

NOTIFICATION OF MINISTRY OF SCIENCE, TECHNOLOGY AND ENVIRONMENT

RE: TERRITORY AND ENVIRONMENT PROTECTION MEASURE FOR PHUKET PROVINCE B.E. 2540 (1997)

Translation

By virtue of Section 45 of Environment Quality Promotion and Preservation Act B.E. 2535 (1992), the Minister of Science, Technology and Environment, by consent of the National Environment Committee, and by approval of the Cabinet dated 2nd September 1997, regulates the territory and environment protection measure in Phuket Province as follows:

Clause 1

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

Clause 2

For the territory stated in Clause 1, 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 3

For the territory stated in Clause 1 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 4

For the territory stated in Clause 1 and under the provision in Clause 2 and Clause 3, livestock premise construction shall be within the following territory and criteria:

- (1) It is prohibited to build livestock premise within the following territories: Muang Phuket Municipality, Patong Sub-district Municipality, Karon Municipality and Kamala Sub-district Administration Organization.
- (2) It is allowed to build livestock premise within Cherng Talay Municipality provided that all levels in one premise or in several premises must not more than 100 square meters.
- (3) It is allowed to build livestock premise outside territories (1) and (2) provided that all levels in one premise or in several premises must not more than 400 square meters.

The livestock premise in foregoing paragraph must be away from coastal area 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 waste water treatment. There must be control measure in emission of dreg which must be according to the governmental standard.

Clause 5

The territory in Clause 1 is regulated as Zone No. 1, Zone No. 2, Zone No. 3, Zone No. 4, Zone No. 5, Zone No. 6, Zone No. 7 and Zone No. 8, which is according to the map on page No. 1 and No. 2 attached hereto, as follows:

"Zone No. 1" means the precinct having a length of 50 meters measured from surrounding coastal areas 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 parts of Phuket Municipality as follows:

(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 of channel, east side Bang Yai canal and south side of new Dibuk road.

East - Join east side of Montri road.

South - Join 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 of Rasada road, south side of Ranong road, between parallel line 45 m. and center of Krabi road.

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

(2) High density area

North - South side of Krabi road, Right angle of Kabri road that adjoins west side of Satoon road, south side of Krabi road, between parallel line 45 m. and center of Krabi road, between parallel line 45 m. and center of Yaowarat road, south side of Ranong road, south side of Rasada road, between parallel line 45 m. and center of Yaowarat road, between parallel line 45 m. and center of Phang Nga road, east side of Bang Yai Channel, north side Phang Nga road, west side of Montri road and south side of Luang Pho road.

East - West side of Surin road, between parallel line 100 m. and center of Phang Nga road, Right angle of Phang Nga road that adjoins between south side Phang Nga road and west side Tilok Uthit 2 road, west side of Tilok Uthit 2 road and Surin traffic circle.

South - North side of Ong Sim Phai road, north side of Kra road, north side of Phoon Phol road and north side of Bangkok road.

West - East side of Pathiphat road.

(3) Very high Density area

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

East - West side of Surin road

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

West - West side of Tilok Uthit 2 road, Right angle of Phang Nga road that adjoins between south side of Phang Nga road and west side of 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 Thepkrasattri'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 zone that is higher than the medium sea level from 40 to 80 meters.

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

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

Clause 6

Under the provision No. 2, No. 3 and No. 4, any construction or modification made to the land in Clause 5. 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 coastal area 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 Chino-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 1:3 (V:H) 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 the building and uncovered space that is located in the garbage disposal area of Muang Phuket Municipality.

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 top of the highest floor.

Clause 7

For the area in clause 1, 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 coastal area.
- (6) Dispose of pollution into water resource or sea except being treated according to the government standard.
- (7) Collect or damage reefs.
- (8) Catch fancy fish.
- (9) Possess fancy fish being caught from Zone No. 1
- (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 gradient not more than 1:3 (V:H) or gradient more than 35%.
- (11) Shrimp or aquatic animal farm for commercial purpose.

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 1, 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 form 10 to 29 bed.
 - (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 1:3 (V:H) or gradient not more than 35%.
- (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), except (f), and having size more than mentioned in (1).
 - (b) High rise building or extra large building under law concerning building control.
 - (c) Waste treatment plant that having treatment capacity for waste water from 3,000 cubic meters per day or garbage from 50 tons per day.
 - (d) Power generation plant.
 - (e) Mining

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

Clause 9

The relevant authorized official concerning building control or business operation control in territory mentioned in Clause 1 must comply with the Environment Protection Measure provided herein.

Clause 10

This notification shall be valid for 5 years from 1st October 1997.

Announced on 30th September 1997

Yingphan Manasikhan

Minister of Science, Technology and Environment

Published in Royal Gazette, Book No. 114, Special Part No. 88D dated 1st October 1997

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