

**Royal Decree on Principle and procedure for Good Public Governance,
B.E. 2546 (2003)**

Translation

BHUMIBHOL ADULYADEJ, REX.

Given on the 9th Day of October B.E. 2546;

Being the 58th Year of the Present Reign

His Majesty King Bhumibhol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to lay down the principle and procedure for good public governance;

By virtue of Section 221 of the Constitution of the Kingdom of Thailand in conjunction with Section 3/1 and Section 71/10 (5) of the State Administration Act, B.E. 2534 (1991) as amended by the State Administration Act (No. 5), B.E. 2545 (2002), the King hereby issues the Royal Decree as follows:

Section 1

This Royal Decree is called the "Royal Decree on Principle and procedure for Good Public Governance, B.E. 2546 (2003)".

Section 2

This Royal Decree shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

In implementing this Royal Decree, the Council of Ministers shall, by advice of the Public Sector Development Commission, determine as to whether which matter shall be implemented by which government agency during which period and under which condition.

Section 4

In this Royal Decree:

"Government agency" means the government agency under the law on improvement of ministry, sub-ministry and department and other State agency under supervision of the Executive, but not including the local government organization;

"State enterprise" means the State enterprise established by the Act of Parliament or by the Royal Decree;

"Public servant" includes officer, employee or other person who works for the government agency.

Section 5

The Prime Minister shall have charge and control for the execution of this Royal Decree.

CHAPTER I

Good Public Governance

Section 6

The good public governance is the public administration to meet the following targets:

- (1) public welfare;
- (2) efficient result of the mission of the State;

- (3) effectiveness and worth of the mission of the State;
- (4) no unnecessary steps of work;
- (5) mission of the government agency shall always be adjusted for the compliance with existing circumstance;
- (6) convenience shall be provided for public and public requirement shall be responded;
- (7) performance of public administration shall always be evaluated.

CHAPTER II

Public Administration for Public Welfare

Section 7

The public administration for public welfare means the public administration with a view to enhance public welfare and good living conditions and public order and safety as well as to maximize national profit.

Section 8

In carrying out public administration for public welfare, the government agency shall deem public as center to be serviced and shall act in compliance with the following instructions:

- (1) mission of the State and the government agency shall be determined in compliance with the objective as prescribed in Section 7, policy of the State and policy of the Council of Ministers as stated to the National Assembly;
- (2) mission of the government agency shall be carried out in good faith and shall be reviewable with a view to public welfare, both national and local level;
- (3) prior to the commencement of any mission, the government agency shall organize the making of impact analysis of such mission in all aspect and shall determine transparent steps of work and scrutiny measure for each steps of work. If the carrying out of any mission may affect public, the government agency shall consult with, or provide information to, public in order to make them known of public benefit which may be derived from that mission;
- (4) there shall be duty of public servant to gather comment and pleasure of public and individual whose service is provided so as to improve or recommend the superior to improve the administrative procedure as appropriate;
- (5) if there is any problem or obstacle during the mission, the government agency shall solve such problem or obstacle without delay. If such problem or obstacle caused by other government agencies or any regulation issued by other government agencies, the government agency shall inform, without delay, those government agencies to acknowledge and solve the problem or obstacle. In this case, the government agency shall also inform the Public Sector Development Commission for acknowledgement.

The government agency shall, for the compliance with the instructions under paragraph one, determine suitable work practice for each mission. In this regards, the Public Sector Development Commission may determine general guideline to be implemented by the government agency for the compliance with the provision of this Section.

CHAPTER III

Public Administration for the Efficient Result of the Mission of the State

Section 9

In carrying out public administration for the efficient result of the mission of the State, the government agency shall:

- (1) prior to the carrying out of each mission, make the public administration plan thereof in advance;
- (2) determine details of its public administration plan under (1).
The details to be determined shall consist of the steps of work, implementation period and budget for each step of work, objective and result of the mission and indicator for the success of the mission;
- (3) monitor and evaluate the performance of the public administration plan under the principle and procedure determined by such government agency which shall be compatible to the standard as determined by the Public Sector Development Commission;
- (4) redress or relieve the impact or improve the public administration plan as appropriate if the carrying out of the mission or the public administration plan has affected public.

