

行政院所屬各機關因公出國人員出國報告

(出國類別：其他)

亞洲文化資產國際田野學校培訓心得報告

服務機關： 行政院文化建設委員會

出國人職稱：約聘人員

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摘要

為考察各國世界遺產推動機制與經驗，筆者奉派於八月五日至二十四日間參加由財團法人樂山文教基金會與泰國所舉辦的第一屆亞洲文化資產國際田野學校。

此次培訓係透過演講、田野考察、工作營，探討文化資產在都市保存的相關議題。課程主要由泰國文化資產相管單位演講亞洲文化資產的多樣性，體驗泰國的世界文化遺產所用的國際標準，文化資產作為觀光資源以及地方經營文化資產的問題等、並參觀泰國的世界文化遺產和都會歷史社區如蘇可泰與其周邊城鎮，大城世界文化遺產，曼谷中國城及大皇宮保存區，和普吉島舊城。並以工作坊形式，激發學員之間的討論以及針對文化資產經營管理的報告。

筆者以為，文化資產保存要放在都市發展的概念上來看，因為文化資產保存必然會涉及都市規劃、土地使用區分、都市活化等議題，而民眾的保存意願是文化資產保存工作的基礎。

同時，台灣要推動世界遺產登錄工作，仍應該回歸到文化資產保存基礎工作來談，應該要讓多數人清楚推動世界遺產或是推動文化資產保存工作的目的為何，建立機制，並且了解文化資產的真正價值。

壹、考察源起

一、考察背景

一九七二年聯合國世界教育科學文化組織通過「世界遺產條約」，目的是在於保護及保存人類在歷史上所留下的偉大文明遺跡、具高文明的建造物或是珍貴的自然環境，並將之流傳給後代。「世界遺產」便是透過遞約國的推薦，經世界遺產委員會審議通過，登錄於世界遺產名錄，具有普世價質遺跡、建造物群、紀念物或是自然環境。一九八八年十月，聯合國教科文組織（UNESCO）在其發行之〈信使〉（The Courier）雜誌中宣示：「世界遺產為人類共同的財產」，是認為世界遺產並不是僅對於單一民族、國家具有意義與價值，而應為人類所共同享有，因此其保護亦應超越國籍與世代，而為全人類所應共同面對的課題。

臺灣雖非聯合國締約國，無法參與聯合國教科文組織的相關工作，也無法推薦具有世界遺產價值的文化資產參與登錄，但從世界遺產條約的精神來看，只要具有世界遺產的內涵與條件時，不論其身處哪一個國家，它就是「世界遺產」，就應該保護。

筆者任職之行政院文化建設委員會深覺臺灣民眾不能因政治因素而失去參與和瞭解世界遺產保護的機會與權利，因此，自二〇〇二年起，即推動台灣世界遺產潛力點計畫，評選台灣世界遺產潛力點、舉辦各種宣導活動，並於二〇〇二年七至九月間派員赴德國、泰國及中國大陸考察各國世界遺產推動機制與經驗。此次筆者奉派參與亞洲文化資產國際田野學校，便是基於此種考量。

二、受訓目的及成員

亞洲文化資產國際田野學校係由財團法人樂山文教基金會所創辦，筆者所參與為第一屆，係由該基金會與泰國蒙庫國王科技大學合作於泰國舉行，辦理時間為二〇〇二年八月五日至二十三日，為期十九日。參與的學員來自台灣、印度、馬來西亞、日本、新加坡、大陸及泰國當地，學員背景有文化資產行政工作者、建築師、建築系、都市計劃博碩士學生等。國內成員除筆者外，另有 3D 工作室葉庭芬、花蓮師範學院姚誠老師、立法委員助理楊嬌豔、樂山文教基金會王維潔、陳惠雯小姐等人。

三、受訓重點

財團法人樂山文教基金會在國內推動文化資產保存工作多年，與亞洲各國在此領域也保持密切聯繫與交流，也因在此課程的設計上，係依據亞洲文化資產保存工作兩項要素而設計：如何達到修復的國際標準，以及文化資產經營管理所衍生的課題。

由於亞洲國家特殊的哲學觀念以及亞洲文化的特殊性與差異性，由西方國家所訂的文化資產保存的國際標準其實並不符合。至於經營管理方面，最顯著的因素則是地方分權運動中中央與地方的權利義務是否分的清楚。這兩點其實是息息相關的，而亞洲各個社會其實應該分享他們的經驗、互相支援，並建立屬於自己的文化資產保存與經營管理的「亞洲憲章」。

基於以上原因，亞洲文化資產國際田野學校的成立有三個積極性的目的：

- 文化資產規劃與交換經營管理的經驗並發展出適合亞洲的「亞洲標準」。

- 實地探訪包括世界人類文化遺產及小型都會歷史街區的有形文化資產以及相關的文化產業。
- 改善適合亞洲國家的文化資產經營管理的建立方法。¹

因此，本次訓練課程設計上，是以泰國文化資產保存為範例，切入文化資產經營管理所會面臨的各個面向：文化資產的多樣性、真實性、都市保存、觀光利用等議題。課程安排分為演講、學員報告、田野實勘、工作坊。

- 演講：探討亞洲文化資產的多樣性，體驗泰國的世界文化遺產所用的國際標準，文化資產作為觀光資源以及地方經營文化資產的問題。
- 田野調查 - 參觀泰國的世界文化遺產和都會歷史社區。現場演講、與當地政府和居民對談、並探討修復工作。地點包括：蘇可泰與其周邊城鎮，大城世界文化遺產，曼谷中國城及大皇宮保存區，和普吉島舊城。另有一天自由參加的行程至「古城」和水上市場。
- 工作營 - 學員之間的討論以及針對文化資產經營管理的報告。

¹ 財團法人樂山文教基金會，亞洲文化資產國際田野學校招生簡章。

貳、過程

二〇〇二年八月四日(星期日)

由於八月五日開學於上午九時開始，筆者與來自台灣的學員先一日抵泰國，由本次泰方主辦人 Yongtaint Pimon(Mai)前來接機，Mai 曾前往台灣參與等會議，為一年輕學者。由於等待從日本前來的西村幸夫教授，進駐泰國蒙庫國王科技大學教職員宿舍已為凌晨。該大學位於郊區，離機場約四十分鐘車程，離市區搭火車也需一小時左右，學生通勤、前往曼谷市區以火車為主，甚為不便。

八月五日(星期一)

上午註冊、報到，泰國蒙庫國王科技大學校方至歡迎辭，並由樂山文教基金會丘如華執行長說明此次辦理宗旨。

大會演講是由西村幸夫教授主講「東亞及南亞的都市保存」，他介紹亞洲都市保存的幾項新觀念：文化資產的保存維護並不限於修復本身，以水為文化脈落的亞洲都市保存、「聰明使用」文化資產會使文化資產的生命延續。他認為「聰明使用」文化資產的方法包括下列幾點：再利用、遺產旅遊、遺產教育、環境教育、讓文化資產成為社區文化的中心。另外，他也提到都市保存應思考如何在新與傳統間保持平衡，在城市的建築與生活方式間保持協調。

由於當日晚上即須搭九小時夜車前往第一個實地參訪點：普吉，Mai 於下午先行介紹舊城保存的背景資料以帮助大家進入狀況。他於1995年接受市政府委託，開始普吉舊城的建築調查測繪工作，並透過與當地民眾的參與，協助提昇居民參與保存的意識與行動。以普吉舊城區的都市

保存作為此行的第一個參訪點，可以藉以觀察泰國地方分權，在任務增加經費卻未增加的情況下，行政部門如何與民間合作，以文化資產保存作為都市活化的基礎。

八月六日(星期二)

經過漫長而巔簸的路程，我們於上午抵達普吉島位於舊城區的飯店，簡單的梳洗與稍事休息後，我們隨即前往當地的小店用午餐。普吉島的民眾具有華人血統，也因此飲食上多少具有華人風味，與泰國其他地方的飲食並不相同，但對初嚐泰國食物的我們來說，卻是新奇得很，有許多食物如像竹筒飯卻用芭蕉葉包裹、潮州乾拌麵、甜糕、香蕉糕等，乍看熟悉，常起來風味卻又新奇，沿路賣五金雜貨的商家，也像極了六〇年代的台灣店鋪。

下午前往拜會普吉市政府，瞭解普吉市政府對於舊城保存工作的看法與經驗。會後前往 Rang Hill，居高臨下觀看普吉舊城的風貌。

在泰國，文化資產保存有關單位，除了藝術司(Department of Fine Arts)，在1992年以後，科學科技環境部依加強全國環境品質保護法，(Enhancement and Conservation of National Environment Quality Act, B.E. 2535)可以指定文化資產環境保存區(Environmental conservation of cultural heritage zone)，規範建築高度、密度及空地比。而由於設立保存區需要當地政府與民間配合，必須受到規範限制，所以引用此條例設置保存區的地方剛開始時並不多，普吉市政府在初期即依法設置。

普吉島是唯一具有省地位的島嶼，人口為二萬四千人，但年遊客數為二百萬人。建築物具有華人與葡萄牙的特色，在二十世紀初發展迅

速，在八〇年代初期衰退，後因旅遊業而再度繁榮。由於舊城的房子都為私人所有，居民已經是第三或四代，對於是否保存舊房子與上一代有不同的看法，另一方面，缺乏工匠、屋瓦材料也使得許多房子無法修復。

普吉舊城的保存運動可以回溯到八〇年代。一九八〇年左右，由當地學者及耆老成立普吉歷史興趣團體，以加強當地古蹟及考古文物的保存，保存運動就此展開，可以分為三個階段：

1. 提案時期(一九八〇~一九八九)：普吉歷史興趣團體、泰國旅遊局及藝術司都有保存建築的研究案，但未實行。
2. 當地意識強化期(一九九〇~一九九五)：暹邏建築協會頒獎鼓勵未受政府補助而願意保存立面的商店建築所有人，但真正被告知的人不多。

一九九二年環境法要求當地政府參與，預算要由當地編列。

3. 一九九五年至今：普吉市政府設立發展與保存計劃委員會投入保存工作。一九九五年泰國蒙庫國王科技大學Mai接受市政府委託，開始建築舊城區調查測繪工作。

普吉島的歷史保存區計有六百戶，市政府雖然想要發展並保存這個舊城區，但礙於預算只能小規模的提倡。一九九四年曾辦理普吉舊城保存準則工作坊，也製作一些小冊介紹 Thalang 當地的建築，但因為沒有預算，保存維護都要私人自己處理。

在一九九五年至一九九六年間泰國蒙庫國王科技大學接受市政府委託開始測繪工作，計完成一四一間商屋，主要分布在 Thalang 路。該計畫所完成的測繪除留存於市政府外，並複製給每一戶接受測繪的人家，以作為未來私人保存修護的參考，被測繪的商家也因此覺得受到尊重。一九九六年工作團隊試圖

用簡單易懂的方式，如非正式的討論、問題回答、電腦化的影像，如去掉招牌以後的影像展示、演講或是透過一些可見的產品如明信片、圖繪、月曆、新年賀卡等，讓民眾了解工作過程與舊城的價值。

