

NOTIFICATION OF MINISTRY NATURAL RESOURCES AND ENVIRONMENT
RE: TERRITORY AND ENVIRONMENT PROTECTION MEASURE
FOR PHUKET PROVINCE
B.E. 2546 (A.D. 2003)

By virtue of Section 45 of Environment quality Promotion and Preservation Act B.E. 2535 (A.D. 1992), and that Act contains some provisions concerning limitation of human rights and liberties and which Sections 29, 35, 48, 50 and 51 of the Constitution of Kingdom of Thailand stipulates that an act may be implemented by adhering to the legislation, the Minister of Natural Resources and Environment, by consent of the National Environment Committee, and by approval of the Cabinet on 29th July 2003, regulates the territory and environment protection measure in Phuket Province as follows:

Clause 1. In this Notification

“Shore line” means a line being stipulated for measuring the distance under this notification, which the natural highest sea level shall be based on.

Clause 2. It is regulated that the "Building Control Territory", under the "Royal Decree permitting to apply Building Control Act B.E. 2522 (A.D. 1979) for Phuket Province B.E. 2534 (A.D. 1991)", shall be subject to the environment protection measure as set forth herein:

The territory in foregoing paragraph is divided into 8 zones as the maps attached hereto:

"Zone No. 1" means the precinct having a length of 50 meters measured from surrounding shore lines to the land in Phuket island and dependent islands except the precincts specified in Zone No. 5, Zone No. 6 and Zone No. 7.

"Zone No. 2" means the precinct having a length of 150 meters measured from the boundary of Zone No. 1 to the land except the precincts specified in Zone No. 5, Zone No. 6 and Zone No. 7.

"Zone No. 3" means the precinct that is announced to be the government center according to the resolution of the Cabinet and also the precinct that having a length of 200 meters measured from the boundary of Zone No. 2 to the land except the precincts specified in Zone No. 5, Zone No. 6 and Zone No. 7.

"Zone No. 4" means some following parts of Muang Phuket Municipality except the territories in Zone 1, Zone 2, Zone 3, Zone No. 5, Zone No. 6 and Zone No. 7.

(1) Work of arts environment or old building area:

North - Between parallel line 45 m. and center of Dibuk road, east side of Thepkasattri road, unknown south side channel, east side of Bang Yai channel and south side of new Dibuk road.

East - Joins east side of Montri road.

South - Joins north side of Phang Nga road, east side of Bang Yai channel, between parallel line 45 m. and center of Phang Nga road, between parallel line 45 m. and center of Yaowarat road, south side Rasada road, south side Ranong road, between parallel line 45 m. and center of Krabi road.

West - Right angle of Kabri road that adjoins west side Satoon road, south side Krabi road and west side Satoon road.

(2) High density area

All areas within the municipality areas except Zone 4 (1) and (3).

(3) Very high density area

North - Between parallel line 100 m. and center of Phang Nga road.

East - West side Surin road

South - North side Si Sena road, west side Veeraphong Hongyok road and south side Chana Charoen road.

West - West side Tilok Uthit 2 Road, Right angle of Phang Nga road that adjoins between south side Phang Nga road and west side Tilok Uthit 2 road

"Zone No. 5" means rural and agricultural areas according the ministerial regulation issued concerning city plan law and also the area having a radius of 100 meters from boundary of the following buildings or places except within the precinct in Zone No. 6 and No. 7:

- (1) Barrack column (Khok Chana Burma)
- (2) Phaya Vichit Songkram's House
- (3) Bangtao Masjid
- (4) Thao Thepkasattri's House
- (5) Wat Chalong
- (6) Wat Tha Rua

- (7) Wat Thepkrasattri
- (8) Wat Phra Thong
- (9) Wat Phra Nang Srang
- (10) Ko Ban Khian Mosque
- (11) Muang Thalang Wall (Bang Rong)
- (12) Thalang City Shrine (Pa Sak)
- (13) Thalang City Shrine (Muang Mai)

"Zone No. 6" means the precinct that is higher than the medium sea level from 40 to 80 meters.