Section 10

If any mission relates to many government agencies or closes to, or is conjunction with, other missions, all related government agencies shall determine their practices in public administration with a view to integrate their public administration altogether for the efficient result of the mission of the State.

The government agency shall have the duty to support the *Changwat* Governor or the Head of Thailand delegation abroad, as the case may be, in the carrying out of their duties so as to enhance their capability in enforcing the law as necessary to their public administration and to enhance the efficiency of their public administration.

Section 11

In order to enable the administration of the government agency to be in compliance with the public administration for the efficient result of the mission of the State, the government agency shall have the duty to develop knowledge base within its agency regularly so as to make itself as the knowledge base agency. In this regards, the government agency shall analyze all received information in order to produce analytical knowledge which is necessary to its practical use in its public administration correctly, rapidly and suitably for any circumstance. The government agency shall also promote and develop knowledge and capability of, and create vision and alter attitude of, its public servants so as to be efficient and co-learning personnel.

Section 12

The Public Sector Development Commission may, for the public administration for the efficient result of the mission of the State, propose the Council of Ministers to determine the public administration surveillance measure by making of written arrangement or by other means which states the public administration responsibility.

Section 13

The Council of Ministers shall make the State Administration Plan during its term of office.

After the policy of the Council of Ministers has been stated to the National Assembly, the Office of the Secretariat of the Council of Ministers, the Office of the Secretariat of the Prime Minister, the Office of the National Economic and Social Development Board and the Budget Bureau shall jointly make and propose the State Administration Plan to the Council of Ministers for consideration within ninety days as from the date the policy of the Council of Ministers has been stated to the National Assembly.

After the State Administration Plan has been approved by the Council of Ministers under paragraph one, the Council of Ministers, Minister, and government agency shall be bound to undertake the mission specified therein.

Section 14

The State Administration Plan under Section 13 shall be four years plan. In the making of such plan, the policy of the Council of Ministers stated to the National Assembly shall be taken into consideration with respect to the Policy of the State under the provisions of the Constitution of the Kingdom of Thailand and other national development plan related in all aspect. The State Administration Plan shall at least compose of such matter as the determination of objective and result of work, the government agency or person to be responsible for each mission, estimated income and expenditure, resource to be used, implementation period, and surveillance and evaluation measure.

Section 15

After the announcement of the State Administration Plan, the Office of the Council of State and the Office of the Secretariat of the Prime Minister shall jointly make the Legislation Plan having detail of law to be newly enacted, revised or repealed for the achievement of the State Administration Plan, the responsible government agency and implementation period.

After the Legislation Plan as proposed by the Office of the Council of State and the Office of the Secretariat of the Prime Minister has been approved by the Council of Ministers, all related government agency shall be bound to comply therewith.

The Office of the Council of State may, if it thinks fit, propose the rule on the making of the Legislation Plan to the Council of Minister for approval so as to establish co-operation in the making such plan.

Section 16

The government agency shall make its public administration plan as the four years plan and such plan shall be in accordance with the State Administration Plan under Section 13.

In each fiscal year, the government agency shall make and propose its annual public administration plan to the Minister for approval. Such plan shall compose of the public administration policy of such government agency, target and result of work, estimated income and expenditure and resource to be used.

If the annual public administration plan has been approved by the Minister under paragraph two, the Budget Bureau shall allocate budget for each mission in an adequate amount for the achievement thereof.

If the government agency fails to propose any mission in the public administration plan or any mission has not been approved by the Minister, the Budget Bureau shall not allocate budget for such mission.

At the expiration of each fiscal year, the government agency shall propose a report on the result of the annual public administration plan to the Council of Ministers.

Section 17

In the case where the law on budgetary procedure requires the government agency to submit the public administration plan together with its request for annual budget, the Budget Bureau and the Public Sector Development Commission shall, so as to lessen workload of the government agency in the making of such plan, jointly determine guideline for the making of the public administration plan under Section 16 which shall also be applied to the making of the public administration plan under the law on budgetary procedure.

Section 18

In the case where the annual budget of the government agency has been allocated in accordance with its public administration plan, the transfer of budget allocated for the mission as specified in the public administration plan so as to be paid for other undertakings which may deter the achievement of such mission, or for the mission which has not been specified therein, shall be made if the adjustment of the public administration plan in response thereto has been approved by the Council of Ministers.