一九九四年到一九九九年間舊城的景觀有很大的改變，十七戶商家所有人重新開始經營店鋪，91 號於二〇〇〇年時拆掉與周邊不協調的招牌，94 號重做二樓的立面裝飾，這些都是所有權人自己的努力，並沒有靠政府的補助。一九九八年為展現保存成果，市政府舉行普吉舊城慶典，開放人行道，傳統食物、音樂，傳統的服飾，當地居民反應熱烈，要求每一年都舉行，舊城慶典因而成為年度的活動。

由於普吉舊城保存計畫在地方分權後是屬於先試辦者，其他地方政府相當感興趣，常會前往普吉舊城保存區參觀，這點也讓當地民眾自豪。也因為民眾開始對於當地建築及文化有認同感，開始想要設立當地的博物館，由當地政府出資、利用當地已閒置不用的台華學校空間，由該校畢業生組織擔任籌備與經營的工作。



普吉舊城混合中葡風格的店面。一樓為中式，二樓立面則為葡萄牙式。

八月七日(星期三)

一早開始，先行參觀普拉差陳宅(Tan Pracha House)，那是一座由當地中葡合璧的豪宅所改成的私人博物館，由主人普拉差先生親自接待、解說。該屋子的客廳是中國南方的格式：高屋頂、小窗戶，光線來自房屋中間的天井。但天井的柱子是古典式的白色石柱，地板鋪上彩色大理石。家具有中有西，天井中的水池上漂浮著刻意用來裝飾的紅色扶桑花及黃色緬梔花，相當具有泰國風情。

參觀的期間，主人熱心地講解家族歷史，驕傲地展現光緒帝賜予他祖父的神位。由於泰國對於私人歷史建築或古蹟並不提供任何補助，他必須自己負擔所有的維護費用，主人對於必須向遊客收取門票費以貼補房屋的修繕費用表示遺憾，但他也表示，這是目前他用以維護祖先遺產的唯一經費來源。門票除了參觀費外，亦包含飲料及簡易點心，供遊客參觀後喘口氣，歇息一會兒。

在路程中經過台華學校(Thai Hua School)，目前雖然閒置，但由於當地民眾的自覺，計劃於此籌設博物館以展現當地的歷史。

另外，我們也在當地自學匠師 Vorapot 的帶領下，參觀由他修繕的寺廟。Vorapot 先生並未受過正式訓練，但他憑著興趣鑽研木工、玻璃噴砂等，以神佛為題材，想像傳統中國文化的做法修繕當地的寺廟，當地的寺廟仍保有傳統華人的祭祀禮儀，以添香油來說，在台灣都以改成將錢投入賽錢箱，但在當地，錢投入之後，還會將油添入油燈中，並敲鐘昭告神明，對來自台灣的我們而言，相當新鮮，也對「添油香」有了新的認識。參觀的幾間廟中，多半在做整修的工程，據 Vorapot 先生表示，他們一直想要保有中國的文化，但現在的工匠知道傳統寺廟修繕方式與技法的已漸漸減少，要不是以想像中傳統方式修，有其形而無其

實，要不聘請中國大陸工匠前來施作。這點引發學員間熱烈的討論。以某一間廟的龍柱以水泥塑型而非石雕而成，色彩鮮豔，與一般廟堂所見的技法或型制不同，而顯得粗劣，但換個角度來看，這樣的做法不也正反映出海外華人試圖保有傳統文化卻面臨與母文化斷層的社會現實？相較於聘用外地工匠，未必了解當地的建築風格與傳統型制，在修繕上也容易發生南廟北修的謬誤。

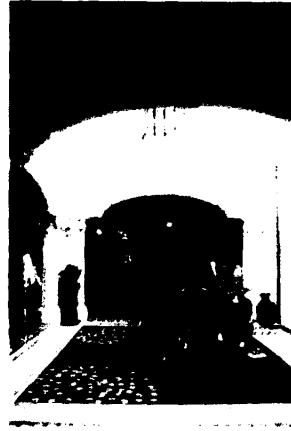
除了寺廟，Mai 還帶我們前往一間當地的機車行，看看舊城保存運動中的努力成果：當地的店面設計原採用 Toyota 標準化設計，但在店主人的自覺下以及 Mai 的協助，改採具有泰國風味的設計，以與當地建築風味融合，辦公室的門是由 Vorpot 先生雕刻帶有傳統中國味的門，而店家也在我們參觀時驕傲地展示一座落在辦公室一角的櫥櫃，她將店面地下挖掘出的古代陶磁破片展示其中以呈現當地歷史軌跡，小小的舉動，卻讓人感到店家對於當地歷史的重視。

像 Vorapot 般海外華人試圖在異國文化與母國文化間取得自己的身份認同，並以自己的方式想像、傳承母國文化是一個有趣的議題，而在華人學員間引起討論。

晚上前往熱門旅遊地幻多奇參觀表演，目的雖然在於認識文化產業的操作，但大家對於華麗炫爛的舞台表演，濃縮的泰國文化與歷史，倒是沒有太多討論的興趣，但是這種遊樂園式的泰國風情，或是像巴東 (Patong) 海岸水上遊樂，卻是多數人對普吉島的第一印象，這點對於操作文化旅遊的人來說卻相當值得注意。



上圖：普拉差陳宅外觀。
左圖：陳宅內部擺設。



台華學校，當地居民規劃於此設立社區博物館，展示普吉舊城歷史文物。

八月八日(星期四)

由於大家對於當地生活的興趣大於巴東海灘的興趣，當日的行程除了前往當地的市集，也前往當地人常去的海灘，但因為天雨以及海洋博物館休館，行程安排並未如願，而於當日乘車回曼谷。

八月九日(星期五)

一夜車途勞頓後重返蒙庫國王科技大學，開始當日課程。

首先由香港大學研究生 Nuttaphol 及 Ping Ing Chia 介紹國際憲章的演變及精神，對於初入文資領域的筆者頗為受用。接著由東南亞教育部組織的考古與藝術中心(SPAFA)主任 Dr. Phisit Charoenwong 介紹國際憲章在泰國的實踐。他除了介紹 SPAFA 的功能外，也提出他對於文化真實性的看法，他認為泰國的種族甚多，文化很難定於一尊，且東西對於藝術文化的看法也不一致，如佛像對於泰國人是宗教性的，大城柴瓦塔那蘭寺(Wat Chai Wathanaram)的佛像頭被砍掉，泰國政府因應人民的請求將之修復，但佛像在西方人眼中卻是藝術品，修復的不當會破壞其真實性。因此，國際憲章的運用，亞洲國家需找出屬於亞洲的精神或是訂一部適合亞洲文化的文化資產保存憲章。

泰國藝術司 Prasong Eim-Anant 教授則介紹泰國古蹟分級制。他認為分級並不在區分古蹟價值，而是一套管理工具，用以決定修復的優先順序及所需經費、技術種類、人力及時程，他認為地方分權後地方須承擔文化資產保存任務，初時很難但中央有責任輔導。

關於泰國文化資產保存的機構，主要是隸屬於教育部的藝術司，於一九一一年設立，一九二六年成為皇家學會下的小單位，一九三三年重新設立，負責有形與無形國家藝術及文化資產的維護、保存、修復、獎

助等工作，以及全國文化資產指定、登錄、保護與重建。一九六一年的「古蹟、文物、藝術品、國家博物館法」賦予教育部藝術司指定及登錄國家級古蹟的權利。

但藝術司的權限僅止於單棟建築物或建築群，如大城或蘇可泰這種大型歷史基地，散布在大片土地上，與社區接鄰，整體環境的保護便依據一九九二年「促進及維護全國環境品質法」由環境政策與規劃辦公室（OEPP）規範，管制發展。

一九九二年的環境法中要求地方政府的參與並依此制定地方法規。另一方面一九九七年的新憲法也提出地方分權的主張，未來地方政府可依據地方分權法管理當地的文化資產。

由於文化資產保存工作需要經驗，地方政府是否有能力與經費承擔是個問題。現階段，藝術司正進行實驗性的古蹟分級制評估。

泰國的古蹟分級制係將古蹟分為單一建築、建築群、都會區及古城、考古遺址、歷史遺址、歷史地景。依據不同分類，援用不同表格，對於該古蹟的價值、保存可能性與保存急迫性作評估。

這在泰國仍屬於實驗性質，第一階段針對已指定或計劃保存的古蹟先行評估，以作為未來管理的參考，因為經過分級後，藝術司便可以知道哪一個地點需要被保存，需要多少何種工匠，中長程計畫如何訂定。

評估係由 12 個地區辦公室收集資訊，報告評估表由 12 個文化司地區性辦公室提出，由中央藝術司下屬的中央古蹟分級委員會作評比，地區辦公室的成員也是古蹟分級委員會的成員，再由藝術司公布公佈結果。分級委員會成員中，經濟學家、保存建築師、考古學家，未來希望增加當地的人，因為未來古蹟維護是地方的職責，地方應編列經費，中央僅提供諮詢。在過去，藝術司管理所有古蹟，每一座古蹟都是中央主

管，沒有人可以不經藝術司允許就做改變，所以有很多地方的古蹟照顧不周而損毀。地方分權後，地方可以決定具有地方價值的古蹟並予以妥善保存。²

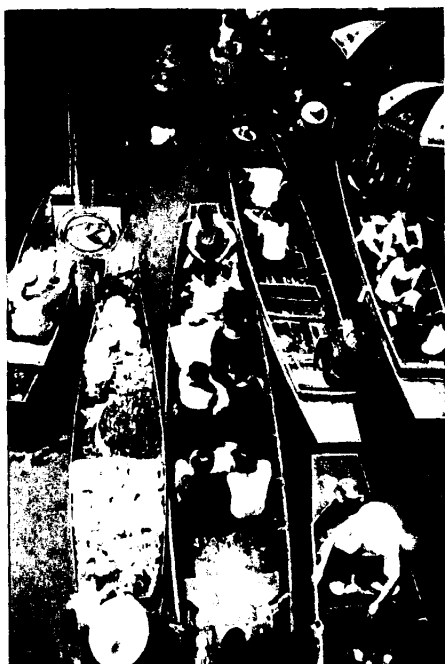
下午為參與學員報告：葉庭芬介紹台灣的容積移轉、Tiamsoon 介紹其它國家的古蹟分級制。

八月十日(星期六)

本日自由行程為參觀水上市場及 Plai Pong Pang 的泰式民宿，除了外國學生，泰國學生也一同前往，我們到這幾天細細地體會到泰國人做事的細膩與貼心，其實這些泰國學員參與此次活動，除了是為了個人的學習，也是校方安排來協助外國學員日常生活，並在學員田野訪查時協助參與解說、討論。

