

## Town Planning Act

B.E. 2518 (1975)

BHUMIBOL ADULYADEJ, REX;

Given on the 5 th February, B.E. 2518;

Being the 30 th 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 shall be cited as “Town Planning Act, B.E. 2518 (1975)”

Section 2.<sup>[1]</sup> 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 The Town and Country Planning Act B.E. 2495 (1952) shall be repealed.

All other laws, rules and by-laws in so far as they have already been provided herein, or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

Section 4. In this Act:

“town planning” means planning, formulation and execution in accordance with the comprehensive plan and specific plan in town areas and concerned areas or country areas in order to create or develop a new town a part thereof or to replace a damaged town or a part thereof, to provide or improve hygienic conditions, convenience, order, aesthetics, utilization of property, public safety and social welfare; to promote the economy, the society and the surroundings; to preserve or restore places and objects of artistic, architectural, historical or archaeological use or value; or to maintain natural resources and landscapes of beauty or natural interest;

<sup>[1]</sup> Government Gazette, Vol. 92/Part 33/Special Issue, Page 8/13th Febuary B.E. 2518 (1975).

“comprehensive plan” means a plan, policy and project including a measure of general control, to be used as guideline for the development and preservation of town areas and concerned areas or rural area in field of use of property, communication and transportation, public utilities, public services and surroundings in order to achieve the objectives of town planning.

“specific plan” means a plan and project executed in order to develop or preserve a specific area or concerned operation in town areas and concerned areas or country areas, for the benefit of town planning.

“building” means a building under the law on building construction control, including all kinds of erections or any other objects placed upon, under or over the surface of land or water;

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

“open space” means an area of land of which a major part is specified in a comprehensive plan or a specific plan to be an open space and to be used in accordance with specified purposes;

“planning officer”, in case where the proclamation of the Royal Decree prescribing the sites to be surveyed for the planning, making or approval of a comprehensive plan and/or a specific plan, means the planning officer specified by such Royal Decree; in case where a comprehensive plan is enforced, means the Director of the City Planning Department or the local officer who plans and makes the comprehensive plan; in case where a specific plan is enforced, means the person who plans and makes the specific plan;

“local officer” in the municipal areas, means the Municipal Executive Board; in sanitary districts, means the Sanitary District Executive Board; in the areas of provincial administrative organization, means the Governor or the District Chief Officer who has been entrusted to act in place of the Governor; in the Bangkok Metropolitan Administration area, means the Governor of Bangkok or Administrative District Chief who has been entrusted to act in place of the Governor of Bangkok.

“operation officer” means the local officer, state organization or state corporation who has the powers and duties to or has been entrusted with powers and duties to execute such acts in accordance with a specific plan;

“local administrative organization” means provincial administrative organization, municipality, sanitary district or Bangkok Metropolitan Administration;

“Provincial governor” includes the Governor of Bangkok, in case of planning and making of a comprehensive plan or a specific plan in the Bangkok Metropolitan Administration area;

“Minister” means the Minister who is in charge under this Act.

Section 5. The Minister of Interior shall be in charge under this Act and shall have power to promulgate Ministerial Regulations for the execution of this Act.

Such Ministerial Regulation shall come into force upon its publication in the Royal Government Gazette.

## CHAPTER 1 Town Planning Board

Section 6. There shall be a Town Planning Board consisting of the Permanent Secretary for Interior as the Chairperson, Permanent Secretary for Agriculture and Cooperatives, Permanent Secretary for Transport, Permanent Secretary for Industry, Director of Bureau of the Budget, Secretary-General of National Economic and Social Development Board, not exceeding seven qualified persons on city planning or a field directly related to city planning and not exceeding seven person from representative of institution, independent entity and other persons involved in city planning as members, Director of the Town Planning Office shall be member and secretary.

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

The Council of Ministers shall appoint experts, representatives of institutions, independent entities and other persons as members under Paragraph one. The members appointed from representatives of institutions, independent entities and other persons shall not be government officials or local officials who have a permanent post or receive salary.

Section 7. The Town Planning Board shall have powers and duties relating to town planning as prescribed by this Act and shall have the duty to advise agencies whose duties concern town planning on matters relating to town planning.

Section 8. The Town Planning Board shall have the power to appoint one or more subcommittees in order to perform acts or deliberate on matters within powers and duties of the Board, or to assist in performing any act as entrusted and report to the Board. The provisions of Section 11 and Section 12 shall apply *mutatis mutandis*.

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

In case where a new member of the Town Planning Board is appointed while the appointed members remain in office, whether it is an appointment for the additional member or for the fulfillment of vacancy, the appointee shall be in office for the unexpired term of the appointed members.

The member who vacates office at the expiration of term may be reappointed.

Section 10. In addition to vacating office at the expiration of the term under Section 9, the members appointed by the Council of Ministers shall vacate office upon:

- (1) death;
- (2) resignation;
- (3) being dismissed by the Council of Ministers;
- (4) being a bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) being imprisoned due to a final judgment except for an offence committed through a petty offence or negligence.

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

If the Chairperson is not present at the meeting, the members who present in the meeting shall elect one among themselves to act as a chairperson in such meeting.

Section 12. A decision shall be made by a majority of votes.

In casting a vote, each member shall have one vote. In the case of equal of votes, the presiding member shall have an additional vote as the casting vote.

Section 13. The Town Planning Office\* shall comply with the resolutions of the Town Planning Board. In case where the matter falls within powers and duties of another agency or person under this Act or other laws, The Town Planning Office\* shall promptly notify such agency or person of the resolution of the Town Planning Board and monitor the execution of such agency or person, then report the results to the Town Planning Board without delay.