The adjustment of the public administration plan under paragraph one shall be made only when the carrying out of any specified undertaking or mission is unable to reach its objective or such undertaking or mission is no longer necessarily or is not beneficial or the carrying out of such undertaking or mission may cause unnecessary expense, or there is unavoidable reason to adjust the subject matter of the public administration plan.

After the adjustment of the public administration plan has been approved by the Council of Ministers, the State Administration Plan shall also be adjusted for the compliance therewith.

Section 19

When the Prime Minister vacates office, the head of the government agency shall report the performance of public administration of the government agency and other required data to the new Prime Minister as requested.

Such data shall be considered by the new Prime Minister in determining suitable State administration policy.

CHAPTER IV

Public Administration for the Effectiveness and the Worth of the Mission of the State

Section 20

The government agency shall, for the effective performance of its public administration, determine target, action plan, completion date of work or project and budget to be used for each work or project and shall also make such information known to its public servant and public.

Section 21

The government agency shall make cost accounting of each category of public service to be provided in compliance with principle and procedure determined by the Comptroller General's Department.

The government agency shall calculate the expenditure for providing each public service under its responsibility within the period of time as determined by the Comptroller General's Department and shall report such calculation to the Budget Bureau, the Comptroller General's Department and the Public Sector Development Commission for acknowledgement.

In the case where the expenditure for providing any public service of any government agency is higher than that of the other which provide the same or similar category and quality public service, such government agency shall propose the plan to reduce the expenditure for such public service to the Budget Bureau, the Comptroller General's Department and the Public Sector Development Commission for acknowledgement. If no objection is given within fifteen days, such government agency shall carry out the proposed plan.

Section 22

The Office of National Economic and Social Development Board and the Budget Bureau shall jointly evaluate the worth of the mission of the State carried out by the government agency and shall, within the period determined by the Council of Ministers, report the evaluation to the Council of Ministers in order to be guideline for considering as to whether which mission shall be continued or dissolved and for the making of budget request of the government agency for the next fiscal year.

In the worth evaluation under paragraph one, the category and conditions of each mission, feasibility of the mission or project, benefit to the State and public at large and expenditure to be paid before and after the implementation thereof shall be taken into consideration.

The worth under this Section shall include social benefit or harm and other benefit or harm which can not be calculated in term of money.

Section 23

The government agency shall carry out its procurement transparently and fair. In this regards, social benefit or harm, burden to public, quality, purpose of use, price and long-term benefit of the government agency shall be taken into its consideration.

If the purpose of use requires considering the quality and maintenance of the object under procurement as essential element, the procurement shall be made irrespective of the lowest price.

The government agency having charge and duty for the execution of the procurement regulation shall review the procurement regulation regularly in order to enhance the government agency to act in compliance with paragraph one and paragraph two effectively.

Section 24

In carrying out any mission, if it is necessary for the government agency to acquire a permission, approval or consent from another government agency under the law, rule, regulation, ordinance, notification or resolution of the Council of Ministers, the government agency having charge and duty in giving such permission, approval or consent shall inform its decision to the government agency applying the application within fifteen days as from the date of its receiving of the application.

If the law, rule, regulation, ordinance, notification or resolution of the Council of Ministers prescribes or determines the steps of work to be done and the completion of those steps of work takes more than fifteen days, the government agency having charge and duty in giving such permission, approval or consent shall make such period known to other government agencies.

In the case where the government agency having charge and duty in giving such permission, approval or consent fails to comply with paragraph one or paragraph two and any damage incurred therefrom, it shall be deemed that the responsible public servant and the head of such government agency are seriously negligent, provided that they can prove that the cause of delay is not their fault.

Section 25

In considering any problem, there shall be duty of the government agency responsible for such problem to make a decision thereon without delay. The establishment of a committee so as to consider such problem shall be made if there is unavoidably necessary.

In considering any matter by the committee, the government agency having its representative in such committee shall be bound by the resolution of the committee even though its representative is not presence at the meeting. If the resolution is unanimous, opinion of the minority shall be recorded.

