

ORDER OF THE HEAD OF THE NATIONAL COUNCIL FOR PEACE AND ORDER

No. 6/2562

RE: THE PROMOTION AND DEVELOPMENT MEASURES FOR CERTAIN TYPES OF HOTEL BUSINESS

Due to the Government's policy in promoting occupations in the community to enhance liquidity, income distribution and jobs, while reducing local conflicts and legalising businesses to allow proper administration and State supervision, there have been individuals who provide accommodation for the general public in their premise or offer hotel service in tourist areas to seek incomes. There are more than 20,000 unauthorised establishments. This is partially due to incongruence with the land use regulations in accordance with the Ministerial Regulation on the enforcement of the General Town Plan, as specified by the law on town planning, and the regulations on hotel business operation. There are thousands of premises in more than 50 provinces of this kind and several other thousand still do not adhere to the law on building control. Thus, they should be given the opportunity for rectification within the specified time frame and conditions, as with previous cases that received leniency in a similar manner on other issues. This would bring these establishments into the system, reduce community conflicts, allow official supervision, raise the operation standards, and ensure the safety of life and property. Lodgers will be guaranteed fair and quality service and entrepreneurs will be able to reap benefits from their property, resulting in created jobs and incomes, while still conserving the environment and retaining the way of life and community well-being. Hence, there is a need to resolve such obstructions, which would bring about the benefits for the country's economy and tourism, as well as reducing social conflicts.

By virtue of the provisions of Section 265 of the Constitution of the Kingdom of Thailand and Section 44 of the Constitution of the Kingdom of Thailand (Interim) B.E. 2557 (2014), the Head of the National Council for Peace and Order, by the approval of the National Council for Peace and Order, hereby issues the Order as follows.

Clause 1 Starting from the date on which this order come into force until 18th August B.E. 2564 (2021), a hotel business that possesses the characteristics prescribed by Clause 3 of the Ministerial Regulation Prescribing Descriptions for Other Types of Buildings Used for Hotel Business Operation, B.E. 2559 (2016) shall be exempted from the enforcement of the Ministerial Regulation on General Town Plan as specified by the law on town planning and the Local Ordinance on the specification of areas prohibiting construction, modification, demolition, relocation, and building use or change of use issued by virtue of the provisions of Section 8 (10)

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of the Building Control Act, B.E. 2522 (1979) which is amended by the Building Control Act (No. 3), B.E. 2543 (2000), and Sections 9 and 10 of the Building Control Act, B.E. 2522 (1979) which is amended by the Building Control Act (No. 2), B.E. 2535 (1992), which specifies the expiration of enforcement upon the announcement of the enforcement of the Ministerial Regulation on the enforcement of the local General Town Planning that is in effect at the date of issue of this order.

Clause 2 In order to keep control of hotel business operation from deviating from the provisions of the law on hotel, the hotel business operator possessing the characteristics prescribed by Clause 3 of the Ministerial Regulation Prescribing Descriptions for Other Types of Buildings Used for Hotel Business Operation, B.E. 2559 (2016) who uses the premise for hotel business operation on the day before this Order comes into force and whose premise possesses the characteristics that violate the Regulation in any one of the following cases shall notify the local official regarding the violation and the fire safety system improvement in accordance with the requirements set forth in the Ministerial Regulation, Issue 47 (B.E. 2540 [1997]) issued in accordance with the Building Control Act, B.E. 2522 (1979), and install one handheld fire extinguisher per no more than 200 m² of area in the premise, spaced no more than 30 metres away apart with the minimum of 2 extinguishers on each floor, within 90 days after this Order comes into force, and the operator shall submit the documents or evidence for the inspection subject to the criteria, procedures and conditions set forth by the Minister of Interior:

(1) having operated hotel business without a license as stipulated in Section 15 (1) of the Hotel Act, B.E. 2547 (2004);

(2) having utilised the land in the manner other than specified in the General Town Plan or committed any activity that violates the General Town Plan's specifications as stipulated in Section 27 of the Town Planning Act, B.E. 2518 (1975);

(3) having modified the building without a permit or a notification receipt from the local official as stipulated in Section 21 of the Building Control Act, B.E. 2522 (1979), which is amended by the Building Control Act (No. 2), B.E. 2535 (1992);

(4) having used a controlled-use building without obtaining a certificate for building modification as stipulated in Section 32 of the Building Control Act, B.E. 2522 (1979), which is amended by the Building Control Act (No. 3), B.E. 2543 (2000);

(5) having changed the building use without obtaining a permit or a notification receipt from the local official as stipulated in Section 33 of the Building Control Act, B.E. 2522 (1979), which is amended by the Building Control Act (No. 2), B.E. 2535 (1992).

The hotel business operator who notifies the local official regarding the violation and the improvement in progress of the building as stipulated in Clause 1 shall be exempted from criminal punishment for violating hotel laws, town planning laws or building control laws depending on the cases, occurring prior to the date on which this Order comes into force until the date of receiving a letter of inspection result of the local official.

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Unofficial Translation*

Clause 3 Once notified as stipulated in Clause 2 and possessing documents or evidence proving the hotel business operator's status during the period before this Order comes into force, the local official shall inspect that the building's improvement is completed within 30 days after the notification is received.

In the event of encountering an adverse issue, the local official shall notify the hotel business operator to rectify the issue and report the result within 30 days after the notification is received. The local official shall inspect the result of the rectification within 15 days after being notified by the operator.

Clause 4 Once having proceeded as stipulated in Clause 3, the local official shall notify the inspection result to the hotel business operator and the official registrar as specified by the laws on hotel in the form of an official document for further procedures. The hotel business operator who has passed the inspection shall be permitted to operate the hotel business in the same manner as the proprietor or the possessor of the land which has previously utilised the land before the enforcement of the General Town Plan in that area according to the law on town planning, and they shall be exempted from criminal punishment as stipulated in Clause 2, which occurs prior to the date of receiving the inspection result from the local official.

Clause 5 For the benefits of local accommodation business, which would be favourable to the promotion of the country's tourism industry and strengthen the local community and generate incomes, in the case where the operator of hotel business or accommodation business that possess the characteristics prescribed in Clause 1 of the Ministerial Regulation Prescribing the Types and Criteria for Hotel Business Operation, B.E. 2551 (2008) fails to operate in accordance with the law due to the legal restriction on land utilisation other than stipulated in Clause 2, the agency that has the legal responsibility shall gather the facts, problems and solutions and present them to the Committee on National Land Policy to propose solutions to the cabinet. Such solutions shall take the plan and policy on the administration of land and land resources into main consideration.

Clause 6 This Order shall come into force as from the date of its publication in the Government Gazette.

Given on 12th Day of June B.E. 2562 (2019)

General Prayut Chan-o-cha

Head of the National Council for Peace and Order

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