水上市場為觀光客必然造訪之處，除了欣賞沿河傳統泰式住屋與船塢風光，我們也不免俗地到市場河道湊熱鬧，船上賣有炒麵、泰式冰淇淋，鹹的甜的各種小吃，香蕉、柚子、柑橘各種水果，紅的、綠的、黃的，五顏六色煞是好看，難怪觀光客拿著相機照個不停。兩岸賣的全是紀念品，偶爾才會看到一間日常雜貨鋪。人擠人，船擠船，好像全泰國的外國觀光客都到這兒來，是外國人的地盤，為外國人存在。據說，在清晨五點多，外國人到達前，才看得到當地人的日常交易。

² 筆者於二〇〇二年十二月上網查詢時，泰國已經另一次政府改造，部會職責已有所變更，藝術司已改隸文化部，至於環境政策與規劃辦公室（OEPP）也已更名，因網路英文資料不全，無法說明其變更情形。



左圖：水上市場交易情形。
下圖：Gam Nam 先生說明 Plai Pong Pang 泰式民宿經營經驗。



而下午參觀的 Plai Pong Pang 的泰式民宿卻是另一番風貌，該村落距曼谷約一個多小時車程，村民以採集椰子糖及栽種柚子維生。

接待者為 Gam Nam 先生，為此民宿事業之主要領導者，他先前從事公職，負責村落福利、環境及社區發展工作。該民宿事業的籌設在十年前，他擔任村落的首長，希望為村民帶來第二收入，但他看到水上市場的經驗，水上市場的收入都歸投資者，當地居民僅為受僱者，並未獲益，因此希望所投入的事業必須能引入觀光客，並活化村莊，且村民不須為遊客改變日常生活方式。他起初並不知道要如何開始，但他尋求省方社區發展部的諮詢與協助，而引入 B&B 民宿制度。

他認為該村落的四大資源為泰式傳統房屋、水系、果園、自然環境，況且村民也沒有餘錢投資硬體，所以民宿似乎是相當合適的制度。他希

望遊客可以欣賞他們的特色，學習適應當地傳統泰式的農村生活方式，採製椰子糖、製作辣椒醬與傳統泰式辣湯、住在泰式柚木屋中等等。

在二十九個月前初設立民宿事業委員會時，村民並無意願參與，也不知如何開始，加以純樸的民眾，擔心外人前來會有生命財產安危，所以僅有三戶人家參與。二〇〇〇年首度開張，兩個月後才有旅客前來。

由於參與民宿的村民多為老人家，所以遊客的膳食，統一由中央廚房供應，而遊客所交的住宿費也每人撥 20Baht。現在計有二十八家參與，參與的人數多了，委員會也聘了一名專職人員負責對外宣傳與處理訂房事宜。

相關公共設施來自委員會的基金，以目前的收入狀況，村民尚無法提撥自有經費投入，政府也未提供補助。目前委員會有四十餘人，由最初的一周一次聚會，到現在的三個月一次。

過去七個月以來，每週約有四百遊客，業績甚至比當地旅社好，遊客約有百分之六十前來住宿，民宿的收入可分為純住宿 350Baht，包吃住 400Baht，包行程 600Baht。高峰期是暑假，低檔是再世界盃時。柚子仍然為當地村民主要收入，但加入民宿的人家每個月可以獲得額外收入七百、八百元。當地的船家也增加為十人，並且成為串聯行程的解說員，帶著遊客前去看螢火蟲、採製椰子糖。因為民宿的名聲已漸漸打響，泰國旅遊局希望他們註冊，但因為註冊後必須付稅，所以他們目前並不打算如此做。

他們的民宿經營經驗與台灣現階段社區朝向社區文化旅遊的趨勢相似，其以社區生活為本位的想法應可以提供台灣參考。

八月十一日(星期日)

上午自由活動，於下午再度長途跋涉前往蘇可泰，於夜晚投宿蘇可泰文化園區內的泰式村落飯店。

八月十二日(星期一)

由於當日為泰國皇后誕辰，全國放假一日，因此當日由 Mai 先行介紹蘇可泰的保存經驗後，隨即前往參觀蘇可泰歷史園區、水壩、叢林寺廟等。

泰國目前已登錄之世界遺產計有四處，分別是 1991 登錄的 Thungyai-Huai Kha Khaeng 野生動植物保護區、1991 蘇可泰及相關歷史城鎮、大城及相關歷史城鎮及 1992 Bang Chiang 考古遺址。此次將參觀蘇可泰及大城兩處遺產點。



蘇可泰瑪哈泰寺(Wat Mahathat)，是蘇可泰最大的寺廟，主塔是蓮花苞狀的佛塔，是蘇可泰獨特的風格。

蘇可泰及相關歷史城鎮

- 登錄：1991年

- 標準：文化遺產

- (i)代表人類創造天賦的偉大作品。

- (iii)關於現存或已消失的文化傳統或文明的獨特或特別的證明。

- 簡介：

- 暹羅第一王朝十三、十四世紀的首都，擁有無數代表泰國初期建築的珍貴古蹟。

蘇可泰及其相關歷史城鎮西撒查納來古城、甘澎碧古城是於一九九一年一併登錄為世界遺產。蘇可泰意思是「幸福的曙光」，蘇可泰王朝建立於一二三八年至一四三八年間，被認為是泰國的黃金時期。早期曾被高棉統治，在建築形制上可以看到高棉的影響，但與當地文化融合之後而形成獨特的蘇可泰文化，而成為泰國所有藝術形式的典範，例如蓮花花苞形狀的佛塔頂端，以及行走佛。這些反應出文化價值、工藝、鄰國長期的影響。

蘇可泰及其相關古城位於泰國北方，距清邁約四小時車程。西撒查納來古城在蘇可泰北方，甘澎碧古城在南方。在登錄為世界遺產前，這三個古城先後於一九七七，一九八八，一九九一年被藝術部依據一九六一年的古蹟、文物、藝術品、國家博物館法指定為歷史園區。保存的計畫包括：歷史研究、保存與維護古蹟與古物、社區土地使用規範，提升旅遊業等。為準備登錄世界遺產，藝術司派遣一批人前往 ICROM 受訓，以了解世界遺產登錄所需觀念與技術，在登錄之後，中央政府及

UNESCO 都提供經費支援修復管理工作。

蘇可泰歷史園區或說蘇可泰古城的範圍，約有七十平方公里，含有二百個以上古蹟。在一九七七年設立歷史園區部們，由藝術司所主管。

園區的劃定對居民不免產生影響，首先是居住權受到限制，由於在設立為歷史公園前，裡面住民散居在城市的各角落。在成立歷史園區後，原本計畫將居民全部遷走，實際上確相當困難，只能就收票口範圍內作約束，約有五百戶民眾被迫遷移。基本上，收票口內園區沒有住民，針對收票口外的住民，當地管理單位以溝通協調，口頭約定的處理方式請住民在古蹟十五公尺外才可蓋房子，並未定訂法規限制。

另一方面，居民的就業也因園區的設立而有所改變。多數的居民原以農牧業謀生，在挖掘階段許多人受僱為挖掘工人，五年後工作完成這些民眾也失業了。現在民眾仍以農牧為主，收票區仍然可以放牧。另一方面，居民也受到旅遊業的影響，運用當地的柚木，雕刻小工藝品，當作紀念品販售。園區販賣專區也接受當地居民設小吃攤。



在蘇可泰，佛像與寺廟對國外觀光客而言也許只是遺址、藝術品，但對於泰國人而言，仍舊把佛像當作神明般尊崇，左下圖為導遊脫鞋，對佛像祈禱。右下圖西昌寺，在整修前民眾可進入祈禱，但現有柵欄管制。



八月十三日(星期二)

當日上午拜訪蘇可泰歷史公園管理單位，由其介紹蘇可泰歷史與園區發展。因前一日已先行實地參觀，故於拜訪結束後即前往西撒查那來歷史公園。

西撒查納來古城約 45.14 平方公里，城牆內外計有一百四十餘座古蹟，與蘇可泰保存由聯合國的協助所不同的是，西撒查納來的保存工作主要是由由藝術司指派泰國自己的專家負責。在一九八八年被指定為歷史園區後，園區的管理工作由歷史園區辦公室負責，本區附近五公里處已發現約有二百處窯址，分布在 1.5 平方公里的範圍內。已在當地設立兩處現址博物館。我們也前往其中的窯址研究中心參觀。



西撒查納來伽拓聖骨寺(Wat Chedi Cjet Thaeo)也叫七排塔，周圍 33 座蘇可泰式佛塔，埋藏統治者及貴族的骨灰。



西撒查納來窯址研究中心為一現址博物館。

八月十四日(星期三)

上午先拜會甘彭碧歷史園區辦公室聽取簡報、參觀。

甘彭碧古蹟在一九三五年及一九三七年即被藝術部指定為國家古蹟，一九六五年到一九八二年間藝術部進行挖掘、修復及管理的工作。一九六八年重新劃定範圍。

一九八二~一九八六年間的第五次國家經濟社會發展計畫中以「甘彭碧歷史園區計畫」進行保存修復工作。這項計畫目的在保存舊城區與叢林區的寺廟，維護其考古及歷史價值，並以此作為教育的資源、旅遊景點，並提昇泰國人文化資產保存意識。於園區於一九九一年開放，並於同年與蘇可泰、西撒查納來被列入世界遺產名錄。

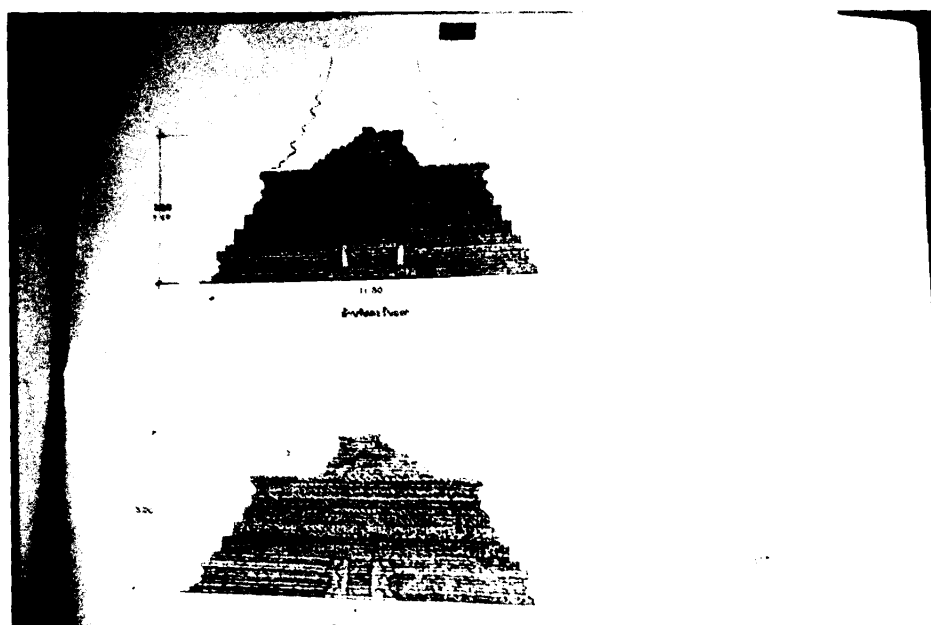
園區計有專職人員五位：一位長官四位工作人員(一位建築師、一位藝術家、一位行政人員、一位工程師)，三十位臨時工，年度修復預算為二百萬泰銖，係由蘇可泰歷史園區依據三處園區修復優先順序分配。