The binding effect under paragraph two shall not apply to the decision on the point of law.

Section 26

An official order shall be made in writing. If it is unable to make a written order, the superior may make the order orally. In this case, the subordinate shall record such oral order in writing and shall, after such order has been implemented, make and submit a report thereon to the person who makes such order for acknowledgement. Such report shall refer to an oral order.

CHAPTER V

Lessening Unnecessary Steps of Work

Section 27

The government agency shall delegate the decisive power related to the making of order, granting permission, giving approval, doing public administration or other undertakings of a person holding any office to a person who is responsible directly to the carrying out such matter so as to accelerate the public administration and to lessen unnecessary steps of work. In this regards, such delegation of power shall be made with a view to provide convenient and rapid service to public.

When the decisive power has been delegated under paragraph one, the government agency shall determine rule for controlling, monitoring and supervising the exercise of power and the accountability of the proxy and the person who delegates power. Such rule shall not create unnecessary steps of work or screening system. If the use of the information technology or telecommunication system may lessen steps of work, enhance effectiveness or save cost and may not damage the official work, the government agency shall enable the public servant to use appropriate information technology or telecommunication system which suit to its budget.

When the decisive power has been delegated under paragraph one or the information technology or telecommunication system has been used under paragraph two, the government agency shall make it known to public.

Section 28

For the purpose of delegation of decisive power under Section 27, the Public Sector Development Commission may, with approval of the Council of Ministers, determine principle and procedure or guideline on the delegation of decisive power, accountability between the person who delegates power and the proxy and the lessening steps of work to be complied by the government agency.

Section 29

Each government agency shall, in doing work related to public service or inter-government agencies coordination, make workflow chart stating all steps of work and their completion period as well as other related details of each step of work and shall disclose such workflow chart at the office of the government agency and in its information network for an examination of public or related person.

Section 30

In each Ministry, there shall be duty of the Permanent Secretary to organize all units under such Ministry which provide service to public altogether to establish the cooperative service center so as to facilitate public to act in compliance with law or other rules. For this purpose, public shall be enable to contact official at the cooperative service center for information, permission or approval on any matter under power and duty of all units under the same Ministry.

Section 31

There shall be the official in the cooperative service center under Section 30 so as to receive all requests and proceed them to the responsible unit for further implementation. In this regards, information and documents related to the power and duty of all units under the Ministry, including all related forms, shall be prepared at the cooperative service center so as to provide to public.

There shall be duty of the related unit to print out detail of document and evidence to be submitted by public together with a request for any approval or permission and send such document and evidence to the official of the cooperative service center. The official of the cooperative service center shall have duty to inform public, at first contact, as to whether the submitted document and evidence are complete and shall also inform completion period of such implementation.

Any request or application submitted to the cooperative service center under Section 30 shall be deemed that it is submitted to all related government agencies as prescribed by law or rule.

In an implementation under paragraph one, if there is a problem or obstacle in carrying out the public administration in accordance with the principle and procedure as prescribed by any law or rule, the related unit shall inform the Public Sector Development Commission in order to propose the Council of Ministers to improve the principle and procedure as prescribed by law or rule.

Section 32

The Changwat Governor, Nai Amphur and Palad Amphur acting as Chief of King Amphur shall organize all government agencies providing the same or inter-related public service in such Changwat, Amphoe or King Amphur to establish the cooperative service center at the Central Office of Changwat, Office of Amphur or Office of King Amphur or the other places as appropriate and shall make it known to public. For this purpose, the provisions of Section 30 and Section 31 shall be applied *mutatis mutandis*.

CHAPTER VI

Adjusting Mission of the Government Agency

Section 33

The government agency shall, with regards to the State Administration Plan, policy of the Council of Ministers, national budget status, the worth of the mission and other related circumstances, make a review on its mission as to whether which mission is necessary or should be continued.

The review period under paragraph one shall be determined by the Public Sector Development Commission.

If the government agency considers that any mission should be repealed, adjusted or altered, the government agency shall adjust its power and duty, organizational structure and personnel number to be in compliance therewith and propose the Council of Ministers for approval.

