

Town Planning Act (No. 4)
B.E. 2558 (2015)
BHUMIBOL ADULYADEJ, REX;
Given on the 25 th August, B.E. 2558;
Being the 70 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 as follows:

Section 1. This Act shall be cited as “Town Planning Act (No. 4), B.E. 2558 (2015)”

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

Section 3. Wording in the Town Planning Act, B.E. 2518 (1975), shall be amended from “local administrative organization” to “local administrative authority” at all points.

Section 4. The definition of “local officer” in section 4 of the Town Planning Act, B.E. 2518 (1975), shall be repealed and replaced by the followings:“

“local officer” means:

- (1) chief executive of the provincial administrative organization, for the area in the provincial administrative organization;
- (2) mayor, for the area in the municipal limits;
- (3) chief executive of the subdistrict administrative organization, for the area in the subdistrict administrative organization;
- (4) Governor of Bangkok Metropolitan, for the area in the Bangkok Metropolitan Administration;
- (5) Mayor of Pattaya City for the area in the Pattaya City Administration;
- (6) chief administrative or chief of executive council of other local administrative authority which is established by the law, for such local administrative authority.

Section 5. The definition of “local administrative organization” in section 4 of the Town Planning Act, B.E. 2518 (1975) shall be repealed and replaced by the followings:

^[1] Government Gazette, Vol. 132/Part 86/ Page 76/8th September B.E. 2558 (2015).

“local administrative authority” means provincial administrative organization, municipal, subdistrict administrative organization, Bangkok Metropolitan Administration, Pattaya City Administration and other local administrative authority which is established by the law.”

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

Section 6. There shall be a board called the “Town Planning Board” consisting of :

- (1) the Permanent Secretary for Interior as the Chairperson;
- (2) ex officio members consisting of the Permanent Secretary for Agriculture and Cooperatives, the Permanent Secretary for Natural Resources and Environment, the Permanent Secretary for Industry, the Secretary-General National Economic and Social Development Board, the Secretary-General Thailand Board of Investment and the Director of Bureau of the Budget;
- (3) expert members appointed by the Council of Ministers from persons with thorough knowledge and skill, expertise and experience in town planning, architecture, engineering, law, economics, environment, history or archaeology or social science, Such members shall not exceed nine persons, and at least one of such members shall possess the experience related to an instruction of town planning curriculum in the institution of higher education;
- (4) members from a representative of the Council of Engineer, a representative of Architect Council, a representative of the Federation of Thai Industries and a representative of Tourism Council of Thailand
- (5) members appointed by the Council of Ministers or representative of independent institution, independent entity and other persons involved in town planning. Such members shall not exceed 4 persons.

The Director - General of Department of Public Works and Town & Country Planning shall be a member and the secretary.

In case of the planning, formulation, amendment or approval of a comprehensive plan or a specific plan in the Bangkok Metropolitan Administration area the Permanent Secretary for the Bangkok Metropolitan Administration shall participate as a member or in the military security area, the Permanent Secretary for Defence shall participate as a member.

Section 7. The following provisions shall be added as Section 6/1 and Section 6/2 of the Town Planning Act, B.E. 2518 (1975):

Section 6/1. The qualified members and members from representative of independent institution, independent entity and other persons involved in town planning shall have the qualifications and shall not be under any of the prohibitions as follows:

- (1) being of Thai nationality;
- (2) being of not less than thirty-five years of age;
- (3) not being a bankrupt, incompetent or quasi-incompetent;
- (4) not having been sentenced by a final judgment to a term of imprisonment, except an offence committed through negligence or a petty offence.
- (5) not being a political position, member of local administrative council or local chief administrate, member of executive committee or executive position of political party, adviser or officer of political party.

Section 6/2. The members being representative of independent institution, independent entity and other persons involved in town planning shall not being government officials or local officials who have a permanent post or receive salary.

Section 8. The provisions of Section 9 and Section 10 of the Town Planning Act, B.E. 2518 (1975) shall be repealed and replaced with the followings:

Section 9. The qualified members and members being representative of independent institution, independent entity and other persons involved in town planning shall hold office for a term of three years.

In case where the qualified members and members being representative of independent institution, independent entity and other persons involved in town planning, vacate office before the expiration of the term of office or in case where a new member is appointed by the Council of Ministers while the appointed members remain in office, the appointee, who is fulfilling vacancy or being additional member as such, shall be in office for the remaining term of the appointed members.

