

2.3.3 IMPLEMENTATION AND INSTITUTIONAL ARRANGEMENTS

1. LAWS ON TOURISM DEVELOPMENT

In carrying out the master plan, apart from the need to have organizations for development administration and development resources, legal measure is one of the important tools to direct development to the desired course. At present, there are various enactments directly and indirectly affecting tourism development. Other than enacting a new law on tourism which involves lengthy process, other pertinent laws may be introduced. However, the understanding of their scope of authority and the information on the responsible agency are required to facilitate the coordination. These laws may be divided into 3 major categories: Fundamental laws on tourism development. Laws on tourism resorts development. Laws on tourism service development.

1.1 FUNDAMENTAL LAWS ON TOURISM DEVELOPMENT

In a country where tourism development plays a major role in economic system, the fundamental laws are necessary as tools to formulate policies, aims and measures in the administration of development. Realizing the importance, the Tourism Authority of Thailand Act B.E. 2522 (A.D. 1979) was enacted and published in the Royal Thai Government Gazette, Special Issue, Volume 36, Part 22, dated May 4, 1979. The earlier Royal Decree establishing the Tourism Promotion Organization was repealed. Section 5 thereof empowers the prime Minister to be in charge of the Act and to issue Ministerial Regulations for compliance with this Act. The Ministerial Regulations shall become effective after being published in the Royal Thai Government Gazette. In addition to Section 3, Section 8 and Section 9 are also of importance. Other Sections concern the formation of TAT's internal administration.

Under Section 8, TAT's objectives are as follows:

- 1) To promote tourism and tourism industry as well as Thai people's occupation in tourism industry.
- 2) To disseminate Thailand's natural Beauty, ancient routines, antiques, history, art and cultures, sports and technological evolution as well as other activities which may induce traveling and tourism.
- 3) To facilitate and provide security to tourists.
- 4) To promote better understanding and relationship between peoples and nations by means of tourism.
- 5) To initiate tourism development and to develop the infrastructure and facilities for tourists.

Section 9. TAT is empowered to act under the scope of objectives stipulated in Section 8. Its power shall include:

- 1) Giving advice, recommendation, cooperation and coordination to government agencies, state enterprises, institutions, juristic persons and private sector within the kingdom and in foreign countries.
- 2) Promoting, cooperating or carrying out training and providing education to create sufficient competent personnel for tourism industry.
- 3) Promotion of sight-seeing.
- 4) Survey and compilation of records from government agencies, organization, institutions, juristic persons and private business engaging in tourism industry activities for the benefit of the preparation of tourism industry statistics.
- 5) Exploration and prescription of tourist resorts and well as tourism resources as government reserved areas under TAT's authority by virtue of a Royal Decree.
- 6) Exploration, planning, operation, construction, promotion revival, restoration or development of tourist resorts as well as tourism resources and environment quality subject to the related laws.
- 7) Engaging in tourism industry as it becomes necessary including investing or participating in a joint venture to initiate tourism development or infrastructure development and development of tourism facilities.
- 8) Acquisition of loan within the kingdom or from foreign countries.
- 9) Lending with personal guarantee or with securities to promote tourism industry.
- 10) Issuing of bonds or other instruments for investment or joint venture in tourism industry as well as selling, renting, leasing, hire purchasing, borrowing, lending, taking on pledge, mortgage, assignment and taking on assignment or doing anything regarding properties within the kingdom and in the foreign countries and accepting any properties donated or contributed to it.
- 11) Engaging in any activities relating to or in connection with the carrying out of TAT's objectives.

It is apparent that TAT is empowered widely with regard to tourism especially under Sub-Section 11 of Section 9. Sub-Sections 5 and 6 of Section 9 focus on TAT's authority with regard to the development of tourism area by the issuance of a Royal Decree or subject to related laws while TAT's authority under other Sub-Sections are made effective by Ministerial Regulations.

1.2 LAWS ON DEVELOPMENT OF TOURIST RESORTS

Tourist resorts of Phuket, Phang Nga and Krabi comprise coastal resorts and islands, natural and sub-marine resorts as well as historical and cultural resorts. These resorts are located on land if not privately owned shall be deemed to be the property of the public under the authority of different agencies, for example, islands and untitled lands come under the Land Department. In the event the untitled lands contain ore deposits or timber forest, they will be under the Department of Mineral Resources or Forestry Department as the case may be. Furthermore, a parcel of land may be subject to several laws such as area within the National Forest Reservation may be subject to Wildlife Conservation and Games Restrictions. It should be noted that public properties are protected by specific laws. The problem of deforestation or illegal possession is not due to the lack of authorization but because of the enormous physical dimension of properties of which care could not be sufficiently exercised as well as the lack of co-ordination and mobilization on the part of responsible agencies for the efficient function. The relevant laws are:

- The Land Code
- State Properties Act B.E. 2518 (A.D. 1975)
- Minerals Act B.E. 2510 (A.D. 1967)
- Expropriation of Immovable Properties Act B.E. 2494 (A.D. 1951)
- Local Administrative Act B.E. 2475 (A.D. 1932)
- The Revolutionary Party Decree No. 295 on State Highways
- Forestry Act B.E. 2484 (A.D. 1941)
- National Forest Reservation Act B.E. 2507 (A.D. 1964)
- National Park Act B.E. 2504 (A.D. 1961)
- Wildlife Conservation and Protection Act B.E. 2503 (A.D. 1960)

With regard to privately owned lands, the private owners have no right to exploit their lands freely. Several laws were enacted to control the land exploitation in order to maintain the state properties such as ancient ruins, the maintenance of the public order and environment conservation. The relevant laws are:

- The Municipality Act B.E. 2496 (A.D. 1953)
- Sukhapibal Act B.E. 2495 (A.D. 1952)
- Provincial Administrative Organization Act B.E. 2498 (A.D. 2495)
- The Revolutionary Party Decree No. 326 Re: Tambon Administrative Organization
- Ancient Ruins, Antiques, Artifacts and National Museums Act B.E. 2504 (A.D. 1961)
- Building Control Act B.E. 2522 (A.D. 1979)
- City Planning Act B.E. 2518 (A.D. 1975)
- Public Health Act B.E. 2484 (A.D. 1941)
- City Cleanliness and Tidiness Act B.E. 2503 (A.D. 1960)
- Factory Act

1.3 LAWS RELATING TO TOURISM SERVICE DEVELOPMENT

Tourism services comprise land transportation, waterway transportation, accommodations and facilities, food, entertainments and recreation. There are less law relating to tourism service development than those on tourist resorts. The relevant laws are:

- Thai Vessel Act B.E. 2481 (A.D. 1938)
- Thai Water Navigation Act B.E. 2456 (A.D. 1913)
- Automobile Act B.E. 2522 (A.D. 1979)
- Land Traffic Act B.E. 2522 (A.D. 1979)
- Hotel Act B.E. 2478 (A.D. 1935)
- Place of Entertainment Act B.E. 2509 (A.D. 1966)
- Prevention of Dangers arising from the Performance of Entertainment B.E. 2465 (A.D. 1922)