甘彭碧的修復概念與國際間所重視的真實性概念接軌，在修復前一定經過詳盡的細部調查與研究，非必要不放新材料，放新材料會做標示，每一修復階段都必須反映、紀錄。

自一九八三年開始，園區與當地政府在每年農曆二月及三月間舉行甘彭碧慶典，係恢復當地古時候國王出巡帶給民眾祝福的儀式，由當地政府官員及民眾穿戴傳統服飾、以傳統歌舞遊行。

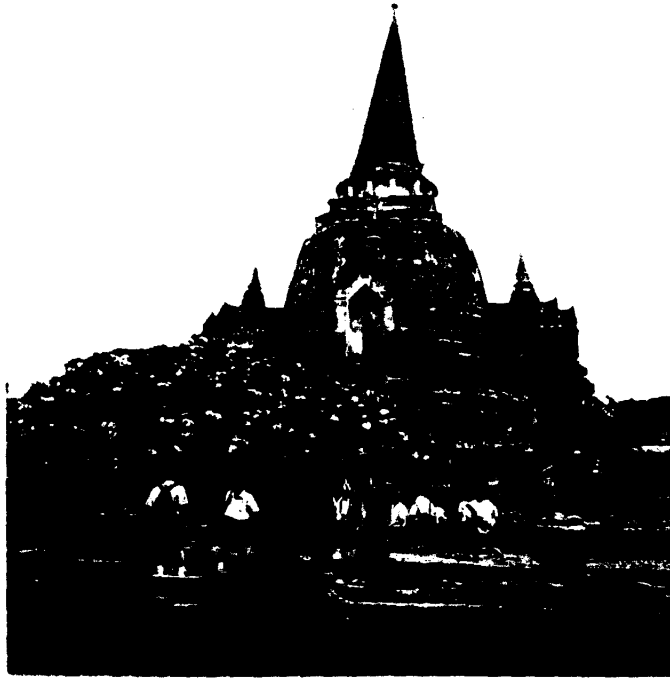
在解說人員熱情的接待下，她讓我們進到資料庫翻閱考古、測繪等相關資料。

晚間則搭車前往大城，下榻 Krung Sri River Hotel。



甘澎碧管理中心，收存相關研究、修復紀錄檔案。

八月十五日(星期四)
當日造訪大城舊城。



大城與相關城鎮

- 登錄：1991年
- 標準：文化遺產

(iii)關於現存或已消失的文化傳統或文明的獨特或特別的證明。

- 簡介：

1350年建立，大城成為蘇可泰之後的暹羅首都。在十八世紀被緬甸摧毀。它所遺留的佛塔與巨大的寺廟，供後人遙想過去輝煌的年代。

大城的世界遺產價值在於透過古跡與文物，可以讓人感受到大城王朝的輝煌，想像當時雄偉的宮殿、寺廟、堡壘、過往的庶民生活。當初選擇設立地點相當具有智慧，四週環河正適合泰人以水為生的生活方式，豐饒的土地使得大城一度成為亞洲的穀倉。所選的位置有利於防衛，建築與工藝顯現出大城高度進步的文明。

大城全區約有五百多處遺址，藝術司針對大城的保存維護將全區分為七處三階段進行修復。最初藝術司曾計畫要求大城當地穿著傳統服裝，依舊時作息，但有實際上的困難而作罷，僅將一百多戶民眾重新遷移遠離主要遺址，並對當地的建築外觀與高度作限制，民眾如要興建房屋必須向市政府申請，市政府洽詢藝術司該工程預定地是否有遺址後才發予許可。

當日下午並前往大城歷史研究中心參觀，該中心藉由圖表、建築與船隻的模型介紹泰國人生老病死的傳統儀式與大城當時海外貿易的發展史，深入淺出，相當具有教育性，也難怪參觀的人以學生為主。

於當日下午返回曼谷。





在大城雖然重視修復的真實性，新修復的材料上會加以註記以示辨別。但為了民眾宗教上的需求，政府仍將被摧毀的佛頭加以修復。

八月十六日(星期五)

當日為環境政策與規劃辦公室 (OEPP) 自然與環境保護處處長所講演的「環境與政策規劃辦公室在泰國文化遺產保存所扮演的角色」及泰國旅遊局保存處的處長所演講的「泰國如何運用文化資產推動旅遊發展」。

Ms Prasertsuk Jamommann 介紹泰國自一九九二年開始推行的環境法 (Enhancement and Conservation of National Environment Law) 與該辦公室的職責與文化遺產保存的關係。該辦公室的目標在於保存、保護、活化泰國的自然與文化景觀，其職責在於促進文化遺產地當地的保存修復工作、將保存工作整合入都市發展、在文化區域規劃更多的綠地。

一九九二年環境法施行後，每一個省都必須規劃當地的環境計畫並且向 OEPP 申請，OEPP 分派經費並提供諮詢與建議。但如果當地的市政規劃無法有效地保護當地的文化區域，則 OEPP 將會另訂規範以為補充。

OEPP 在各省設立當地的文化保存小組(cultural conservation unit)，該小組負責與當地政府就當地的文化與自然保存議題進行協調。一九九二年至九七年間提供當地政府保存維護經費，但自一九九七年新憲法通過後，要求地方負擔起環境保護工作後，即不再提供經費補助地方。

自一九八四年起 OEPP 進行文化環境保存發展工作，已完成十處古城的保存工作，一九九〇年起 OEPP 成為泰國世界遺產委員會的秘書處，現正籌畫二十九處自然景觀提名世界遺產的準備工作，已有四處已進入背景文件準備階段。

在與學員的問答中，她說明與藝術司的分工：藝術司指定單一古蹟，而 OEPP 劃定區域設定環境發展規範限制；另一方面無形遺產是由藝術司負責保存。在權責啟動上，藝術司可以逕行指定古蹟，OEPP 必須被動地等當地政府提出劃定文化保存區的申請才可指定。也因此，大城因為民眾害怕劃定為保存區後會受到發展上的限制，而遲未能設立保存區

泰國旅遊局保存處處長於「泰國如何運用文化資產推動旅遊發展」演講中提到泰國如何運用文化資產拓展旅遊市場。她說，二〇〇一年計有一千萬遊客訪問泰國，帶來二億泰銖的收入。泰國旅遊局瞭解遊客造訪泰國有一半是參觀自然景點，有另一半是被泰國的宗教、文化與生活習俗所吸引，因此設定三像發展策略：保存文化、自然及環境資源成為泰國特點。發展國際水準的旅遊設施、產品及服務，以留給旅客好印象。並鼓勵更多社區民眾與團體參與旅遊發展。

八月十七日(星期六)

當日行程為自由參觀古城(Ancient City/Muang Boran)。古城為所有參觀行程中作為特殊的景點，像是戶外傳統泰式建築展示場，規劃者將泰國各地各種風格的住屋、宮殿或穀倉等等，原樣搬到園區或縮小比例重建，在成立初期只被認為是觀光式的園區，但在二十年後，政府開始考慮是否將該園區提報為古蹟，這是很有趣的過程。因為在成立的初期，該園區的建物部分真實，部分新造，也有部分係基於想像而興建的，並不具由全然的真實性，但經過長時間的發展，整體園區的歷史價值卻增加了，該園區對於保存傳統的建築確實有其一定功能，如果再加強園區的教育解說，成為泰國傳統建築的教育園區未嘗沒有可能。筆者再參觀園區時，亦見工匠準備翻修房屋。曾聞同行泰國學生提及，泰國傳統建築型制複雜、多樣、嚴謹，熟悉所有建築型制的人已為少數，如果該園區能藉此成為傳統建築工匠養成所，對於維持泰式建築傳統，應該相當有幫助。

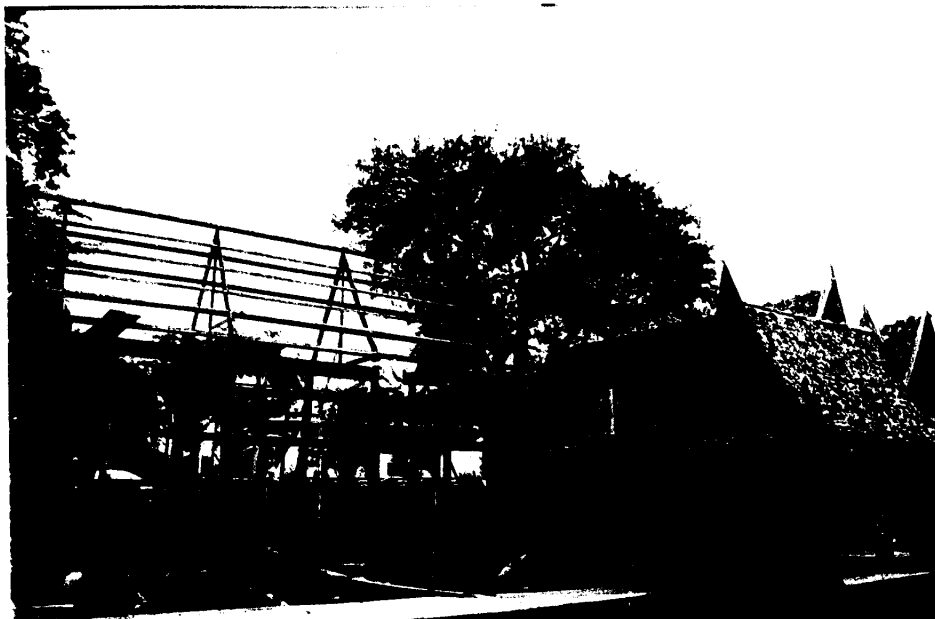


古城將泰國各地的傳統建築搬到園區內，各種臨河建築在園區內重新排

列組合。



古城內也有縮小模型的寺廟。



古城內新建築的工程場景。

八月十八日(星期日)

自由活動

八月十九日(星期一)

曼谷大都會政府都市規劃局都市更新及活化處處長 Jatuphon Suawannsri 談及曼谷大都會區政府在歷史區振興所扮演的角色，她說明 Rattanakosin（曼谷舊城區）都市活化計畫是由中央 Rattanakosin 委員會所制訂，是由上而下的政策，地方並沒有置喙的餘地，即使在地方分權後，有關當地的都市計畫仍要送由該委員會核可，並提供補助，但即使地方分權後地方自行編有預算也是如此。而百分之九十由曼谷大都會政府所提出地計畫都被否決。但基本上她對於委員會仍保有敬意，因為政府單位的建築是可以不遵循地方所制訂的建築規範或法規，而委員會的存在雖然保守，卻可以駁回政府機構破壞文化資產的發展提案，。

在談及與藝術司的關係時，她認為是合作的，他們曾在一座政府部門的建物要被拆毀時，合作將之列為古蹟保護。曼谷部分的古蹟未來會轉移給大都會政府，但重要的古蹟仍會為藝術司所有。