At the end of the term of office under Paragraph one, if the new qualified members or members being representative of independent institution, independent entity and other persons involved in town planning have not been appointed, the members who vacate office shall remain in office to continue their duties until the newly appointed members have been appointed.

The expert member and representative member of independent institution, independent entity and other persons involved in town planning who vacates office at the expiration of term may be reappointed, provide that there shall not be more than two consecutive terms.

Section 10. In addition to vacating office at the expiration of the term, the qualified members and members being representative of independent institution, independent entity and other persons involved in town planning shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers on the grounds of neglect of duty, misconduct or lack of ability;
- (4) being disqualified or being under any of the prohibitions under Section 6/1 or Section 6/2.

Section 9. The provisions of Section 17 of the Town Planning Act, B.E. 2518 (1975) shall be nullified and shall be replaced with the followings:

Section 17. A comprehensive plan shall consist of:

- (1) the purpose for the planning and formulation of the comprehensive plan shall take into account the order, aesthetics, utilization of property, public safety and social welfare, economy, natural resources, preservation of a place of artistic, architectural, historical or archaeological value and provision of surrounding which are equally accessible and available to utilize for all;
- (2) a map indicating the zone of the comprehensive plan and information of landscape and altitude;
- (3) one or more plans indicating some or all of the following key contents:
 - (a) a land use plan according to the classification of land;
 - (b) open space plan;
 - (c) communication and transportation project plan;
 - (d) public utility project plan;
- (4) plan inventory;
- (5) prescription of action or prohibition of an act in order to execute the comprehensive plan in accordance with its purposes as follows:
 - (a) category and size of activities allowed or not allowed;
 - (b) category, type, size, height and characteristics of buildings allowed or not allowed;
 - (c) floor area ratio (FAR);
 - (d) building coverage ratio (BCR);
 - (e) open space ratio (OSR);
 - (f) setback from natural boundary, land lot, building or other places as necessary;
 - (g) total area of land parcel where construction is allowed;
 - (h) other necessary prescriptions as prescribed by the Minister, by the advice of the Town Planning Board.

In case the comprehensive plan does not contain any regulation under subsections (a), (b), (c), (d), (e), (f), (g) and (h), the approval of such comprehensive plan from Town Planning Board on reasonable ground is required.

(6) policy, measure and procedure to carrying out in ensuring the objectives of the plan are achieved.

Section 10. The provisions of Section 26 of the Town Planning Act, B.E. 2518 (1975) which was amended by the Town Planning Act (No. 3), B.E. 2535 (1992) shall be repealed and replaced with the followings:

Section 26. The enforcement of the comprehensive plan shall be done by a Ministerial Regulation and having the key content under Section 17.

The Department of Public Works and Town & Country Planning or the local officer, the as case maybe, shall prepare an evaluation report on circumstances and environmental changes in relation to the comprehensive plan being enforced within the period specified by the Town Planning Board but shall not exceed five years from the date of Ministerial Regulation enforcing such comprehensive plan came into force, or from the date the Town Planning Board has completed reviewing the previous education. Such report shall be submitted to the Town Planning Board for review. If the Town Planning Board considers that there is material change in the circumstances or the environment which reflect that such comprehensive plan is no longer suitable for developments or preservation of the town, or such comprehensive plan should be amended or changed for the benefit of town developments in view of economy, society and environment, the Department of Public Works and Town & Country Planning or the local officer shall make amend by preparing a new comprehensive plan which is more suitable.

The preparation of evaluation report under Paragraph two shall be in accordance with rules prescribed by the Town Planning Board. Such report shall indicate the fact regarding change of the land use, population density, government policy or project, situation of economy, society and environment, transportation, disaster protection, national security and other related factors in relation to town planning and shall also take public participation into consideration.

Section 11. The following provisions shall be added as Section 26/1 of the Town Planning Act, B.E. 2518 (1975):

Section 26/1 The amendment of the comprehensive plan in any area or any part thereof to make it suitable to the change in circumstances and environment or for the public benefit, the Department of Public Works and Town & Country Planning or the local officer, as the case may be, shall submit such amendment to the Town Planning Board for review. Upon approval by the Town Planning Board, the Department of Public Works and Town & Country Planning* or the local officer shall arrange for public relations to notify the public and relevant person, and shall arrange for public notification of the map indicating the boundary of the amended comprehensive plan with details of amendment in the prominent location of district office of the Bangkok Metropolitan Administration or district office or office of local administrative authority** and public place within the boundary of the such comprehensive plan for a period of no less than thirty days. Such public notification shall make known to stakeholders are to make comment in writing within the period of time as specified in the announcement.