## CHAPTER 2

### Site Survey for the Planning and Formulation of a Comprehensive Plan or a Specific Plan

Section 14. For the purpose of planning and formulation of a comprehensive plan or a specific plan, a Royal Decree may be issued in order to prescribe the land area to be surveyed for the planning and formulation of a comprehensive plan or a specific plan.

such Royal Decree shall specify:

- (1) the purposes of the survey in the planning and formulation of a comprehensive plan or a specific plan;
- (2) the planning officer;
- (3) the locality to be surveyed with a map indicating the surveyed areas attached to of the Royal Decree;
- (4) the enforcement period of the Royal Decree which shall not exceed five years;

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

- (1) to enter and perform any action as may be necessary for the survey;
- (2) to demarcate the area intended to be in a comprehensive plan or specific plan boundary;
- (3) to prescribe rules for property utilization for the benefit of the planning and formulation of a comprehensive plan or a specific plan, provided that the approval from Town Planning Board has been granted;
- (4) to mark level, boundary and boundary line as necessary;
- (5) to notify government agencies, state corporations or state enterprises to submit maps or plans indicating the boundary lines for the benefit of the planning and formulation of a comprehensive plan or a specific plan as necessary;

however, he or she shall not enter any buildings, courtyards or enclosed garden adjoining dwelling house, except with consent from the owner or occupier of such immovable property, or when such owner or occupier has been notified of the act to be performed not less than three days prior to the beginning of such act.

Section 16. The Royal Decree issued under Section 14 shall cease to be in force either when a Minister Regulation enforcing a comprehensive plan or when the Act enforcing a specific plan has come into force, in the area specified in such Royal Decree.

## CHAPTER 3

### The Planning and Making of a Comprehensive Plan

Section 17. A comprehensive plan shall consist of:

- (1) the purposes for the planning and formulation of the comprehensive plan;
- (2) a map indicating the boundary of the comprehensive plan
- (3) one or more plans indicating some or all of the following key contents:
  - (a) a land use plan classified to land use category;
  - (b) open space plan ;
  - (c) transportation plan;
  - (d) public utility plan ;
- (4) plan inventory ;
- (5) policy, measures and procedures for the execution of the purposes of the comprehensive plan.

Section 18. where it is deemed appropriate to prepare a comprehensive plan in any area, the Town Planning Office\* may prepare a comprehensive plan of such area, or the local officer may prepare a comprehensive plan of the area within its jurisdiction. In case where the local officer prepares the comprehensive plan, the approval from the Town Planning Board is required.

If the boundary of a comprehensive plan consists of many local government organizations area, the Town Planning Board may order the Town Planning Office or the local officer of one area or of the relevant areas to jointly prepare a comprehensive plan and may share the expenses which each local government organization shall pay for its part.

In case where the local officer consults with the Town Planning Office in the preparing of a comprehensive plan, the Town Planning Office\* shall co-operate with the local officer as requested.

Section 19. When the Town Planning Office intends to prepare a comprehensive plan of any area, the Town Planning Office shall notify the local officer of such area and such local officer shall give opinion to the Town Planning Office.

In preparation of any comprehensive plan, the City Planning Department or the local officer, as the case may be, shall arrange for advertising in order to notify the public, then hold not less than two meetings 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 20. When a local officer has prepared a comprehensive plan, the local officer shall submit such comprehensive plan to the Town Planning Office\* for consideration. If the Town Planning Office\* considers that there should be amendments to the comprehensive plan, it shall notify the local officer with reasons. If such local officer disagrees with the opinion of the Town Planning Office\*. such local officer shall notify his reasons to Town Planning Office\* and the Town Planning Office shall execute in accordance with Section 22 without delay.

Section 21. When preparing a comprehensive plan is in an area of any province, the governor of such province shall appoint a Comprehensive Plan Advisory Committee, such committee shall consist of representatives of the local administrative organizations, representatives of the Town Planning Office\* representatives of government agencies in such area and other persons as deemed appropriate. The members of such shall not be less than ten persons and shall not exceed fifteen persons. Such committee shall have the duty to advise and give opinions regarding the comprehensive plan which the Town Planning Office\* 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 of and duty of 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 22. The Town Planning Office\* shall submit the Comprehensive plan prepared by the Town Planning Office\* or the local officer to the Town Planning Board for review. In case where the Town Planning Office\* considers that there should be amendments or change to a comprehensive plan prepared by the local officer but the local officer disagrees with such amendments or changes, the opinion of the Town Planning Office\* and the reasons of the local officer shall also be submitted."

Section 23. Upon Approval from the Town Planning Board, the Town Planning Office or the local officer prepared such comprehensive plan shall arrange for advertising of the map indicating the boundary of the comprehensive plan in order to notify the public in a prominent location at the district office or municipal district office of the Bangkok Metropolitan Administration or district office or office of local administrative organization and public place within the boundary of the such comprehensive plan for the time period of no less than sixty days and shall also declare the date of notification in such notification.

Such notification shall notify to stakeholders to inspect the plan and the regulation of such comprehensive plan at the Town Planning office\* or the office of local officer who prepared such comprehensive plan. The procedures of public notification shall comply with the Rules of the Ministry of Interior

Section 24. If, within sixty days from the date of notification under Section 23, any stakeholders makes an appeal in writing to the Town Planning Office\* or the local officer requesting for amendment, change or repeal of any regulation regarding the land use of such comprehensive plan, regardless of whether the Town Planning Office\* or the local officer agree with such appeal, the Town Planning Office\* or the local officer, as the case may be, shall submit such appeal with its opinion to the Town Planning Board. In case an appeal is submitted by the local officer, it shall be proceeded through the Town Planning office\*.

In case where the Town Planning Board agrees with the appeal, 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, change or repeal such regulation in the comprehensive plan. If it disagrees with the appeal, it shall dismiss such appeal.