當日並有泰國學員介紹曼谷 Banglamphu 的發展及由楊嬌燕所介紹的麗江保存經驗

八月二十日(星期二)

搭火車參觀中國城與 Tha Tien 社區，在穿過擁擠熱鬧的中國城商店街後前往拜訪培英小學，該小學為歷史建築再利用的案例。接著又拜訪 Thai Tien 社區。

Thai Tien 位於曼谷的舊城區 (Rattanakosin 保存區)，四周為皇宮、玉佛寺、陞盤寺等重要的寺廟及國立博物館。每年到 Rattanakosin 保存區參觀的遊客約二千三百萬人。Rattanakosin 都市活化計畫是由中央 Rattanakosin 委員會所制定的，計畫原擬將該區營造成博物館群，提昇城市景觀品質，為了修憩與設立公園的需要，原規劃遷移百分之九十的居民（約四百五十戶），拆除如面對曙光寺的 Thai Tien 水岸邊舊社區，引入國外觀光飯店投資。但因土地產權複雜，遷移花費龐大。負責執行的 BMA（曼谷市政府）無力負擔，便與泰國蒙庫國王科技大學合作替代方案。

BMA 推動小社區改進方案，與社區共同討論，在討論的過程中，市政府提供小額油漆經費供商家美化立面。討論後的提議需送交 Rattanakosin 委員會審查，多數提案被拒絕，但 Thai Tien 所提水岸改進計畫原則被同意。

當我們拜訪當地社區領袖時，他向我們表示，Thai Tien 是倉庫住宅密集區，約四百戶三千人左右，在社區發展協會及商會的領導下，凝聚力強，一九九五年曼谷水災，社區因為控制得宜，有自己一套防火救災、保健系統而獲得市政府表揚。面對中央政府想要拆遷的計畫與企圖，他們必須透過聚合力強的組織與當地政治壓力，向中央政府證實自己存在的價值。



培英小學校舍本身即為歷史建築



在社區領袖帶領下，前往拜會 Thai Tien 社區商家。



Thai Tien 的社區火警警報器，一旦發生火災，社區監控系統便會顯示何處發生火災，並由社區消防隊前往灌救。



Thai Tien 的商家引入新型行業如咖啡店進入社區。

八月二十一日（星期三）

參觀大皇宮、玉佛寺與柚木宮。相較於古城的古樸與寧靜，各國觀光客必然前往參觀的大皇宮與玉佛寺，就像個遊樂園，人聲鼎沸，或是熱鬧的博物館，觀眾並沒有與自己思考或與同伴對話的空間。但在泰國同學熱心的解說下，我們也瞭解了用以裝飾皇宮的神話故事。

八月二十二日（星期四）

在分組討論前，Mai 與學員討論分組報告的模式與議題後，展開了挑燈夜戰的討論。這樣民主的方式，係因為 Mai 認為討論的過程，可以了解學員此行中所關注的議題為何，分享彼此的想法。

此次田野學校所討論的議題為：

- 國際憲章內容及運用
- 真實性：修復技術與定義公共意識與價值
- 旅遊的影響
- 都市規劃
- 如何結合有形文化資產與無形文化資產
- 在地參與及非營利組織的參與
- 世界遺產與所有相關人的關係
- 世界遺產的經濟層面
- 風險預防與災難管理
- 地方分權

八月二十三日（星期五）

當日主要活動為分組報告，與頒發結業證書。筆者參與組別報告是

以 Plai Pongpang 為例，討論當地因為旅遊發展而引發的議題，及對當地相關團體或人民的影響。

八月二十四日（星期六）

整裝返國。



筆者接受蒙庫國王大學頒發結業證書。

參、心得

1. 台灣為什麼需要世界遺產？是為了國際知名度、提振觀光、文化認同？登錄世界遺產的利弊得失為何？對當地居民、政府、世界在經濟的、社會的、教育的影響為何？

出國前我一直以為推動台灣登錄世界遺產，應該是以世界級的文化資產保存維護管理的標準，重新檢視台灣的文化資產保存制度與態度，能不能登錄並不是重點，重要的是要在過程，提昇國人對於文化資產保存工作的重視與認同。

在田野學校期間，學員一篇有關麗江推動世界遺產經驗的報告指出，大陸世界遺產以提昇經濟水平為目的，這種以旅遊經濟掛帥的目的，讓麗江在登錄後，受到大量觀光客流入的衝擊，人民的真實生活脈絡受到壓抑與破壞。甘澎碧古城解說員曾表示，設立歷史園區入不敷出，尚得繳交UNESCO會費，但這是為了提升國家的名聲。以泰姬瑪哈陵為例，昂貴的門票收入阻絕了一般人民參觀的機會；如果曼谷舊城河岸的居民被遷移，而將該區與國際旅館合作發展大飯店，曼谷當地人的親水空間反而被外國觀光客佔據，那麼文化資產保存的意義又何在？

由此可知由於登錄世界遺產的目的不同，利弊得失的權重也不同，所造成的衝擊也不同，清楚目的了才會有不同的管理對策，這些都是我國推動登錄世界遺產工作時必須思考與討論的問題。

2. 所有關係人必須共同討論，登錄世界遺產是過程、工具或是目的，如果是過程，那做這件事的目的是什麼？有沒有別的方式可以達成？

西村幸夫教授在十一月份公共電視座談會時曾以日本鎌倉為例，該地一年有一千萬人以上去觀光，居民擔心如果變成世界遺產，觀光客更

多，交通會更擁擠，建築規範會更嚴格。但是如果不要把世界遺產登錄當成目的，而是一個讓城市變得更好的踏板，成為社區發展的工具，了解這個城市的想法是什麼，形成共識，往好的方向去發展。也就是Machitsukuli（社區營造），讓住在當地的人對自己住的地方自豪，想要去保存它，便會有遵守規矩與制度的心。這點才是重要的。如果有別的方法可以讓當地人以當地自豪，未必需要推動世界遺產登錄。

3. 如果推動登錄世界遺產工作目標明確，相關單位便必須共同討論推動的機制與做法是什麼，因為這是凝聚共識建立認同感的過程，也可避免不同部門計畫間的重覆或矛盾。

以推動棲蘭山檜木林登錄世界遺產名錄為例，主管單位為農委會森保處、國家公園的設立與內政部營建署有關，所在地位於宜蘭縣、台中，因此與當地縣市政府也有關。當地有原住民居住，原民會必須在過程中了解與參與。討論的空間與環境應該被塑造出來，各種類別的動植物、地質、景觀界的學者、非營利組織及民眾，都必須參與，並且了解每個人在不同崗位上應該做的事情。

4. 世界遺產工作推動是循序漸進的，需要回歸到文化資產保存基本工作，進行研究、調查、修復、建立管理維護的機制

以甘澎碧古蹟為例，在一九三五年及一九三七年即被藝術部指定為國家古蹟，一九六五年到一九八二年間藝術部進行挖掘、修復及管理的工作。一九六八年重新劃定範圍。一九八二~一九八六年間的第五次國家經濟社會發展計畫中以「甘澎碧歷史園區計畫」進行保存修復工作。於一九九一年與蘇可泰、西撒查納來被列入世界遺產名錄。

長達五十餘年的準備期，研究、調查、修復，建立管理維護機制，都是一步一步地將文化資產管理維護工作做好。

我國有文化資產保存法，對於古蹟、古物、自然文化景觀等已有保護措施，對於發掘、修復、保存區的設立等，也有基本的規範，文資法修正草案也試著將國際新的觀念納入，如果文資法能落實推動，並讓相關單位，如都市計畫單位，能有保存維護的觀念，基本工作紮實，真到了政治環境許可時，才能準備提報。

5. 對於真實性應有在地的詮釋：以建築物來說，修復時的真實性一直是學界爭論不休的議題，歷經許多年代的建物要保存那一個年代才算真實？以都市保存而言，是建築還是在建築群間發展出的社區生活文化脈絡重要？無形文化資產也有其因時、因地、因人才會發生的真實性。

對於建築修復的真實性，現在已經普遍接受文化是動態演變的觀念，而主張保留每一個時期在建物上所留的印記，因為那都是文化的軌跡。如果把在有形空間中發展出來的無形文化活動或生活脈落的時間軸拉長，蘇可泰為設立歷史公園遷移當地住民，或是 Rattanakosin 委員會堅持遷移 Taitien 居民的計畫，或許在做法上會有不同的思考。

如果說有形文化資產可以激發、傳達無形的觀念與想法，那麼無形文化資產同時也豐富並活化有形文化資產。

6. 關於文化資產旅遊：文化資產旅遊的遊客想要體驗的是不同的文化經驗與生活方式，也應該要求遊客尊重當地的生活方式。

除了欣賞不同的建築、品嚐異國美食，對於文化旅遊有興趣的人，多半希望能從人的穿著打扮、彼此對待、互動的方式去體驗不同的生活方式與文化經驗。因此，從發展旅遊產品的角度來看，不按時令節慶，隨時隨地可以為觀光客表演的節目，一點也不珍貴，就像到處可見沒有地域特色的名產一樣，很容易被替代。

如果當地的文化一味地為了迎合觀光客需求而改變，當地的經濟活

動將因此單一化，在旅遊熱潮一過，當地民眾的經濟生活必然受到極大的影響，如能了解當地特有的文化是旅遊產品的真正價值，不隨觀光熱潮而改變，對於會對當地生態環境、人文生活造成衝擊的觀光需求有所管理，並且要求觀光客尊重當地的文化，就維護旅遊產品品質，創造產品差異性來看，尊重自己的文化才能維持永續的旅遊市場。

7. 應該瞭解文化資產所代表的真正價值與意義為何，以及它為什麼現在被重視，才能據以轉換人的行為或是社會發展的方向——因為普遍價值是多數人共同認定的價值，也是社會成員在面對共同文化資產(共同記憶)時，所發展出來比較好的對待關係，可以用作為社會群體間相互依賴的價值。

十月份世界遺產專家學者來訪時，曾經提及台灣要推動世界遺產，必須找出潛力點在當地、全國、世界所代表的價值或意義為何，該價值也應該被多數的人了解與認同。文化資產並不因為它是文化資產就毫無疑問地必須保存它，而是應該了解它為什麼有價值，才能真正的保存，而它所接諸的價值，可以用以調節人與人，人與土地或群體相互的對待關係。

以日本白川村的合掌屋為例，它珍貴之處，不僅在於合掌屋聚落的稀有性，更在於為了維持傳統合掌屋，所發展出來村民間緊密結合的互助合作體系與相互間良好的對待關係。了解互助合作體系的社會結構與其形成的原因，才是這個地方經由有形資產保存所彰顯出來的無形資產，便能真正地保存它。白川村的居民以「結」來闡述他們的社群關係。

以 Thai Tien 的社區而言，雖然所座落的社區環境被認為與當地皇宮、博物館所要彰顯的泰國精緻文化價值格格不入，但互助合作，相互關懷的人際網落，是否代表另一種無形的文化精神，值得其他的人學