In the case where the Public Sector Development Commission considers that any mission of any government agency should be adjusted, repealed or added, it shall propose the Council of Ministers for consideration. If such proposal has been approved by the Council of Ministers, such government agency shall proceed the adjustment of the mission, power and duty, organizational structure and personnel number to be in compliance therewith.

Section 34

In the case where the government agency is dissolved or transferred or annexed, whether wholly or partly, to another government agency, the establishment of the new government agency having same or similar mission or power and duty to such government agency is prohibited; provided that the State Administration Plan has been adjusted and there is necessary for maintaining national security or economy or public interest. In this case, the approval of the Public Sector Development Commission has to be given.

Section 35

The government agency shall make a survey, examine and review laws, rules, regulations, ordinance and notification under its responsibility for the purpose of repealing or adjusting the existing laws, rules, regulations, ordinance and notification or proposing to have the new one which is modernize and suitable for the existing circumstance or compliant to national necessity in economy, society and security. In this case, the government agency shall pay attention to the providing of convenient and rapid public service as well as the reduction of burden to public.

In exercising the duty under paragraph one, the government agency shall take comment or recommendation of public into its consideration.

Section 36

If the Office of the Council of State is of opinion whether any law, rule, regulation, ordinance or notification under responsibility of any government agency is not comply with, or suitable to, the existing situation, unable to facilitate national development, impedes the carrying out of business or living conditions of public or creates unnecessary burden or complication to public, the Office of the Council of State shall recommend such government agency to proceed, without delay, an amendment, revision or repeal thereto.

If the government agency does not agree with the recommendation of the Office of the Council of State, it shall propose this matter to the Council of Ministers for consideration.

CHAPTER VII

Providing Convenience and Responding Public Requirement

Section 37

Each government agency shall, in doing work related to public service or inter-government agencies coordination, determine the completion period of each work and make it known to public and public servant. If the government agency fails to determine the completion period of any work; but the Public Sector Development Commission is of opinion that the completion period of such work could be determined, or the completion period of such work has been determined by the government agency; but the Public Sector Development Commission is of opinion that it is longer than expected period for such work, the Public Sector Development Commission may determine the completion period of such work to be complied with by such government agency.

There shall be the duty of the superior to control the subordinate to finish the work on time under paragraph one.

Section 38

After receiving written question from people or other government agencies related to any work under its responsibility, the government agency shall have duty to response such question or give information on the reaction thereto within fifteen days or within the period as prescribed in Section 37.

Section 39

The government agency shall establish its information network system so as to facilitate public in making contact therewith or asking for information or stating comment related to the public administration of such government agency.

The information network system under paragraph one shall be compatible to the system established by the Ministry of Information Technology and Communication under Section 40.

Section 40

In order to enhance public convenience in, and to accelerate the speed of, contacting with all government agencies, the Ministry of Information Technology and Communication shall establish central information network system.

The government agency which is unable to establish its own information network system may request the Ministry of Information Technology and Communication to establish its information network system. In this case, the Ministry of Information Technology and Communication may ask for personnel, financial and data support from the government agency which make a request.

Section 41

If the government agency receives a complaint, suggestion or comment, together with sufficient data and substance from any person, which relates to its administrative

procedure, obstacle, complication or other problems, there shall be duty of such government agency to act in response of those complaint, suggestion or comment. If the residence of the person who made a complaint, suggestion or comment is known, the government agency shall inform its reaction in response thereof to that person. In this case, such information may also be made by through the information network system of the government agency.

If the result of the reaction is informed by through the information network system, name or address of the person who made a complaint, suggestion or comment shall not be disclosed.

Section 42

In order to enhance effective and rapid public administration, the government agency having power to enact rule, regulation, ordinance or notification to be complied with by other government agencies shall have duty to review such rule, regulation, ordinance or notification as to whether it is the cause of obstacle or complication, overlap or delay in public administration of other government agencies. If such finding appears, the government agency shall make a revision thereto without delay.

If there is a complaint or suggestion from a public servant or other government agencies in any matter, the government agency which enacts the rule, regulation, ordinance or notification shall take such complaint or suggestion into its consideration promptly. If it is of opinion that such complaint or suggestion base upon misunderstanding in the rule, regulation, ordinance or notification, it shall make a clarification to a person who makes a complaint or suggestion within fifteen days.