Section 25. As the period of sixty days from the date of the notification under Section 23 has elapsed and no stakeholders make any appeal to amend, change or repeal the regulations regarding the land use of such comprehensive plan, or an appeal was made but the Town Planning Board has rejected such appeal, or the Town Planning Board has ordered relevant authority to amend, change or repeal such prescription and the Town Planning\* or the local officer, as the case maybe, has already complied with such order, the Town Planning Office\* shall submit the comprehensive plan to the Minister to promulgate the Ministerial Regulations enforcing the comprehensive plan.

#### CHAPTER 4 Enforcement of Comprehensive Plan

Section 26. In enforcing a comprehensive plan shall be executed via a Ministerial Regulation.

The Ministerial Regulation under Paragraph one shall contain the content as specified by Section 17 and shall be in force for a period not exceeding five years.

Section 27. In the area where a Ministerial Regulation enforcing the comprehensive plan has been in force, no person may utilize the land in a manner diverging from that prescribed in the comprehensive plan or perform any act in contravention of the prescription of such comprehensive plan.



The provisions under Paragraph one shall not apply to the case where the land owner or the land occupier has utilized the land prior to the promulgation of the Ministerial Regulation enforcing the comprehensive plan and will continue such land use after the ministerial Regulation enforcing the comprehensive plan is in force. However if the Town Planning Board regards that such land use is in contravention of the policy of the comprehensive plan in material matters concerning hygienic conditions, public safety and social welfare, the Town Planning Board has power to prescribe the requirements, procedures and conditions by which the land owner or the land occupier shall correct, change, or suspend such land use within a specific period as deemed appropriate. The prescription of such requirements, procedures and conditions shall consider the activities of the land use, land conditions and other property concerned with the land, investment, benefits or nuisance towards public people related to such activities. In addition, the Town Planning Board shall call upon the land owner or the land occupier to give facts and opinions.

When the requirements, procedures and conditions under Paragraph two have been prescribed, the Town Planning Board shall issue a notice to the land owner or the land occupier and the land owner or the land occupier has the right to appeal in accordance with Section 70.

## CHAPTER 5

### The Planning and Formulation of a Specific Plan

Section 28. A specific plan shall consist of:

- (1) the purpose for the planning and formulation of the specific plan;
- (2) a map indicating the boundary of the specific plan
- (3) one or more plans or site plans together with a prescription having some or all of the following key content:
  - (a) a land use plan designated land use in according to the classification of activities, with the boundary line dividing the land into types and zone;
  - (b) transportation plan with details indicating the boundary and size of public ways;
  - (c) a detailed plan on public utilities;
  - (d) open space plan;
  - (e) a plan indicating a topographic of land surface;
  - (f) a plan indicating the sites of places or objects of artistic, architectural, historical or archaeological benefits or values, and which preservation or restoration shall be promoted;
  - (g) a plan indicating areas of natural resources or natural aesthetic or valuable landscape, including a tree or groups of trees, shall be promoted or maintained;
- (4) inventory and explanation of the plans in (3), including the category and type of buildings of which the construction is allowed or not allowed;

(5) prescription regarding enforcement or prohibition of any act in order to execute the specific plan in accordance with some or all of its purposes as follows:

- (a) guideline and size of accessory land;
  - (b) category, type, size and number of buildings of which the construction is allowed or not allowed;
  - (c) category, type, size, number and characteristics of buildings which have deteriorated or which is in an unpleasant condition or may cause danger to residents or person who commute nearby , and subject to order of demolition or relocation by the Local Town Planning Executive Board under Section 55;
  - (d) Use of newly constructed or modified building, which does not comply with the use indicated in the construction permit, and which requires permission from the local officer;
  - (e) size and plot of the land which is to be permitted as construction site of a building for benefits indicated in the specific plan, including the area of land allocated as open space for such benefits;
  - (f) promotion, preservation or restoration of places or objects which have artistic, architectural, historical or archaeological benefits or values;
  - (g) preservation of open space;
  - (h) promotion or maintenance of a tree or groups of trees;
  - (i) demolition, relocation or modification of building;
  - (j) other acts as necessary for the execution per purposes of the specific plan;
- (6) details indicating other lands or immovable properties which are to be expropriated, including the list of their lawful owners or occupiers, with a map indicating land boundary or other immovable properties to be expropriated for the benefit of town planning, to be used as public road under Section 43 (1);
- (7) details indicating other lands or immovable properties which are to be expropriated, including the list of their lawful owners or occupiers, with a map indicating land boundary or other immovable properties to be expropriated for other benefits of town planning under Section 43 (2);
- (8) details and map indicating other lands or immovable property which are public domain or of which a ministry, bureau, department, province, local administrative authority or state corporation is the owner, occupier or caretaker, and which will be used as highway or for other benefits of town planning;
- (9) map, plan, or other details as necessary.

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 town Planning Office\* to plan and formulate 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 Town Planning Office\* 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 of the specific plan from the town Planning office on matters in relation to a preparation of a specific plan.

Section 30. In case where the local officer is preparing to prepare the specific plan under Section 29, the local officer arrange a public notification indicating the estimated boundary of the specific plan in a prominent location at the district office or the municipal district of the Bangkok Metropolitan Administration or the district office or the office of local administrative organization\*\* and in the public space within the boundary of such specific plan.

Section 31. In case where the Town Planning Office\* prepares a specific plan in accordance with an order of the Minister or a request of the local officer under Section 29, the Town Planning Office\* shall submit the map indicating the estimated boundary of the specific plan to the local officer for the public notification in an prominent location in accordance with section 30

Section 32. In the public notification of the estimated boundary where the specific plan is to be prepared under Section 30 and Section 31. There shall be public notification made to land owner, land occupier or person with right to construct building over another person's land to comment on and declare intention toward land development in the indicated boundary, such comment or intention shall be made in writting to the local officer\* ,as the case may be,within forty-five days from the date of the notification.

The local officer or the Town Planning Officer\* may notify the person submitting the comment or intention in writing under Paragraph one to substantiate such comment or intention.

