

Town Planning Act (No. 3)

B.E. 2535 (1992)

BHUMIBOL ADULYADEJ, REX;

Given on the 3 th February, B.E. 2535;

Being the 47 th Year of the Present Reign

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

Whereas it is expedient to amend the law on town 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 shall be cited as “Town Planning Act (No. 3), B.E. 2535 (1992)”

Section 2^[1]. This Act shall come into force from the day following the date of its publication in the Royal Government Gazette.

Section 3. The provision of Section 19 of the Town Planning Act, B.E. 2518 (1975) shall be nullified and shall be replaced with the followings:

Section 19. When the Department of Public Works and Town & Country Planning* intends to prepare a comprehensive plan of any area, the Department of Public Works and Town & Country Planning* shall notify the local officer of such area and such local officer shall give opinion to the Department of Public Works and Town & Country Planning*.

In preparation of any comprehensive plan, the Department of Public Works and Town & Country Planning* or the local officer, as the case may be, shall arrange for advertising in order to notify the public, then hold not less than one meeting in order to hear the public opinion from persons in the area for which the comprehensive plan is prepared. In such public hearing, the meeting may allow only representatives of the persons in such area to attend as deemed appropriate. The requirements, procedures and conditions for advertising, meeting, and hearing shall be prescribed by a Ministerial Regulation.

Section 4. The provision of Section 21 of the Town Planning Act, B.E. 2518 (1975) shall be nullified and shall be replaced with the followings:

^[1] Government Gazette, Vol. 109/Part 10/ Page 1/14th February B.E. 2535 (1992).

Section 21. When preparing a comprehensive plan is planned and formulated in an area of any province, the governor of such province shall appoint a Comprehensive Plan Advisory Committee in each area of such comprehensive plan, such committee shall consist of representatives of the local government agencies, representatives of the Department of Public Works and Town & Country Planning*, representatives of government agencies in such area and other persons as deemed appropriate. The member of such committee shall not be less than fifteen persons and shall not exceed twenty - one persons. Such committee shall have the duty to advise and give opinions regarding the comprehensive plan which the Department of Public Work and Town & Country Planning* or the local officer has prepared.

In case of preparing a comprehensive plan in an area which overlaps two provinces or more, the Town Planning Board shall have the power to appoint the Comprehensive Plan Advisory Committee.

The Minister shall stipulate rules on appointing and duty of such Comprehensive Plan Advisory Committee.

The provisions on the meeting in Chapter 1 shall apply to the meeting of the Comprehensive Plan Advisory Committee mutatis mutandis.

Section 5. The provision of Section 26 of the Town Planning Act, B.E. 2518 (1975) shall be nullified and shall be replaced with the followings:

Section 26 In enforcing a comprehensive plan Ministerial Regulation shall be promulgated and such.

The Ministerial Regulation under Paragraph one shall have matters as prescribed under Section 17 and shall be in force for a period not exceeding five years

During the enforcement period of the Ministerial Regulation under Paragraph one, if the Town Planning Office or the local officer deems appropriate, it may amend or revise the comprehensive plan so as to make it suitable to the changing circumstances or environment or for the public benefit. The provisions of Section 22, Section 23, Section 24 and Section 24 shall apply mutatis mutandis.

During the one-year period before the enforcement period of the Ministerial Regulation expires, the Town Planning Office or the local officer, as the case may be, shall observe whether there are changes to the circumstances or the environment of the enforcement of the comprehensive plan. If it considers that there is no material change, the Town Planning Office or the local officer, as the case may be, shall arrange for a meeting in order to receive the opinions of the people in the area of the enforcement of such comprehensive plan in accordance with Section 19 Paragraph two, and if no one objects, the Town Planning Office or the local officer, with the approval of the Town Planning Board, shall extend the enforcement period of the Ministerial Regulation for another five years. But in case where it considers that there is material change to the circumstances or the environment, the Town Planning Office or the local officer shall amend or revise such comprehensive plan as appropriate.

In case where can not amend the comprehensive plan within the enforcement period of the Ministerial Regulation under Paragraph one, the Town Planning Office or the local officer, with the approval of the Town Planning Board, may extend the enforcement period of the Ministerial Regulation under paragraph one not more than two times, the period of each extension not exceeding one year.

The extension of the enforcement period under paragraph five shall be done by a Ministerial Regulation.

Section 6. The provision of Section 29 of the Town Planning Act, B.E. 2518 (1975) shall be repealed and replaced with the followings:

Section 29 When a Minister Regulation enforcing a comprehensive plan has come into force in any area, if the local officer of such area considers it appropriate to prepare a specific plan or to request the Department of Public Works and Town & Country Planning* to prepare a specific plan, such specific plan shall conform to the comprehensive plan.

If there is no comprehensive plan being enforced in such area, the Minister may order the Department of Public Works and Town & Country Planning* or the local officer to prepare a specific plan.

In case where the local officer prepares a specific plan, the local officer shall submit the principle of the preparation of the specific plan to the Town Planning Board for approval. In so doing, the local officer may present or consult the Department of Public Works and Town & Country Planning* on matters in relation to a preparation of a specific plan.

Countersigned by:
Anand Panyarachun
Prime Minister

Remark :- Ratio legis for the publication of this Act: whereas it is expedient to introduce provisions allowing the local officer and the Department of Public Works and Town & Country Planning to revise and extend the duration of enforcement of a comprehensive plan and increase the number and the duties of the comprehensive plan advisory board, as well as amending provisions so as to allow the local officer to appropriately use its discretion in the planning and making of a specific plan so that the planning, making and revising of comprehensive plans are in accordance with the objectives of town planning in a manner that is extensive, swift and consistent with the changing circumstances and environment, which will further benefit town planning, the enactment of this Act is required.