"Zone No. 7" means the precinct that is higher than the medium sea level from 80 meters.

"Zone No. 8" means other precincts not mentioned in Zone 1-7.

Clause 3. For the territory stated in Clause 2, it is prohibited to erect the building or modify or change the purpose of the building utilization into the following purposes:

- (1) All kinds or all types of industrial factory that emits waste water more than 1,000 cubic meters per day (except condenser water) or having dreg quantity after treatment more than 20 kgs. per day; and industrial factory under the kind or type, size and additional requirement listed in Schedule 1 attached hereto; except for the factory that is build as replacement in the event the previous factory is damaged due to accident provided that such replacement is allowed for within the original territory only and the factory adjusts the overall waste quality.
- (2) Gas refill plant under the law concerning liquefied petroleum gas.
- (3) Slaughterhouse except for replacement.
- (4) Cemetery and crematorium under the law concerning cemetery and crematorium except for replacement.

Clause 4. For the territory stated in Clause 3 and under the provision in Clause 2, any land utilization for specific industry; and kinds of industry and warehouse specified in ministerial regulation concerning city plan law in regard to industrial factory, it is permitted to establish all kinds and all types of industrial factory. For the utilization of the land in other territories for industrial factory, it is allowed to establish only factory in Category 1 or industrial factory with the type, size and requirement as mentioned in Schedule 2 herein.

Clause 5. For the territory stated in Clause 2, livestock premise construction shall be within the following territories and criteria:

- (1) It is prohibited to build livestock premise within the Muang Phuket Municipality.
- (2) Areas outside (1), the livestock premise construction shall be according to the local ordinance.

The livestock premise in foregoing paragraph must be away from shore line not less than 1,000 meters in distance and must be away from public water resource or consumable water resource not less than 30 meters in distance. Such said livestock premise must contain filter tank and dung treatment and wastewater treatment. There must be controlling measure in emission of dregs, which must be according to the governmental standard.

Clause 6. Under the provision No. 3, No. 4 and No. 5, any construction or modification made to the land in Clause 2. must be under the following criteria.

- (1) Zone No. 1 is allowed to erect the building not exceeding 6 meters in height and having a distance from the shore line not less than 20 meters in length and must contain uncovered space not less than 75% of such applied parcel. Except the area regulated by the ministerial regulation concerning building control law which the building must not exceed 5 meters in height. Also except the industrial area regulated by the ministerial regulation concerning city plan law which the building must contain uncovered space not less than 40% of such applied parcel.
- (2) Zone No. 2 is allowed to erect the building not exceeding 12 meters in height and must contain:
 - a. Uncovered space not less than 30% of such parcel permitted for residential purpose.
 - b. Uncovered space not less than 10% of such parcel permitted for commercial or other purpose except the uncovered space of building being in the area regulated by ministerial regulation issued concerning building control law, which uncovered space must be at least 50% of the applied parcel.
- (3) Zone No. 3 is allowed to erect the building not exceeding 16 meters in height and must contain:
 - a. Uncovered space not less than 30% of such parcel permitted for residential purpose.

- b. Uncovered space not less than 10% of such parcel permitted for commercial or other purpose except the building and uncovered space of building being in the area of garbage disposal area of Muang Phuket Municipality, Phuket Province, which must be according to regulation prescribed by Muang Phuket Municipality.

(4) Zone No. 4

- a. Work of arts environment or old building zone is allowed to erect the building not higher than 12 meters and must contain uncovered space for at least 16% of the applied parcel for Sino-Portuguese style and subject to the style prescribed by the local council; or contain uncovered space for at least 30% of the applied parcel for other building style not mentioned above.
- b. High density area is allowed to erect the building not higher than 45 meters and having maximum ratio value of 4:1 (all facility areas : all buildings on land) and contain uncovered space for at least 30% of the applied parcel.
- c. Very high density area is allowed to erect the building not higher than 60 meters and having maximum ratio value of 5:1 (all facility areas : all buildings on land) and contain uncovered space for at least 30% of the applied parcel.