Section 33. In the preparing of any specific plan, the Town Planning Officer\* or the local officer, as the case may be, shall arrange for advertisement in order to verify the public, then hold not less than two meetings in order to hear the publics opinion from persons in the area for which the specific plan is prepared. 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 advertisement, meeting, and hearing shall be prescribed by a Ministerial Regulation.

Section 34. If the land owner, the land occupier, or the person with right to construct building over another person's land intends to subdivide a land or construct a building for the benefit of education, public health, or public facilities in the boundary notified under Section 30 or 31, such person is to submit such intention in writing along with the details of such project to the local officer or the Town Planning Officer\* as the case may be.

Section 35. Upon receipt of such letter of intention under Section 32 or Section 34, the local officer or the Town Planning Office may approve or reject the proposal, or instruct the person intending to subdivide a land or construct a building, in writing, to amend the land subdivision or construction project to comply with the principle approved by the Town Planning Board under Section 29 within thirty days from the date the letter of intention was received. The land owner or the land occupier who disagrees with the rejection or the instruction to amend such proposal has the right to appeal under Section 70.

Section 36. When the local officer or the Department of Public Works and Town & Country Planning\* considers that the land subdivision and the type of the building to be constructed complies with the principle approved by the Town Planning Board under Section 29, the local officer or the Department of Public Works and Town & Country Planning\* may engage in a contract to subdivide the land or build the building with the person having intention under Section 34. In case where the contract party is the person with right to construct building over another person's land, the consent of the lawful land owner and the lawful land occupier must be obtained. The contract to be concluded with the local officer or the Department of Public Works and Town & Country Planning\* shall also consist of the site plan of the building and the design of the building to be constructed in detail.

A procedure to submit the plan under Paragraph one shall be in accordance with the Rules prescribed by the Ministry of Interior.

Section 37. The preparation of a specific plan shall be comply with the contract under Section 36 and shall take into account the construction permission of building within the period prescribed in the Royal Decree prescribing the land areas to be surveyed for the planning and formulation of a specific plan.

Section 38. In case where the local officer prepares a specific plan under Section 29, it shall submit the specific plan to the Town Planning Office for review. If the Town Planning office disapproves with the specific plan and the local officer is unable to amend such specific plan in accordance with the opinion of the Town Planning Office, the Town Planning Office shall submit such specific plan in the Town Planning Board for final decision.

Section 39. In case where the Town Planning Office\* prepares a specific plan in accordance with an order of the Minister or a request of the local officer under Section 29, it shall submit the specific plan to the local officer for review. If the local officer disagrees with the specific plan and the Town Planning Office consider that it is unable to amend such specific plan in accordance with the opinion of the local officer, the Town Planning Office shall submit it to the Town Planning Board for its final decision.

Section 40. When the Town Planning Board approves the specific plan prepared by the local officer or the Town Planning Office, the Town Planning Office shall submit the specific plan to the Minister in order to proceed with the enactment of the Act enforcing such specific plan.

## CHAPTER 6 Enforcement of Specific Plan

Section 41. The enforcement of a specific plan in any area shall be executed by the enactment of an Act. Unless the Act enforcing the specific plan provides otherwise, such Act shall be in force for a period of not exceeding five years.

Once the period under Paragraph one has expired, if the local officer or the Town Planning Office considers it appropriate to extend the enforcement period of the Act, it shall submit the opinion to the Town Planning Board in order to proceed with the enactment of an Act extending the enforcement period of the specific plan. The Act extending the enforcement period may amend and revise the specific plan so as to make it suitable to the changing circumstances or environment.

Section 42. During the enforcement period of the Act enforcing the specific plan in any area, if the local officer or the Town Planning Office considers that the circumstances or the environment in the boundary of the specific plan have changed and that it is appropriate to amend the prescription or details of the specific plan prescribed by the Act enforcing the specific plan accordingly, the local officer or the Town Planning Office shall submit the proposal to amend the specific plan to the Town Planning Board. If the Town Planning Board approves with the amendment and such amendment does not change the prescription and details regarding the expropriation of land or other immovable properties, or the regarding the demolition or relocation of a building, or does not cause the expropriation of land or other immovable properties or the demolition or relocation of new building, the Town Planning Board shall report to the Minister in order to issue the Ministerial Regulations amending the specific plan.

Section 43. Upon the publication of the Act enforcing the specific plan in any area, the land or other immovable properties owned or occupied by private person, and expropriation is prescribed by the Act enforcing the specific plan, if:

(1) it is to be used as highway, shall be deemed expropriated under the law on highways and the provisions of such law shall apply to the expropriation *mutatis mutandis*, except where the Act enforcing the specific plan specifically provides for;

(2) it is to be used for other benefits of town planning, shall be deemed expropriated under the law on immovable property expropriation and the provisions of such law shall apply to the expropriation *mutatis mutandis*, except where the Act enforcing the specific plan specifically provides for.

In both cases, the Director-General of the Town Planning Office or the provincial governor of the area indicated in the Act enforcing the specific plan shall be the expropriation officer, and the land lot or other immovable property to be expropriated in the map annexed to the Act enforcing the specific plan shall be deemed the expropriated land lot or other immovable property.

In case where the Act enforcing the specific plan comes into force within five years from the date of enforcement of the Royal Decree prescribing land areas to be surveyed under Section 14, unless compensation is otherwise prescribed by the Act enforcing the specific plan, the compensation to be paid to the owner or occupier under this Section shall be determined by the equitable price of the expropriated property at the date of enforcement of such Royal Decree.

In case the Act enforcing the specific plan comes into force without the issuance of such Royal Decree or comes in force after the period of five years from the date of enforcement of such Royal Decree has passed and compensation is not otherwise prescribed by the Act enforcing the specific plan, the compensation shall be determined by the equitable price of the expropriated property at the date of enforcement of the Act enforcing the specific plan.

