DTCP |
| 2-1 | Muang Chiangmai General Plan, Changwat Chlangmai, | DTCP |
| 2 | General Plan of Nakhon Rachasima | DTCP |
| 3 | General Plan of Hat Yai, Changwat Songkhla | DTCP |
| 4 | General Plan of Songkhla, Changwat Songkhla | DTCP |
| 5 | General Plan of Nakhon Sawan | DTCP |
| 6 | General Plan of Khon Kaen | DTCP |
| 3 | 総合計画決定手続きの流れ | DTCP |
| 4 | 特定計画実施計画表 | DTCP |
| 5 | Feasibility Studies for Regional Cities Development, Final Report,
April 1983 | MOI, UNDP |

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| Section C | Khon Kaen |
| Section D | Nakhon Ratchasima |
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- Section E Integrated Area Improvement
- Section F Bus Terminal
- Section I Implementation and Finance

Volume 6 – Songkhla

- Section A General
- Section B Summary
- Section C Urban Background
- Section E Integrated Area Improvement
- Section F Fishing Port
- Section K Implementation and Finance

- 6 Project Document, Regional Cities Development Programme Phase II, UNDP.
7. Bangkok Metropolitan Regional Development Proposals:
Recommended Development Strategies and Investment Programmes for the Sixth Plan
(1987–1991)
Executive Summary
Joint NESDB/IBRD/USAID Metropolitan Planning Project – June, 1986

8. A Guide to Investment in the Northern Region Industrial Estate of Thailand
Industrial Estate Authority of Thailand

9. Incentives and Privileges for Industrial Operators in the Northern Region Industrial Estate
Industrial Estate Authority of Thailand

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