習？在做文化資產保存與都市保存工作的同時，其真正的價值，的確有待學者及所有的人重新思考。

附錄一、亞洲文化資產國際田野學校招生簡章

「亞洲文化資產國際田野學校」(IFSAH)

日期：西元 2002 年 8 月 5 日至 24 日（三週）

地點：泰國首都曼谷（Bangkok）

世界歷史名城蘇可泰及周邊歷史城鎮（1991 Historic Town of Sukhothai and Associated Historic Towns）

世界歷史名城大城及周邊歷史城鎮（1991 Historic City of Ayutthaya and Associated Historic Towns）

普吉島（Phuket Island）

主辦單位：樂山文教基金會

泰國國立蒙庫國王科技大學

背景與目的：

在亞洲從事保存工作，有兩項決定性的要素：如何達到修復的國際標準，再者是有關文化資產的經營管理所衍生的課題。由於亞洲國家特殊的哲學觀念以及亞洲文化的特殊性與差異性，由西方國家所訂的文化資產保存的國際標準其實並不符合。至於經營管理方面，最顯著的因素則是地方分權運動中中央與地方的權利義務是否分的清楚。這兩點其實是息息相關的，而亞洲各個社會其實應該分享他們的經驗、互相支援，並建立屬於自己的文化資產保存與經營管理的「亞洲憲章」。基於以上原因，亞洲文化資產國際田野學校的成立有三個積極性的目的：

- 文化資產規劃與交換經營管理的經驗並發展出適合亞洲的「亞洲標準」

- 實地探訪包括世界人類文化遺產及小型都會歷史街區的有形文化資產以及相關的文化產業
- 改善適合亞洲國家的文化資產經營管理的建立方法

活動內容：

田野學校活動內容分三大類：

- **演講** - 探討亞洲文化資產的多樣性，體驗泰國的世界文化遺產所用的國際標準，文化資產作為觀光資源以及地方經營文化資產的問題。
- **田野調查** - 參觀泰國的世界文化遺產和都會歷史社區。現場演講、與當地政府和居民對談、並探討修復工作。地點包括：蘇可泰與其周邊城鎮，大城世界文化遺產，曼谷中國城及大皇宮保存區，和普吉島舊城。另有一天自由參加的行程至「古城」和水上市場。
- **工作營** - 學員之間的討論以及針對文化資產經營管理的報告。

「亞洲文化資產國際田野學校」(IFSAA)：預計行程

日期	上午	下午 - 晚上
第一週		
5 (一) 曼谷	報到及專題演講	IFSAA 及課程內容簡介 搭車前往普吉島
6 (二) 普吉島	普吉舊城散步或休息	地方政府和當地居民於普吉島的保存工作交流會 L4a
7 (三) 普吉島	與當地居民和傳統手工藝匠師座談	舊城寺廟和博物館田野調查 普吉幻多奇 1000baht
8 (四) 普吉島	普吉島文化資源及產業調查	晚上：搭車回曼谷
9 (五) 曼谷	泰國文化資產保存與國際憲章	古蹟分級制(藝術部) 麗江經驗
10 (六)	自由參加「水上市場」、「安紀灣」民宿 500baht	
11 (日)	自由活動	前往蘇可泰 抵達蘇可泰
第二週		
12 (一) 蘇可泰	為達成世界文化遺產登錄所做的努力 - 蘇可泰歷史園區 (Historic Town of Sukhothai) L4b	蘇可泰單車田野調查
13 (二) 蘇可泰	蘇可泰歷史園區及周邊城鎮和當地產業參訪	
14 (三) 大城	經由 Kampaengphet 歷史園區前往大城 (Historic City of Ayutthaya) 夜晚抵達大城	
15 (四) 大城	大城歷史園區的經營管理 L4c	探索大城 250baht 返回曼谷
16 (五) 曼谷	各國保存現況介紹及討論 環境政策計劃委員會(OEPP)於全國文化環境保存所扮演的角色	泰國觀光局(TAT)以文化景點為觀光資源
17 (六)	自由參加「北禮府古蹟城」500baht	
18 (日)	自由活動	
第三週		
19 (一) 曼谷	曼谷市政府與都會歷史社區再生	各國古蹟分級制 印度古蹟保存
20 (二) 曼谷	曼谷文化資產參訪：曼谷大皇宮及國家博物館	
21 (三) 曼谷	曼谷中國城社區組織 L4d	
22 (四) 曼谷	小組工作營	
23 (五) 曼谷	小組報告	講評及閉幕
24 (六)	結束返國	

附錄二、泰國古蹟分級制

The monument ranking system in Thailand

The Monument Ranking System in Thailand

By Assoc. Prof. Prasong Eiam-anant

Introduction

The area on which Thailand is located has been occupied by people since long time ago in the past. Thus, it contains numerous monuments of different periods, from the prehistoric to the present. Such monuments are not only in complete architectural forms, but there are also the damaged buildings, ruins, and evidences of human settlements from different times. Therefore, the safeguarding and maintenance of monuments, which is one of the Fine Arts Department's responsibilities, requires a good management that is suitable for each type of monuments, as well as to be in accordance with the economy, social, tradition and culture of each locality. Consequently, the implementation is sensitive and a clear principle is required as a framework, whereas local social norms are considered in the adaptation of the implementation to different area.

Safeguarding and maintenance of different monuments varies greatly according to the differences between each monument. That is, the types of monuments, their characteristics and sizes, causes of decays and damages, which could result from the difference of quality of building materials, for instance. There also exist the differences of concepts in monument safeguarding and maintenance depending on way of life, morals, and beliefs of each locality. The economic and social matters also affect the means of monument safeguarding and maintenance.

Considering the above mentioned conditions, the Fine Arts Department, which is an organization responsible for the safeguarding and maintenance of monuments, has set up a Committee on the Monument Ranking. The duties of this committee are as follows :

1. To set the criteria for monument registration and monument ranking
2. To rank the monuments
3. To set a standard for personnel, budget, and management of monuments in each rank
4. Other relevant duties

Monument classification

Monuments in Thailand are numerous and can be categorized into various types. Each type of monuments differ in sizes, forms, styles, construction materials, construction techniques, craftsmanship and history. The management of monuments, therefore, varies according to the factors as mentioned. Moreover, there are various means for conservation of the values of monuments. Thus monument ranking is necessary for conservation management in order to set up an appropriate conservation programme for each monument, which is based on the values of the

monument, potential for conservation, and the risk that each monument is facing. Ranking is, therefore, a tool for consideration of conservation project planning and specification for monuments in each fiscal year.

Before ranking, the monuments are categorized into 6 different types in order to set up the most appropriate criteria for ranking. These types are :

1. Isolated Structure
Monuments in this type are the lone-standing, or isolated structures which may comprises monuments, buildings, bridges, pagodas, stupas, mosques, etc.
2. Group of Buildings
This type comprises the monuments which are situated in groups. There may or may not be a principal, or central structure within each group. These are such as temples, schools, civil centres, etc.
3. Urban Area and Historic Town
This type is characterized by the component of each area, which must be sufficient to serve the needs of each community. Such area, if it has a distinguished history, is considered a historic town.
4. Archaeological Site : is divided into :
 - 4.1 Excavated Archaeological Site
 - 4.2 Unexcavated Archaeological Site
 - 4.3 Rock Art Site, such as the paintings or reliefs found on cave walls
5. Historic Site
This type comprises historically important areas, such as Thung Makham Yong, the battlefield of Thai-Burmese war, etc.
6. Historic Landscape
This type comprises the areas which have been planned and landscaped such as the garden in the ancient palace, Ayutthaya, and the garden in Narai Ratchanivet, Lopburi, etc.

Monument Ranking

Monument ranking is carried out after the criteria for each type of monuments is set in forms of charts. These charts are filled with marks according to the purpose of each chart, and the results are ranked as follows :

1. Value Ranking
Value ranking is used for proposal of monuments to be registered or listed. There are 4 ranks of monuments :

- 1) National Treasure : monuments with highest level of importance, or national level.
The average marks of this rank is 4 and above.
- 2) Significant Cultural Heritage : the level of importance in this rank is regional. The average marks are between 3-3.99.
- 3) Cultural Heritage : monuments of provincial level of importance with average marks between 2-2.99.
- 4) Conserved Building and Site : comprises buildings and sites with some historical, art or architectural values of local level of importance. The average marks for this rank is 1-1.99.

In case that the mark is 1 or below, the monument is not qualified for either registration or listing.

The ranking may be revised when the relevant information is changed or more information is obtained.

2. Conservation Potential Ranking

Conservation potential ranking is used for consideration and conservation planning of each monument to be in accordance with its value and present conditions. There are 3 ranks :

- 1) High Potential : monuments which are ready or most appropriate to be conserved.
The average marks for this rank is 3.33 and above.
- 2) Moderate Potential : monuments which are ready or appropriate to be conserved on moderate level. The average marks are between 1.67-3.32.
- 3) Low Potential : monuments with low readiness and appropriation for conservation.
The average marks are 1.66 and below.

3. Urgency Ranking

Urgency ranking is used for conservation planning by considering the risk that each monument is facing. There are 3 ranks :

- 1) Urgent : monuments facing with very high risks which are in urgent needs of conservation. The average marks are 3.33 and above.
- 2) Necessary but not Urgent : monuments facing moderate risks on lower level of urgency than the first rank. The average marks are between 1.67-3.32.
- 3) Not Necessary : monuments facing low risks which may be conserved later. The average marks are 1.66 and below.

Monument Ranking Implementation

Monuments which are situated in regional areas will be ranked by the result of the filled Ranking Charts provided by the 1-12 Fine Arts Department Regional Offices. The marking will be conclusively done by considerations of the Director of each Fine Arts Department Regional Office, the Head of the Scientific Section, and the Head of Monument Section. As for the monuments under central responsibility, the marking will be done by the central authority : Monument Registration Section, Archaeological Science Group, and Monument Preservation Division. The result of the marking must also be conclusive.

At the first stage, the first ranking priorities should consider the registered monuments with already existed information in each region, or the monuments which are planned to be conserved.

Later, all the results of the markings as mentioned would be justified by the Central Committee for Monument Ranking, which is authorized by the Fine Arts Department. The final result after justification will be proposed to the Director General of the Fine Arts Department for approval of the ranking, registration, or listing of monuments. After this procedure, the ranking is complete officially and is ready for further uses.

Charts for Monument Ranking

There are charts to be marked for monument ranking, which differ according to the types of monuments as follows :

1. Isolated Structure
7. Group of Buildings
8. Urban Area and Historic Town
9. Archaeological Site : is divided into :
 - 9.1 Excavated Archaeological Site
 - 9.2 Unexcavated Archaeological Site
 - 9.3 Rock Art Site, such as the paintings or reliefs found on cave walls
10. Historic Site
11. Historic Landscape

For each type, there are 3 charts of ranking based on aspects of consideration :

- First Chart : Value Ranking
- Second Chart : Conservation Potential Ranking
- Third Chart : Urgency Ranking

Marking System

1. Tick in the box : high, fairly high, moderate, fairly low, low, or no information, for each topic.

2. Fill the mark in the box "marks(1)" by interpreting from the ticked boxes :

High	=	5
Fairly high	=	4
Moderate	=	3
Fairly low	=	2
Low	=	1
No information	=	0

3. Fill in the box "marks(3)" with the multiplication of marks and credit

$$\text{Marks(3)} = \text{marks(1)} \times \text{credit(2)}$$

4. Sum up the results in "sum(3)"

And divide sum(3) by sum(2) (sum of credits). The result should not exceed 5.