In case of an expropriation of immovable property for the purpose of improvement in accordance with a specific plan, when the operation officer has carried out the improvement and intends to rent out or makes profit from such immovable property, it may do so but such act shall not result in the transfer of ownership of such immovable property.

The transfer of ownership of the expropriated immovable property for the purpose of such improvement may only be done by enactment of an Act.

Section 44. In case where it is necessary to take possession of the immovable property under Section 43 (1), the operation officer shall agree with the owner, occupier, or caretaker on the scheduled time of the taking of possession.

In case where it is necessary to take possession of the immovable property under Section 43 (2) and the Act enforcing the specific plan provides that the operation officer may take possession of the immovable property before the making of payment or paying of compensation under the law on immovable property expropriation, the provisions of Paragraph one shall apply mutatis mutandis but the scheduled date on which the operation officer or the person assigned by the operation officer shall take possession shall not be less than thirty days from the date of the issuance of the letter indicating intention to take possession on such immovable property.

In the case where the owner or occupier of the immovable property under Section 43 (2) cannot be found and it is not possible to serve a letter of intention to the owner or occupier, the date scheduled for the taking of possession shall not be less than thirty days from the date of the affixation of notification at the place of such immovable property.

When the scheduled time under Paragraph two or Paragraph three has passed, the operation officer or the person assigned by the operation officer shall have the power to take possession of such immovable property, notwithstanding that the compensation has not been paid.

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

- (1) details of any prescription under the Act enforcing the specific plan;
- (2) requirements and practice in order to execute the Act enforcing the specific plan

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

Section 46. The Ministerial Regulations issued under Section 45 shall apply in place of all regulations or municipal ordinances issued by virtue of the law on building construction control, the law on public health, the law on public cleanliness and orderliness, the law on cemetery and crematory control and other laws concerning the land use or immovable property which are still in force in the area of enforcement of the Act enforcing the specific plan, insofar as the Ministerial Regulations issued under Section 45 have already provided for, or insofar as it is contrary to or inconsistent with the Ministerial Regulations issued under Section 45.

Section 47. In the area in which the Act enforcing the specific plan is in force but the Royal Decree enforcing the law on building construction control has not yet been publicized, the Royal Decree enforcing the law on building construction control shall be deemed publicized in such specific plan boundary, including the surrounding area within one kilometer of the boundary line of the specific plan zone.

In the surrounding area within one kilometer of the boundary of the specific plan zone in which the law on building construction control is in force under Paragraph one, the local officer who has the authority to approve building construction, modification, expansion or reparation under the law on building construction control shall submit the principles to the Local Town Planning Executive Board for its review, and the provincial governor shall supervise the execution of such local officer to ensure its compliance with the principles determined by the Local Town Planning Executive Board.



Section 48. In the area in which the Act enforcing the specific plan is in force, no person shall utilize land, or modify or change immovable property in a manner diverging from the prescription of the Act enforcing the specific plan or of the Ministerial Regulations issued under Section 42 or Section 45.

Section 49. In case the boundary of the specific plan consists of areas of many local administrative authorities, the Minister may issue a Ministerial Regulation granting power to the local officer of one of the local administrative authorities to solely approve building construction, modification, extension or reparation. In this case, such local officer shall have power and duty to approve building construction, modification, extension or reparation throughout such specific plan boundary under the law on building construction control.

## CHAPTER 7

### The Local Town Planning Executive Board

Section 50. In any area which the Act enforcing the specific plan is in force, there shall be a Local Town Planning Executive Board consisting of the persons as follow :

(1) in the Bangkok Metropolitan Administration area, the Governor of Bangkok as the chairperson, a representative of the Ministry of Public Health, a representative of the Treasury Department, a representative of the Department of Public Prosecutor, a representative of the National Housing Authority, a representative of the Industrial Estate Authority of Thailand ,a representative of the Town Planning Office\*, Land Officer of Bangkok, Chief of Town Planning, Bangkok Division, not more than four experts on town planning or the fields directly related to town planning, and not more than four persons from representatives of institutions, independent entities, and other persons involved in town planning, appointed by the Minister as members;

(2) in the area of other provinces, the provincial Governor as the chairperson, the Chief of Provincial Revenue Office,the Senior Chief Physician, the Chief of Provincial Office of Town Planning\*, the Provincial Chief Public Prosecutor, the Provincial Chief Land Officer, not more than three experts on town planning or fields directly related to town planning, and not more than three persons from representatives of independent institutions or organizations and other persons involved in town planning, appointed by the Minister, as members.

In case where the execution is required in the area of any municipality or sanitary district, the Mayor of such municipality or the President of such sanitary district shall also be member and in case where the execution is required in the area outside the municipality or sanitary district, the District Chief Officer of such area shall also be member.

The members appointed from representatives of institutions, independent entities and other persons shall not be government officials or local officials who have a permanent post or receive salary.



The Chairperson of the Local Town Planning Executive Board shall appoint any member or person to be secretary.

Section 51. The Local Town Planning Executive Board have the following powers and duties:

- (1) to consider and issue orders in matters relating to the allocation of private land to be used as accessory land in accordance with a specific plan;
- (2) to approve the transfer of accessory land to become a public domain ;
- (3) to consider and issue orders in matters relating to demolition, relocation, modification of buildings which require to be demolishd, relocated or modified in accordance with a specific plan;
- (4) to consider and decide on appeals submitted to the Local Town Planning Executive Board;
- (5) to carry out other acts in accordance with powers and duties as prescribed by this Act.

Section 52 The members of the local Town Planning Executive Board appointed by the council of Ministers shall hold office for the term of two years.

In case where a new member of the Local Town Planning Executive Board is appointed while the appointed members remain in office, whether it is an appointment for the additional member or for the fulfillment of vacancy, the appointee, who will fulfil the vacancy shall be in office for the unexpired term of the appointed members.

The members of the Local Town Planning Executive Board who vacates office at the expiration of term may be reappointed.