(5) Zone No. 5 is allowed to erect the building not higher than 6 meters except provided otherwise by the local council, however, such provision resolved by the local council must not be higher than 12 meters. Also contain uncovered space for at least 30% of the applied parcel.

(6) Zone No. 6 is allowed to erect the building not higher than 8 meters and must contain plants to cover at least 40% of the applied parcel except for the area that having gradient over 35% which is not allowed to erect or modify any building.

(7) Zone No. 7 is not allowed to build or modify any building.

(8) Zone No. 8 is allowed to erect building not higher than 23 meters and must contain uncovered space for at least 30% of applied parcel except:

- (a) The building and uncovered space that is located in the garbage disposal area of Muang Phuket Municipality shall be according to the ordinance of Muang Phuket Municipality.
- (b) The structure for used with telecommunications business which is the poles of transmitting/receiving the signals provided that such must be 60 meters from the public area.

For the height measurement of the building in Zone 1 - 6 and Zone 8, such measurement must be made from the ground level to the highest part of the building except for the building that having height more than 23 meters, such measurement must be made from the ground level to the roof deck. If the building that is higher than 23 meters consists gable or hip roof, the measurement must be made from the ground to the ceiling of the highest floor and shall be according to the following criteria:

- (a) in case of the flat ground or there is a landfill for adjust the ground to the same level of the road, the height of the building shall be measured from the adjusted level which means that such landfill does not exceed the road level.
- (b) in case there is an underground room which the level is minus, the height of the building shall be measured from the adjusted level as same as (a).
- (c) in case the land is a hill slope, the height of the building shall be measure vertically from the lowest point of the ground to the highest point of the building.

Clause 7. For the area in clause 2, it is prohibited to perform the following activities.

- (1) Stone mine
- (2) Transport dangerous object using belt; except the zone that is regulated to be the land for specific industry; and industries and warehouses regulated according to the ministerial regulation concerning city plan.
- (3) Fill, close or adjust area which makes public channel shallow or change direction.
- (4) Excavate, fill or change natural condition of spring area.
- (5) Fill the shore line except in case of governmental policy approved by the cabinet or it is necessary for the activity of government according to the resolution of the provincial committee and approved by the cabinet.
- (6) Permitted water encroachment except the building and encroachment under clause 4(1) to (7) of the Ministerial Regulation, Volume 63 (B.E. 2537) issued by virtue of the Navigation in Thai Waters Act B.E. 2546.

- (7) Dispose of pollution into water resource or sea except being treated according to the government standard.
- (8) Collection or destruction of corals, coral remains or coral stones or any acts that may cause hazard, destruction or damage to corals, coral remains or coral stones.
- (9) Catch or possess fancy fish under Schedule 3 attached hereof except possession for breeding which such must also be registered with the Fisheries Department.
- (10) Dig gravel, stone, soil, laterite or sand for commercial purpose on the area higher than the medium sea level over 80 meters or having average gradient more than 35%.
- (11) Shrimp or aquatic animal farm for commercial purpose except:
 - (a) Operate the business prior to this notification is in force and being register with the Fisheries Department and adhere to the regulation, condition and measure of the Fisheries Department.
 - (b) The activity of the authority for publicizing and improving the shrimp breeding including the subsequent activities of the Fisheries Department.
- (12) Setting up of following signboard or structure for signboard, except signboard or structure for signboard for official use:
 - (a) Signboard or structure for signboard over public ground of over 1 square metre or with weight including structure exceeding 10 kilograms.
 - (b) Signboard or structure for signboard over private ground with offset from public ground in the horizontal direction over land and in the air under twice the vertical height of the signboard
 - (c) Signboard or structure for signboard over private or public grounds that obstruct or may obstruct visibility or scenery over highway or public path and adjoining areas or presenting risk of danger to persons or properties of other persons.
 - (d) Signboard or structure for signboard over private or public grounds with elevation above sea level of 40 metres and over, or on ground of more than 35 percent slope.