In case where any stakeholder makes any comment on the amendment of such comprehensive plan within the period specified in the announcement per Paragraph one, the Department of Public Works and Town & Country Planning or the local officer, as the case may be, shall submit such stakeholder's comment along with the opinion of the Department of Public Works and Town & Country Planning or the local officer, as the case may be, to the Town Planning Board. In case where the comment is submitted by the local officer, it shall be proceeded through the Department of Public Works and Town & Country Planning.

Once Town Planning Board approves the comments made by such stakeholder , the Town Planning Board shall order the Department of Public Works and Town & Country Planning or the local officer, as the case may be, to amend the comprehensive plan in accordance with suchcomment. However, if the Town Planning Board does not approve the comment of such stakeholder, the Department of Public Works and Town & Country Planning shall submit the comprehensive plan to the Minister to promulgate the Ministerial Regulations amending the comprehensive plan.

When the period per Paragraph one has elapsed and no stakeholder makes any comment, the Department of Public Works and Town & Country Planning shall proceed in accordance with Paragraph three.

Section 12. The Town Planning Board which hold office prior to the date on which this Act comes into force shall continue to hold office until theTown Planning Board is newly appointed under the Town Planning Act, B.E. 2518 (1975) which was amended by this Act. However, it shall not exceed ninety days from the date of enforcement of this Act.

The calculation of the term of the Town Planning Board appointed by the Council of Ministers under the Town Planning Act, B.E. 2518 (1975) which was amended by this Act, shall be calculated the term under Paragraph one as the first term.

Section 13. The planning, making and amendment of comprehensive plan is still in the process of execution under the Town Planning Act, B.E. 2518 (1975) and the amendment Act prior to the date on which this Act comes into force, shall be deemed the planning, making and amendment of comprehensive plan under the Town Planning Act, B.E. 2518 (1975) which was amended by this Act.

Section 14. All Ministerial Regulation enforcing a comprehensive plan which was still in force prior to the date on which this Act comes into force shall continue to be in force until the Ministerial Regulation enforcing a comprehensive plan under the Town Planning Act, B.E. 2518 (1975) which was amended by this Act, is newly issued and comes into force.

The Department of Public Works and Town & Country Planning or the local officer, as case maybe, shall produce the evaluation of circumstances and environment change report related the enforcement of the Ministerial Regulation enforcing a comprehensive plan under Paragraph one within the period prescribed by the Town Planning Board but not more than five years of this Act came into force Section 26 of the Town Planning Act, B.E. 2518 (1975) which was amended by this Act shall apply *mutatis mutandis*.

The evaluation of circumstances and environmental change report produced under the Town Planning Act, B.E. 2518 (1975) and submitted to the Town Planning Board prior to the date on which this Act comes into force, shall be deemed the evaluation of circumstances and environmental change report under the Town Planning Act, B.E. 2518 (1975) which was amended by this Act.

Section 15. The Minister of Interior shall be in charge under of this Act.

Countersigned by:
Gen. Prayuth Chan-ocha
Prime Minister

Remark :- Ratio legis for the publication of this Act: whereas the provisions of the law on town planning which has still been in force, do not yet has sufficient measure to be in accordance with the objectives of town planning and the enforcement of the Ministerial Regulation enforcing a comprehensive plan can not be executed in continuously as the result of the planning and making of the comprehensive plan has so many procedures and details that can not execute the planning and making of the comprehensive plan before the expiration of the previous comprehensive plan, result in some utilization of land that is not in accordance with the objectives of town planning while the new Ministerial Regulation enforcing a comprehensive plan has still not been issued to be enforced. Furthermore, the law on determination of framework and procedure of decentralization to the local administrative authority has been enforced that by the provisions of such law, the local administrative authority also have power and duty regarding town planning. Thus, for effective and productive planning and making of comprehensive plans, it is expedient to lay down the law procedure which can advance the planning and making of the comprehensive plan to be in accordance with the objectives of town planning, as well as, to revise the Town Planning Board to be suitable, the enactment of this Act is required.