Section 53. Section 10, Section 11, and Section 12 shall applied to the Local Town Planning Executive Board mutatis mutandis.

## CHAPTER 8

### Demolition, Relocation or Modification of Buildings

Section 54. In case where the Act enforcing the specific plan requires demolition, relocation or modification of any building, the operation officer shall prepare details indicating the demolition, relocation or modification of such building to the Local Town Planning Executive Board for consideration.

Section 55. The Local Town Planning Executive Board shall ensure that the reasons for and details indicating the demolition, relocation or modification of such building are in accordance with the specific plan. For this purpose, the Local Town Planning Executive Board may consult from the Department of Public Works and Town &Country Planning\* or order the operation officer to prepare a new set of details.

When the Local Town Planning Executive Board has considered and issued any order, the operation officer shall notify the relevant owner or occupier in writing within a period not less than sixty days before the date of the execution regarding the order of the Local Town Planning Executive Board and the execution of such order, and shall also submit the details indicating the demolition, relocation or modification of the building. The owner or occupier who disagrees with the order of the Board has the right to appeal under Section 70.

Section 56. If the building to be demolished, relocated, or modified is a public domain or public property under the possession or care of any government agency, the provincial Governor shall notify the relevant government agency in possession of such public domain or public property in writing and such government agency shall notify its consent or dissent in writing to the Local Town Planning Executive Board. If there is a dispute between the government agency and the Local Town Planning Executive Board, it shall be submitted to the Town Planning Board for its decision.

Section 57. In case where an individual who is the building owner has received the notification to demolish or relocate the building, has not exercised the right to appeal under Section 70, or has exercised the right to appeal but the Appellate Committee rejects such appeal, the building owner shall comply with the order of the operation officer or the appellate decision within the specified period of thirty days from the date acknowledging the order or the appellate decision.

If the building owner has not begun the demolition or relocation of the building, or has begun the demolition or relocation in part but it is certain that the demolition or relocation of the building will not be completed within the period specified in the order, the operation officer shall notify the building owner in writing. If such person still neglects to comply with the order within the period specified in the order, which shall not be less than fifteen days, without reasonable grounds, the operation officer shall have power to enter the land and demolish or relocate such building with expenses to be paid by the building owner. The expenses may be deducted from the remuneration under Section 59 which may be paid to such building owner. The operation officer shall be economical in its performance and the expenses charged to the building owner shall not exceed the remuneration under Section 59.

When the expenses has been calculated, the operation officer shall notify the building owner in writing. The building owner who disagrees with the calculation of the expenses shall have the right to appeal under Section 70.

Section 58. In case where an individual who is the building owner has received the notification to modify the building, has not begun the modification of the building, or has begun the modification in part but it is certain that the modification will not finished within the period specified in the order, the operation officer shall notify the building owner or occupier in writing. If such person still neglects to comply with the order within the period specified in the order, which shall not be less than fifteen days, without reasonable grounds, the operation officer shall proceed to report to the Local Town Planning Executive Board in order to revoke such modification order and issue an order to demolish or relocate the building, and Section 57 shall apply to the demolition or relocation order and the calculation of expenses for the building owner or occupier *mutatis mutandis*.

Section 59. When the Local Town Planning Executive Board has ordered the owner to demolish, relocate or modify building under Section 57 or Section 58, the operation officer with the approval of the Local Town Planning Executive Board, shall determine fair remuneration to be paid to the following persons:

(1) if it is a building which cannot be relocated, the remuneration shall be paid to the owner of the building which is still standing on the date of enforcement of the Act enforcing the specific plan;

(2) if it is a building or part of a building which can be demolished or relocated the remuneration shall be paid to the owner of the building which is already constructed on the date of enforcement of the Act enforcing the specific plan. Such remuneration shall only cover the costs of demolition, transportation and reconstruction of the building;

(3) the tenant of the land or building which shall be demolished or relocated, who has the rental contract in writing and registered with competent official which is enforceable under the Civil and Commercial Code and such evidence has been made before the date of enforcement of the Act enforcing the specific plan or made after such date with the permission of the local officer and such rental has not terminated on the date the local officer orders the demolition or relocation of the building. The remuneration of this rental shall only cover the actual losses suffered by the tenant as a result of having to vacate the land or building before the termination of the rental agreement;

(4) persons who have the rights under Section 1349 or Section 1352 of the Civil and Commercial Code and lose the right of way or the right to lay down water pipes, drainages, electrical wires or similar objects installed through the land on which the demolition or relocation of the building is required despite having already paid the remuneration for such rights to the landlord.

The operation officer shall notify the persons entitled to the remuneration, of the amount of remuneration in writing. The persons entitled to the remuneration who disagree with the amount of such remuneration have the right to appeal under Section 70.

Section 60. The operation officer shall provide suitable temporary accommodation for the persons under Section 59 (1), (2), or (3) to stay within necessary duration, which shall not be less than six months and not more than one year, provide that such persons are unable to arrange for their own accommodation. The prescription of remuneration under Section 59 may take into account the provision of temporary accommodation.

In case where it is deemed appropriate, the operation officer may allow extension of the duration of stay for not more than six months.

Section 61. In case where the operation officer shall provides land and/or building for such person under Section 60 to stay by way of hire-purchase or lease, and such person agrees to stay in the land and/or the building so provided, the operation officer shall set aside remuneration payable under Section 59 for the payment of the hire-purchase or lease. If it is a hire-purchase, the amount set aside shall be agreed upon by the operation officer and such person. If it is a lease, the operation officer shall set aside money for rent for a period of one year and six months. The remaining amount from the money set aside shall be paid to such person. In so doing, the operation officer shall notify such person of the amount of money set aside and the remaining amount in writing. Such person who disagrees has the right to appeal under Section 70.

In case where land is provided to such person for their own construction, the operation officer shall assist and facilitate the construction of building on the land provided.