All acts or activities stipulated in the first paragraph that were permitted by laws in existence prior to the enforcement of this Announcement may continue until expiry of the permitted time period.

Clause 8. Government agency, state enterprise or private sector that constructs the building or operate the project or business, in the zone stated in Clause 2, submits initial

environmental impact report or environmental impact analysis, as the case may be, to Office of National Policy and Environment according to the policy, method and regulation set forth in Section 46 of Environment Quality Promotion and Preservation Act B.E. 2535 as follows:

- (1) For the construction of following building or operation of following project or business as follows, initial environmental impact reports must be provided:
 - (a) Power generating plant.
 - (b) Steam generating plant for distribution.
 - (c) Hotel or resort that having 10 to 79 rooms.
 - (d) Residential building under the law concerning building control that having 10 to 79 rooms.
 - (e) Medical center under the law concerning medical center that having beds for overnight patient from 10 to 29 beds.
 - (f) Excavate or dredge gravel, stone, soil, laterite or shore sand for commercial purpose more than 1.5 m. from original level in the area that having average gradient not more than 35%.
 - (g) Real estate activities for residential and commercial purposes from 11 to 99 land plots, or of total area not exceeding 19 Rai.
 - (h) Berth for all types of boats of 10 to 100 gross tons.
 - (i) Reservoir or dam with storage volume more than 160,000 cubic meters but not exceeding 100,000,000 cubic meters.
 - (j) Highway or public road on ground of more than 25 percent slope and with unbroken distance of between 500 to 1,500 meters.
 - (k) Plant for treatment of collected waste with treatment capacity for waste water not exceeding 3,000 cubic meters per day or site used for disposal of garbage not exceeding 50 tons per day, but not including plant to treat collected waste especially garbage or disposed items under the laws of factory.
- (2) For the construction of following building or operation of following project or business as follows, environmental impact analysis must be provided:
 - (a) Construction of building or operation of project or business like mentioned in (1), and having size more than mentioned in (1) except (a), (b) and (f)
 - (b) High rise building or extra large-scale building under law concerning building control.
 - (c) Power generation plant.
 - (d) Mining

Any Modification or change purpose of utilization to become the building under (1) and (2), first paragraph must apply.

Clause 9. The persons authorized for building control, operations or any activities within Zones stipulated in Clause 2, are to implement and enforce according to the environmental protection measures stipulated in this Announcement.

Clause 10. For Zones stipulated in Clause 2 any laws that establish any specific measure for environmental protection with standard not lower than that of the environmental protection measure, or with any measure that is better than the measures to protect the environment under this Announcement, such measures under the said environmental protection laws shall apply.

Clause 11. Buildings already in existence in Zones stipulated in Clause 2 on or prior to the date this Announcement comes into effect are to be exempted from the requirements under this Announcement, but it is prohibited to modify the building or alter the use of the building to become building of the type or class subject to prohibition stipulated in Clause 3, Clause 4 and Clause 5.

Clause 12. Buildings for which permits or applications for construction, modification or alteration in building use under the laws on building control; or with permit granted under specific laws on such activities prior to the date this Announcement comes into effect, and are still under construction, modification or alteration of use, are to be exempted from the requirements under this Announcement but the permits or applications may not be altered to become contradictory to this Announcement.

Clause 13. This Announcement is to come into effect for five years from the next day after its announcement in the Royal Gazette.

Announced on 30th September 2003

Mr. Prapat Panyachartrak

Minister of Natural Resources and Environment