

Ministerial Regulation

No. 15 (B.E. 2529)

issued by virtue of the Building Control Act,

B.E. 2522

By virtue of the provisions of Section 5 (3) and Section 8 (10) of the Building Control Act, B.E. 2522, the Minister of Interior, by advice of the Building Control Committee, issues Ministerial Regulation as follows:

Clause 1 In this Ministerial Regulation,

“Area 1” means the area which is started from the western side of the building control area to the east across Patong-Kamala road, Taweewong road and the road alongside of Patong beach until the distance from the center of Patong-Kamala road, Taweewong road and the road alongside of Patong beach for the distance of 15 meters to the north until meets Kamala district, to the south until meet the distance from the center of Pak Bang canal, to the south along the road alongside of Patong beach for the distance of 500 meters.

“Area 2” means the area which is started from the center of Rat Uthit road, the 200 years road, and all roads which are connected between Taweewong road and Rat Uthit road and the 200 years road and along both side of the roads for the distance of 15 meters.

“Area 3” means the area which is started from the end of Area 1 alongside to the east for the distance of 150 meters.

“Area 4” means the area which is between Area 2 and Area 3 and the area which is started from the end of Area 2 to the north and the south alongside of Area 3 for the 150 meters width as appeared in the plan attached to this Ministerial Regulation.

Clause 2. The following area in Patong District, Kathu Sub-district, Phuket Province within the boundary details accompanying the plan attached to this Ministerial Regulation shall be declared to be the Construction Restrict Area for the following type of building as follows:

(a) Within Area 1, no person shall be permitted to construct any other building except

(1) Any residential buildings of a single story house with a height not exceeding 5 meters and the empty space around the building is not less than 75 percent of that plot of land;

(2) Any dams, trails , fences, walls, gates and bridges that are not built into the sea;

(3) Any area using for car park with no any construction building and the car parking entrance;

(4) Any ports, buildings or government offices;

(b) Within Area 3, no person shall be permitted to construct any other building as follows;

(1) Any building with more than 12 meters in height;

(2) Any building which the length of the entrance shall be at least 3.5 meters away measuring from the building line toward the public road;

(3) Any factory under the Law of Factory;

(4) Any entertainment building under the Law to danger protection from the performance of the entertainment;

(5) Any transport station under the Law of Land Transport;

(6) Any animal housing with total area of every floor of one or multiple building of greater than 10 square meters;

(7) Any building with total area of every floor of one or multiple building of greater than 2,000 square meters;

(8) Any market with total area of every floor of one or multiple building of greater than 300 square meters;

(9) Any garage, factory, or service station for all motor vehicles;

(10) Any gas filling facility, gas storage facility, and gas filling room according to law on dispensing liquefied petroleum gas;

(11) Any fuel storage where a permit is required in accordance with law on fuel control;

(12) Any hospital with over 5 beds for overnight patients;

(13) Any religious building and educational building;

(14) Any signboard or any structure to post or install such signboard, except a signboard to indicate the name of a place which shall not be greater than 12 meters in height;

(15) Any buildings constructed with non-permanent or fire-resistant materials are mostly Unless it is a building. Type of single-story house with a height not exceeding 6 meters and must have a distance from other buildings around not less than 5 meters

(16) Any Sheds or stalls;

(17) Any buildings that have space in the plot of land that is less than 50 percent of the building's construction area;

(18) Any townhouses or commercial buildings;

(19) Any crematorium under the law on cemetery control and cremation;

(20) Any storage location Buildings or any part of the building which is similar to a place for collecting, storing, transferring goods or product for commercial or industrial benefits.

(c) Within Area 4, no person shall be permitted to construct any other building as follows;

(1) Any building as described in (b) (2) (3) (6) (9) (10) (11) (13) and (15);

(2) Any building as described in (b) (20) with total area of every floor of one or multiple building of greater than 200 square meters;

(3) Any buildings with the empty space in that plot of a land for building construction not less than 30 percent of that plot of land;

The height shall be measured from the lower of the land to the highest of the building.

Clause 3. Within the area from Clause 2, no person shall be permitted to alter any other building except for altering the building into the building type restricted under Clause 2.

Clause 4. Within the area from Clause 2, no person shall be permitted to change the use of any other building into the building type restricted under Clause 2.

Clause 5. Preexisting building in the area under Clause 2 on or before this Ministerial Regulation comes into effect shall be exempted from compliance with this ministerial regulation but shall not be permitted to alter or change the use of building into the building type restricted under Clause 2.

Clause 6. The building which is received the permission or notification of construction, alteration or change of use in accordance with Building Control Act or permitted in accordance with laws for specific purposes before the Ministry of Interior's announcement concerning the restriction of construct, alter, use or change of use of some building in the area of Patong District, Ka Thu Sub-District, Phuket Province comes into effect and has not completed the construction, alteration or change of use shall be exempted from compliance with this ministerial regulation but shall not be able to request for modification on the permission or notification to be inconsistent with this ministerial regulation.

Given on the 9th June, B.E. 2529;

General Sith Jiraroj

Deputy Minister Acting Minister of Interior

Remark :-> Reasons for promulgation of the Ministerial Regulation is because the Ministry of Interior's announcement concerning the restriction of construct, alter, use or change of use of some building in the area of Patong District, Ka Thu Sub-District, Phuket Province issued on 10th June B.E. 2528 which came into effect on 15th June B.E. 2528. However, section 13 of the Building Control Act B.E. 2522 described that if there is no Ministerial Regulation or local ordinances within one year from the date the announcement comes into effect. Such announcement shall be canceled and where appropriate, restriction of construction, alteration, use or change of use of certain types of buildings or types within such areas. Therefore, it is necessary to issue this Ministerial Regulation.