Section 62. In case where the Local Town Planning Executive Board orders the allocation of land to be used as accessory land, the operation officer shall pay remuneration as determined by the Local Town Planning Executive Board to the owner or occupier of such land who shall lose certain rights on land use as a result of such land allocation or shall be subject to an obligation to act or not act in accordance with the requirements relating to such land allocation.

In the determination of remuneration under Paragraph one, the Local Town Planning Executive Board shall consider the extent of the rights which the land owner or occupier loses or which are restricted, or the obligations which require action or omission, including benefits which the land owner or occupier may receive from the use of the accessory land. However, the compensation shall not exceed the land price and for the benefit of the calculation of land price under this Section, the provisions of Section 64 concerning the equitable price of transfer shall apply mutatis mutandis.

The Local Town Planning Executive Board shall notify the prescription of remuneration to the land owner or occupier in writing. The land owner or occupier who disagrees has the right to appeal under Section 70.

Section 63. The land which is allocated to accessory land shall be exempt from local maintenance tax for the part so allocated.

Section 64. The owner of accessory land who wishes to transfer the accessory land to be public domain for value, if the Local Town Planning Executive Board considers that the accessory land has been mostly used for public benefits, such accessory land shall be accepted as public domain and the operation officer shall pay remuneration to the owner in accordance with the price prescribed by the Act enforcing the specific plan. In case where the price has not been prescribed, the remuneration shall be equal to the equitable price of the transferred land on the date of entry into force of the Royal Decree prescribing the land to be surveyed, regardless of whether such Royal Decree is still in force.

If there is no such Royal Decree or enforcement of an Act enforcing the specific plan after a period of five years from the date of entry into force of such Royal Decree and the Act enforcing the specific plan does not otherwise determine the remuneration, the remuneration shall be equal to the equitable price of the transferred land on the date of entry into force of the Act enforcing the specific plan.

The provisions of Paragraph one and Paragraph two shall not apply in case where the transfer occurs after the period of five years from the date of entry into force of the Act enforcing the specific plan. In this case, if the Act enforcing the specific plan does not otherwise determine the remuneration, the remuneration shall be as agreed, which shall not be lower than the equitable price of the land under Paragraph one or Paragraph two, as the case may be.

Section 65. In the calculation of remuneration under Section 64, if there has been construction of or arrangement for accessory land in accordance to the drawings and specifications approved by the local officer before the transfer, the operation officer shall pay remuneration for such construction or arrangement expenses to the owner in addition to the remuneration which may be paid for transfer, unless the operation officer pays for the expenses. the Local Town Planning Executive Board shall determine the additional remuneration which may be paid under this Section as appropriate, taking into account the benefits to the owner or occupier, public benefits, conditions of the object being constructed or arranged, or the object being built at the time of transfer.

Section 66. In case where the Local Town Planning Executive Board has determined the amount of the remuneration which may be paid or has paid the remuneration as determined to the land owner or occupier under Section 62, the remuneration which has been determined or paid shall be deducted from the remuneration for transfer under Section 64.

Section 67. In the allocation of land for accessory land, if it is necessary to construct or arrange so as to comply with the drawings and specification determined by the local officer or requested by the land owner or occupier, the operation officer may so construct or arrange if it considers it appropriate, with expenses to be paid by such land owner or occupier.

In the calculation of expenses under Paragraph one, if the construction or arrangement by the operation officer is only for the benefit of the land owner or occupier who have made such request, the expenses shall be calculated for the whole of such construction or arrangement. But if it is also for public benefits, the operation officer may pay for the expenses in whole or in part as appropriate and the land owner shall pay for the remaining expenses.

Section 68. For the execution in accordance with the specific plan, in case where it is necessary to use the land of any person within the area of not more than one kilometer from the boundary line of the specific plan boundary, the planning officer shall have power to arrange for the making or installing of water pipes, drainage channel, electrical wires, or similar objects on, below or above the ground of such person, providing that no building is situated on such ground, by notifying the concerned land owner or occupier in writing, together with the plan indicating the guideline on land use, in advance for not less than thirty days before the date of the execution.

In the execution under Paragraph one, the planning officer shall determine the equitable remuneration for the use of such land which shall be paid to the land owner or occupier, and shall notify the concerned land owner or occupier in writing without delay.

The land owner or occupier who disagrees with the execution under Paragraph one or with the determination of the remuneration under Paragraph two has the right to appeal under Section 70.

Section 69. Under normal circumstances, the local officer of the area in which the specific plan is in force shall be the operation officer, however, the Minister, by the advice of the Town Planning Board may appoint the state organization or state corporation which has power and duty or has been entrusted with the power and duty, to be the operation officer in such area.

## CHAPTER 9 Appeals

Section 70. A person who has the right to appeal may appeal within thirty days from the date of receiving in the order or the notification in the following cases:

- (1) the determination of requirements, procedures, and conditions of the land use under Section 27 Paragraph two;
- (2) the rejection or instruction relating to a project to subdivide a land or construct a building under Section 35;
- (3) the order to demolish, relocate or modify building under Section 55;
- (4) the calculation of expenses of the demolition or relocation of building under Section 57 Paragraph two or Section 58;
- (5) the determination of the remuneration under Section 59;
- (6) the setting aside of the remuneration under Section 61;
- (7) the determination of the remuneration under Section 62;
- (8) the arrangement for the implementation or installation of water pipes, ditches, electrical wires, or other similar objects under Section 68 Paragraph one and the determination of the amount of remuneration for the land use under Section 68 Paragraph two;

An appeal in cases (4) and (6) shall be submitted to the Local Town Planning Executive Board; those in cases (1), (2), (3), (5), (7) and (8) shall be submitted to the Appellate Committee.

When the Local Town Planning Executive Board or the Appellate Committee, as the case may be, has delivered a decision, if the appellant is not satisfied with the appeal decision, the appellant has the right to file the case to the Administrative Court within a period of one month from the date of knowledge of such decision. In case where the Administrative Court has not been established, the provisions of this Section shall not be enforced.