5. Categorize the result into each rank

5.1 Value Ranking

4 and above	First Rank " National Treasure"
3-3.99	Second Rank "Significant Cultural Heritage"
2-2.99	Third Rank "Cultural Heritage"
1-1.99	Fourth Rank "Conserved Buildings and Sites"

5.2 Conservation Potential Ranking

3.33 and above	High Potential
1.67-3.32	Moderate Potential
1.66 and below	Low Potential

5.3 Urgency Ranking

3.33 and above	Urgent
1.67-3.32	Necessary but not Urgent
1.66 and below	Not Necessary

Conclusion

Monument ranking system is a tool for evaluation of monuments. It is useful in various aspects and could help the management in decision making. Nevertheless, this system is new in Thailand and it is still in an experimental stage. At present, every regional office of the Fine Arts Department are requested to carry out the ranking process by using the charts as mentioned. After a period of time, the results of this ranking system will be evaluated and there may be further adjustments or improvements. When the system is satisfactory, it will be officially used for ranking of all monuments in Thailand in the future.

type : ISOLATED STRUCTURE

name.....
location.....
type of land
☐ ownership ⁽¹⁾ ☐ right of possession ⁽²⁾ ☐ royal property ⁽³⁾ ☐ land for religious uses ⁽⁴⁾ ☐ land for public uses ⁽⁵⁾ ☐ others ⁽⁶⁾
owner/possessor
☐ public sector ⁽⁷⁾ ☐ private sector or juristic person
time of assessment date..... "condition" ⁽⁸⁾ ☐ surveyed ⁽¹¹⁾ ☐ excavated ⁽¹²⁾ ☐ conserved ⁽¹³⁾ ☐ still being used ⁽¹⁴⁾ ☐ not used ⁽¹⁵⁾ ☐ temple/christian temple/masjid ⁽⁹⁾ ☐ others ⁽¹⁰⁾

chart1 criteria for Value Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(2) (2)-(1)X(2)	note
Aesthetic value								3		
fine art								3		
architecture								3		
historical and								2		
history								2		
history of art and architecture								2		
history of construction and restoration								2		
archaeological evidences								2		
date								1		marks given : precious high / Lopph n. Dvauwv, Sravaya fairly high / Sukhodan, changpwan, 1-2 Thung moderate Ayutthaya fairly low / Ratanakosin low
Scientific value								2		considering one type or all topics
authenticity										
- materials										
- technology (craftsmanship)								2		being a rare example of this type
- art /architectural features								2		a clear comprehensibility by the overall image
- site								2		representativeness of style /date, or site
fairly										
comprehensibility										
representativeness										
local commitment								3		considering local activities that relate to this site
Social value										according to culture and beliefs which have been handed down through generations
Size								3		large size - high value, small size - low value
Structure and materials								2		quality of workmanship and materials by the past engineering aspect
total									31	average.....rank.....
SUM(2)									SUM(2)	SUM(2)

chart 2. criteria for Conservation Potential Ranking

criteria		high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
value									3		* fill the marks box with the average marks obtained from chart 1
present physical condition	completeness of								3		
									3		
									3		
	traffic and accessibility								2		convenient traffic and accessibility
									2		environment which promotes conservation of the site
	visibility								2		
	relationship with neighbouring monuments								2		including relationship based on tourism
	suitable activities								3		high marks for suitable ones
total									23		
average.....rank										SUM(2)	SUM(3)
										SUM(2)	SUM(3)/SUM(2)

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chart3 criteria for Urgency Ranking

criteria		high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
risks to deterioration	by nature.....								2		risks in deterioration of the site
	by human.....								3		please indicate (high marks for high risks)
total									6		
average.....rank										SUM(2)	SUM(3)
										SUM(2)	SUM(3)/SUM(2)

(urgent, necessary but not urgent,
or not necessary)

TYPE : GROUP OF BUILDINGS

name.....

location.....

type of land

☐ ownership⁽¹⁾ ☐ right of possession⁽²⁾ ☐ royal property⁽³⁾ ☐ land for religious uses⁽⁴⁾ ☐ land for public uses⁽⁵⁾ ☐ others⁽⁶⁾

owner/possessor

☐ public sector⁽⁷⁾ ☐ private sector or juristic person

time of assessment date..... "condition"⁽⁸⁾ ☐ surveyed⁽¹¹⁾ ☐ excavated⁽¹²⁾ ☐ conserved⁽¹³⁾ ☐ still being used⁽¹⁴⁾ ☐ not used⁽¹⁵⁾ ☐ others⁽¹⁶⁾

chart 1 criteria for Value Ranking

criteria	high	fairly high	moderate	fairly low	low	no inform.	marks	credita	SUM(3)	note
	5	4	3	2	1	0	(1)	(2)	(3)+(2)X(2)	
Aesthetic value	fine art							3		
	architectural harmony							3		
	layout							3		
	history of group of monuments							2		
	history of art, architecture and layout							2		
Historical and Archaeological value	archaeological evidences							2		
	date							1		marks given : prehistoric high / Lophon, Dourawit, Sriwijaya fairly high / Sukhothai, changuen, U-Thong moderate / Ayutthaya fairly low / Ramathani low
								2		considering one topic or all topics
								2		being a rare example of this type
								2		a clear comprehensibility by the overall image
Scientific and Academic Value	authenticity							2		representativeness of style, date, or size
	- site									considering local activities that relate to this site
	- technology									according to culture and beliefs which have been handed down through generations
	- art/architectural features									large size - high value, small size - low value
	rarity									average.....Rank.....
Social Value	comprehensibility							2		
	representativeness							2		
	social commitment							3		
								2		
								2		
Size								2		
								29		
								SUM(2)	SUM(3)	SUM(2)

chart2 criteria for Conservation Potential Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
value								3		* fill the marks box with the average marks obtained from chart 1
(marks from Value Ranking chart)										
present physical condition								3		
atmosphere of monument								3		
appropriate density/open space								3		
relationship with surroundings								3		
traffic and accessibility								2		convenient traffic and accessibility
visibility								2		clear visual appearance
completeness of overall plan/structure								2		whether it is complete according to original plan
completeness of group								2		considering condition of each building
suitable activities								3		high marks for suitable ones
							total	23		average.....rank.....
							SUM(2)	SUM(3)	SUM(3)/SUM(2)	

chart3 criteria for Urgency Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
risks to deterioration								3		risks to deterioration of the site please indicate (high marks for high risks)
by nature.....								3		
by human.....								3		
							total	6		average.....rank.....
							SUM(2)	SUM(3)	SUM(3)/SUM(2)	(urgent, necessary but not urgent, or not necessary)

type : URBAN AREA AND HISTORIC TOWN

name.....

location.....

type of land

☐ ownership ⁽¹⁾ ☐ right of possession ⁽²⁾ ☐ royal property ⁽³⁾ ☐ land for religious uses ⁽⁴⁾ ☐ land for public uses ⁽⁵⁾ ☐ others ⁽⁶⁾

owner/possessor

☐ public sector ⁽⁷⁾ ☐ private sector or juristic person ⁽⁸⁾ ☐ temple/christian temple/musjid ⁽⁹⁾ ☐ others ⁽¹⁰⁾

time of assessment date..... "condition" ☐ surveyed ⁽¹¹⁾ ☐ excavated ⁽¹²⁾ ☐ still being used ⁽¹³⁾ ☐ not used ⁽¹⁴⁾

chart1.1 criteria for Value Ranking

criteria	high					moderate			low			no inform.		marks	credits	SUM(1) (3)+(5)+(13)	note
	5	4	3	2	1	0	1	2	3	4	5	6	7				
Aesthetic value	fine art														1		
	architecture														2		
	harmony of buildings in the area														3		
	planning of urban area /historic town														3		
	historically distinguished line of the area/																
Historical and Archaeological value	historic town														3		the monument is historically well known
	outstanding art historical features														2		
	of elements																
	continuity of development of the area/														2		continuity on physical and use aspects
	historic town														1		
Scientific and Academic Value	date																
	completeness and clarity of evidences of history and archaeology														2		
	authenticity														3		in each case of all three cases
	site																
	construction technology (buildings and infrastructure)														3		
Social Value	art architecture/planning features														2		
	rarity														2		
	comprehensibility														2		
	representativeness														2		
	local culture														3		emphasizes on ways of living and feeling of local people towards the monument
Size	continuity of use														2		
	local commitment														4		large size - high value, small size - low value
Total															40		average.....
SUM(2)															SUM(3)	SUM(3)/SUM(2)

chart2 criteria for Conservation Potential Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no Inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
value (marks from Value Ranking chart)								3		* fill the marks box with the average marks obtained from chart.1
present physical condition								2		
quality of environment								2		
atmosphere of the historic area								1		
appropriate density/openspace								2		
relationship between original plan and present plan								2		
traffic and accessibility								2		convenient and suitable traffic and accessibility
physical endurance of urban area and historical town								2		
								14		
							total		SUM(2)	SUM(3)
									SUM(3)/SUM(2)	average.....rank.....

chart3 criteria for Urgency Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no Inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
risks to deterioration								2		risks to deterioration of the site
by nature.....								3		please indicate (high marks for high risks)
by human.....								6		
							total		SUM(2)	SUM(3)
									SUM(3)/SUM(2)	average.....rank.....
										(urgent, necessary but not urgent, or not necessary)

type : EXCAVATED ARCHAEOLOGICAL SITE

name.....

location.....