A complaint or suggestion under paragraph two may be made by through the Public Sector Development Commission.

In the case where the Public Sector Development Commission is of opinion that any rule, regulation, ordinance or notification having a characteristic under paragraph one, it shall inform, without delay, the government agency which enacts such rule, regulation, ordinance or notification to make an amendment or repeal thereof.

Section 43

The performance of any public administration shall be disclosed. The public administration may be classified as confidential if there is intense necessity to maintain national security, national economic stability, public order or to protect personal right. In this case, the public administration may be imposed in confidence as necessary.

Section 44

The government agency shall disclose information related to its annual budgetary appropriation, details on its procurement to be done in such fiscal year and any approved procurement contract and shall enable public to check or examine that information at the office of such government agency and on its information network system. The disclosure of such information shall not be made if it may cause advantage, disadvantage or damage to any person related to such procurement.

The procurement contract shall not have a clause or agreement that prohibit the disclosure of any clause or agreement thereof, provided that such data is subjected to law, rule, regulation or ordinance related to the protection of the national security or trade secret.

CHAPTER VIII

Evaluation of the Performance of Public Administration

Section 45

Apart from the evaluation under Section 9 (3), the government agency shall establish, under the principle, procedure and period as determined by the Public Sector Development

Commission, an independent evaluation committee in order to evaluate the performance of public administration of the government agency related to the result of the mission, quality of service, pleasure of public as customer, and worth of the mission.

Section 46

The government agency may evaluate the performance of each level of the superior or its unit. Such evaluation shall be made confidentially with a view to the unification of public servant.

Section 47

In an evaluation of the performance of public servant for the purpose of personnel administration, the government agency shall consider the performance of each public servant while he or she is in the responsible position and benefit and result in which the unit such public servant is attached has received from his or her performance.

Section 48

In the case where service provided by any government agency meets the quality requirement, achieve the determined target and pleasure to public, the Public Sector Development Commission shall propose the Council of Ministers to allocate extra budget as bonus for such government agency or allow the government agency to spend its unpaid budget so as to be paid for improving its performance of public administration or allocated as bonus to its public servant under the principle and procedure as determined by the Public Sector Development Commission with consent of the Council of Ministers.

Section 49

In the case where the performance of public administration of any government agency meets the determined target or produces additional output and result without paying the extra budget and it is worth for the mission of the State, or the government agency achieves the plan to lessen expenditure per item under the principle determined by the Public Sector Development Commission, the Public Sector Development Commission shall propose the Council of Ministers to allocate extra budget as efficient bonus for such government agency or allow the government agency to spend its unpaid budget so as to be paid for improving its performance of public administration or allocated as bonus to its public servant under the principle and procedure as determined by the Public Sector Development Commission with consent of the Council of Ministers.

CHAPTER IX Miscellaneous

Section 50

Otherwise prescribed by this Royal Decree, the Public Sector Development Commission may, with a view to enhance the effectiveness of, and the worth for the mission to, the public administration and with approval of the Council of Ministers, determine any act to be complied by the government agency, including the addition to the measure as prescribed in Section 48 and Section 49.

Section 51

In the case where this Royal Decree requires the government agency to make a work plan for any matter and other laws also requires the government agency to make a work plan thereon, wholly or partly, if the work plan has been made under such law, it shall be deemed that such government agency has made the work plan under this Royal Decree.

Section 52

The local government organization shall lay down the principle for good public administration in accordance with this Royal Decree. Such principle shall, at least, consist

of the principle on lessening steps of work and on facilitating and responding public requirement which comply with the provisions of Chapter V and Chapter VII.

There shall be duty of the Ministry of Interior to supervise and support the local government organization in laying down the principle under paragraph one.

Section 53

The public autonomy authority and State enterprise shall lay down the principle for good public administration in accordance with this Royal Decree.

In the case where the Public Sector Development Commission is of opinion that any public autonomy authority and State enterprise fails to lay down the principle under paragraph one, or the laid down principle is not comply with this Royal Decree, it shall inform the Minister having charge and control for the execution of such public autonomy authority or State enterprise to order such public autonomy authority and State enterprise to make a correction.

Countersigned by

Pol. Lt. Col. Taksin Shinawatra

Prime Minister

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