Section 71. There shall be an Appellate Committee consisting of the Minister as the Chairperson, the Director General of the Department of Attorney General, a qualified expert on town planning, an expert on law, an expert on economics, as members. The Chairperson shall appoint any member or person to be secretary.

The Council of Ministers shall appoint an expert to be member of the Appellate Committee. An member shall not concurrently be member of the Town Planning Board or of a sub-committee of the Town Planning Board.

Section 72. The Appellate Committee shall have power and duty to consider and decide on appeals submitted to the Appellate Committee.

Section 73. The Appellate Committee shall have power to appoint one sub-committee or more in order to perform acts within its powers or assist in the performance of any act as entrusted by the Committee, except deciding on appeals and Section 11 and Section 12 shall apply mutatis mutandis.

Section 74. The members appointed by Council of Ministers shall hold office for a term of two years, the member who vacates office at the expiration of term may be reappointed.

In case where a new member of the Appellate Committee is appointed while the appointed members remain in office, the appointee shall be in office for the unexpired term of the appointed members.

Section 75. Section 10, Section 11 and Section 12 shall apply to the the Appellate Committee mutatis mutandis.

Section 76. The requirements and procedures for submitting an appeal shall be prescribed by a Ministerial Regulation.

Section 77. During the appeal, the appellant, the owner or occupier of land or building, the person having possessory right over another person's land, the planning officer, the Local Town Planning Executive Board, the local officer, or the operation officer, as the case may be, shall not perform any act which is the cause of the appeal.

## CHAPTER 10 Miscellaneous

Section 78. In the execution in accordance with their duties, the local officer, the planning officer, the operation officer, and the member of the Local Town Planning Executive Board shall have power to summon relevant persons in writing to give explanations or submit other relevant documents, proofs, or other necessary objects to support the consideration in accordance with their duties.



Section 79. In the execution in accordance with their duties, the local officer, the planning officer, the operation officer, the member of the Local Town Planning Executive Board and the competent official of the local officer, the competent official of the planning officer, the competent official of the operation officer and the competent official of the member of the Local Town Planning Executive Board shall have power to enter a land or building in an area in which a Ministerial Regulation enforcing a comprehensive plan or an area in which an Act enforcing the specific plan is in force, between sunrise and sunset, in order to inquire into facts or request to see documents, evidences, or other relevant objects from the owner, occupier, or caretaker of such land or building, or to perform any act as necessary and refrain from causing any damage. If there is any damage arising from such act, the local officer, the planning officer, the operation officer and the member of the Local Town Planning Executive Board as the case may be, shall determine the compensation for damage and pay it to such injured person.

In case where it is necessary to carry out a survey, the owner, occupier or caretaker of land or building must be notified no less than seven days in advance of such survey.

In the execution in accordance with their duties, the local officer, the planning officer, the operation officer, the member of the Local Town Planning Executive Board and the competent official of the local officer, the competent official of the planning officer, the competent official of the operation officer and the competent official of the member of the Local Town Planning Executive Board shall present their identification card or the letter indicating their position to the relevant persons.

Section 80. For the benefit of the execution of this Act, the local officer, the planning officer, the operation officer, the member of the Local Town Planning Executive Board and the competent official of the local officer, the competent official of the planning officer, the competent official of the operation officer and the competent official of the member of the Local Town Planning Executive Board shall be the public official under the Criminal Code.

Section 81. The competent official who has been entrusted by the operation officer has power to enter into a land or building in an area in which an Act enforcing the specific plan is in force in order to inspect, repair, maintain, or clean water pipes, ditches, electrical wires or other similar objects, or to inspect the condition of open spaces, between sunrise and sunset.

In the execution in accordance with their duties, the competent official under Paragraph one shall present his identification card or the letter indicating his position, together with the letter by the operation officer entrusting such officer with the performance of such act to the relevant persons.

Section 82. The owner, occupier, or caretaker of land or building shall facilitate the local officer, the planning officer, the operation officer, the member of the Local Town Planning Executive Board and the competent official of local officer, the competent official of the planning officer, the competent official of the operation officer and the competent official of the member of the Local Town Planning Executive Board under this Act in the execution of their duties as appropriate.

## CHAPTER 11 Penalties

Section 83. Any person who violates or fails to comply with Section 27 or Section 48 shall be liable to imprisonment for a term of not exceeding six months or to a fine not exceeding ten thousand baht, or to both.

Upon request of the local officer, the court may order the offender to rectify the state of a previously modified immovable property in the manner consistent with requirements in a comprehensive plan or a specific plan within a specified period, or grant the local officer power to make any arrangement in order modify or rectify in accordance with such comprehensive plan or such specific plan and to charge the owner or occupier of the immovable property fairly for the actual paid expenses.

Section 84. Any person who:

(1) fails to give explanation or submit document, proof or relevant object in accordance with the summoning letter of the local officer, the planning officer or the member of the Local Town Planning Executive Board under Section 78, or refuses to give explanation or give a false statement;

(2) obstructs or fails to facilitate to the local officer, the planning officer, the operation officer, the member of the Local Town Planning Executive Board and the competent official of the local officer, the competent official of the planning officer, the competent official of the operation officer and the competent official of the member of the Local Town Planning Executive Board in the exercise of power under Section 15 or Section 82 or;

(3) violates an order to demolish or relocate building or an appellate decision under Section 57;

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

Countersigned by:  
Sanya Dhamasakti  
Prime Minister

Remark :- Ratio legis for the publication of this Act: Whereas the law on town and contry planning has been in force for over twenty years, as well as developments in agriculture, commerce and industries, and the increasing population in various areas, the measures and projects prescribed by the law are no longer suitable to the circumstances at present. Therefore, it is expedient to revise the law so as to make it consistent with the advancement in the field of town planning and with the local conditions.