type of land

☐ ownership ⁽¹⁾ ☐ right of possession ⁽²⁾ ☐ royal property ⁽³⁾ ☐ land for religious uses ⁽⁴⁾ ☐ land for public uses ⁽⁵⁾ ☐ others ⁽⁶⁾

owner/possessor

☐ public sector ⁽⁷⁾ ☐ private sector or juristic person ⁽⁸⁾ ☐ temple/christian temple/masjid ⁽⁹⁾ ☐ others ⁽¹⁰⁾

time of assessment date..... "condition" ☐ surveyed ⁽¹¹⁾ ☐ excavated ⁽¹²⁾ ☐ conserved ⁽¹³⁾ ☐ still being used ⁽¹⁴⁾ ☐ not used ⁽¹⁵⁾

chart.1 criteria for Value Ranking

Scientific Value and Studies from Historical and Archaeological Evidences	criteria	high	fairly high	moderate	fairly low	low	no inform.	marks	credits	SUM(3)	note
		5	4	3	2	1	0	(1)	(2)	(3)=(1)X(2)	
	being a key site								3		being a key site which is informative
	rarity								3		being a representative of a time and area
	density of evidences								3		being an example of a rare site
	cultural continuity								3		number of evidences in a unit of area
	diversity of evidences								3		considering layers and continuity of evidences
	completeness of information								3		considering type of evidences in a unit of area
	date								3		being a clearly comprehensible site
									1		by its overall image
Social Value											marks given : prehistoric high /
											Lopburi, Dvaravati, Srivijaya fairly high / Sukhothai, Changoen, U-Thong moderne / Ayutthaya fairly low / Ratanakosin low
Size	social commitment								2		considering local activities that relate to this site
									1		according to culture and beliefs which have been handed d
total									22		large size - high value, small size- low value
average.....rank.....									SUM(2)	SUM(3)	SUM(3)/SUM(2)

chart 2 criteria for Conservation Potential Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
value (marks from Value Ranking chart)								3		* fill the marks box with the average marks obtained from chart 1
present physical condition								2		environment which promotes conservation of the site
quality of environment								1		convenient and suitable traffic and accessibility
traffic - accessibility								2		(high marks for suitable ones)
suitable landuse								8		average.....rank.....
total								SUM(2)	SUM(3)	SUM(3)/SUM(2)

chart3 criteria for Urgency Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
risks to deterioration								3		risks to deterioration of the site
by nature.....								3		please indicate (high marks for high risks)
by human.....								6		average.....rank.....
total								SUM(2)	SUM(3)	SUM(3)/SUM(2)

(urgent, necessary but not urgent,
or not necessary)

type : ROCK ART SITE

name.....

location.....

type of land

☐ ownership ☐ right of possession ☐ royal property ☐ land for religious uses ☐ land for public uses ☐ others

owner/possessor

☐ public sector ☐ private sector or juristic person ☐ temple/christian temple/masjid ☐ others

time of assessment date..... "condition" ☐ surveyed ☐ excavated ☐ conserved ☐ still being used ☐ not used

chart_1 criteria for Value Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	o information 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
Scientific Value and being a key site								3		being a key site which is informative
Studies of Archaeological rarity								3		being a representative of a time and area
density of evidences								3		being an example of a rare site
date								3		number of evidences in a unit of area
								1		marks given : prehistoric high / Lopburi, Dvaravati, Srivijaya fairly high/ Sukhothai, Chiangsaen, U-Thong moderate/ Ayutthaya fairly low /Rattanakosin low
comprehensibility of information from the site								3		
Aesthetic Value fine art								1		considering the form, feature, and rhythm
site								1		aesthetic of the cave and other elements
Social Value local commitment								1		considering local activities that relate to this site according to culture and beliefs which have been handed down through generations
Size of the site								2		large size - high value, small size - low value
total								18		average.....rank.....
								SUM(2)	SUM(3)	SUM(3)/SUM(2)

chart2 criteria for Conservation Potential Ranking

criteria	high	fairly high	moderate	fairly low	low	no inform.	marks	credits	SUM(3) (3)=(1)X(2)	note
value (marks from Value Ranking chart)	5	4	3	2	1	0		3		* fill the marks box with the average marks obtained from chart 1
present physical condition								2		environment which promotes conservation of the site
traffic - accessibility								1		convenient and suitable traffic and accessibility
suitable landuse								2		(high marks for suitable ones)
							total	8		average.....rank.....
							SUM(2)	SUM(3)	SUM(3)/SUM(2)	

chart3 criteria for Urgency Ranking

criteria	high	fairly high	moderate	fairly low	low	no inform.	marks	credits	SUM(3) (3)=(1)X(2)	note
risks to deterioration	5	4	3	2	1	0		3		risks to deterioration of the site please indicate (high marks for high risks)
								3		
							total	6		average.....rank.....
							SUM(2)	SUM(3)	SUM(3)/SUM(2)	(urgent, necessary but not urgent, or not necessary)

type : HISTORIC SITE

name.....

location.....

type of land

☐ ownership ⁽¹⁾ ☐ right of possession ⁽²⁾ ☐ royal property ⁽³⁾ ☐ land for religious uses ⁽⁴⁾ ☐ land for public uses ⁽⁵⁾ ☐ others ⁽⁶⁾

owner/possessor

☐ public sector ⁽⁷⁾ ☐ private sector or juristic person ⁽⁸⁾ ☐ temple/christian temple/masjid ⁽⁹⁾ ☐ others ⁽¹⁰⁾

time of assessment date..... "condition" ☐ surveyed ⁽¹¹⁾ ☐ excavated ⁽¹²⁾ ☐ conserved ⁽¹³⁾ ☐ still being used ⁽¹⁴⁾ ☐ not used ⁽¹⁵⁾

chart 1 criteria for Value Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
Scientific Value and Studies from Historic and Archaeological Evidences	significance of evidences (documents/pictures)							6		
	other evidences							2		ancient objects, architectural elements or landscape architectural elements
	number of documents							3		high number of evidences gets high marks
	diversity							3		consistency, diversity of activities from evidences found
	comprehensibility							3		clearly comprehensibility of the site by its overall image
Social Value	date							1		marks given prehistoric high / Lopburi, Dvaravati, Srivijaya fairly high / Sukhothai, Champa, 11 - Thong, moderate /
	social commitment							2		Ayutthaya fairly low / Ratanakosin low considering local activities that relate to this site according to culture and beliefs which have been handed down through generations
Size								1		large size - high value, small size - low value
total								21		average.....rank.....
SUM(2)								SUM(3)	SUM(3)/SUM(2)	

note: Historic site is literally recorded in historic events.

chart 2 criteria for Conservation Potential Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
value (marks from Value Ranking chart)								3		* fill the marks box with the average marks obtained from chart 1
present physical condition								2		environment which promotes conservation of the site
								1		convenient and suitable traffic and accessibility
								2		(high marks for suitable ones)
							total	8		average.....rank.....
							SUM(1)	SUM(2)	SUM(3)	SUM(3)/SUM(2)

chart3 criteria for Urgency Ranking

criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
risks to deterioration								3		risks to deterioration of the site
								3		please indicate (high marks for high risks)
							total	6		average.....rank.....
							SUM(1)	SUM(2)	SUM(3)	SUM(3)/SUM(2)

(urgent, necessary but not urgent, or not necessary)

type : HISTORIC LANDSCAPE

name.....

location.....

type of land

☐ ownership ⁽¹⁾ ☐ right of possession ⁽²⁾ ☐ royal property ⁽³⁾ ☐ land for religious uses ⁽⁴⁾ ☐ land for public uses ⁽⁵⁾ ☐ others ⁽⁶⁾

owner/possessor

☐ public sector ⁽⁷⁾ ☐ private sector or juristic person

time of assessment date..... "condition" ☐ surveyed ⁽¹¹⁾ ☐ excavated ⁽¹²⁾ ☐ conserved ⁽¹³⁾ ☐ still being used ⁽¹⁴⁾ ☐ not used ⁽¹⁵⁾ ☐ others ⁽¹⁶⁾

chart 1 criteria for Value Ranking

criteria	high	fairly high	moderate	fairly low	low	no inform.	marks	credits	SUM(S)	note
Aesthetic Value	5	4	3	2	1	0	(1)	(2)	(3)+(1X2)	
	art/architecture							1		
	landscape architecture							3		
	layout							2		
	harmony of elements							2		
Historical and Archaeological Value	5	4	3	2	1	0	(1)	(2)	(3)+(1X2)	
	landscape architectural history							2		
	history of urban planning							2		
	art/architectural history (of elements)							1		
	history of plant materials							1		
Scientific and Academic Value	5	4	3	2	1	0	(1)	(2)	(3)+(1X2)	
	archaeological evidences							2		
	date							1		
	authenticity							2		
	site/technology/style							2		
Social Value	5	4	3	2	1	0	(1)	(2)	(3)+(1X2)	
	rarity (distinction)							2		
	comprehensibility							2		
	representativeness							2		
	local culture							2		
Size	5	4	3	2	1	0	(1)	(2)	(3)+(1X2)	
	continuity of use							3		
	local commitment							2		
	emphasis on ways of living and feeling of local people towards the monument							3		
	large size - high value, small size - low value							3		
total										15
average										3

SUM(2) SUM(3) SUM(4) SUM(5) SUM(6)

chart2 criteria for Conservation Potential Ranking

value	criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
Present Physical condition	(marks from Value Ranking chart)								3		* fill the marks box with the average marks obtained from chart 1
	completeness of overall plan structure								3		
	traffic- accessibility								2		convenient traffic and accessibility
	quality of environment								2		
	atmosphere of being a historic landscape site								4		
	relationship with the present urban structure								2		being in harmony and enhances urban plan
	suitable density/open space								1		
	completeness of landscape elements								3		
	suitable activities								3		high marks for suitable ones
								total	23		average.....rank.....
		SUM(2)	SUM(3)	SUM(3)	SUM(3)/SUM(2)						

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chart3 criteria for Urgency Ranking

risks to deterioration	criteria	high 5	fairly high 4	moderate 3	fairly low 2	low 1	no inform. 0	marks (1)	credits (2)	SUM(3) (3)=(1)X(2)	note
	by nature.....								3		risks to deterioration of the site
	by human.....								3		please indicate (high marks for high risks)
								total	6		average.....rank.....
		SUM(2)	SUM(3)	SUM(3)	SUM(3)/SUM(2)						

(urgent, necessary but not urgent,
or not necessary)

CURRICULUM VITAE

Name Mr.Prasong EIAM-ANANT

Position Architecture & Urban Conservation Expert, Fine Arts Department

Personal Data

Date of Birth : 22 June 1934
Place of Birth : Singhburi, Thailand
Citizenship at Birth : Thai
Marital Status : Married
Address : 52/13 Soi Nananue, Sukumvit Road, Klong Toey Nue
Wattana, Bangkok 10110, Thailand

Education and Training

1962 : B.A. (Thai Arch) Hons., Silpakorn University, Bangkok
1967 : M.Arch. (City Design), University of Minnesota, U.S.A.
1972 : Dip.In Housing, Planning & Building, Bouwcentrum, The Netherlands

Scholarships

1962 : South East Asia Treaty Organization (SEATO) Scholarship
1964 : Thai Government Scholarship to study in U.S.A.
1972 : The Netherlands Government Scholarship to study in The Netherlands
1978 : The Leverhulme Fellowship to research and teach at The University of
Hong Kong

Working Experiences

- Teaching in institutes in Thailand

Undergraduate Level :

Thesis in Architecture, Urban Planning, Site Planning, Housing and Social and Economic factors in Arch. And Urban Design

Graduate Level :

Urban design Studio and Thesis in Urban Design

- Teach and research on Urban Design and Architecture at the University of Hong Kong
- Research on housing standard as appointed by the government of Hong Kong
- Working on the Master Plan of Sukhothai Ancient City
- Working on conservation an environmental improvement plans for ancient towns i.e. Songkhla, Kamphaengphet, Chiangmai, Lopburi, Nakhorn si Thammarat.

Present Positions

- Member of committees of Fine Arts Department i.e. Committee on National and Significant Buddha Images, Committee for Monument Ranking, Committee on Restoration and Conservation of Monuments, etc.
- Member of Committee on Rattanakosin and Ancient Towns
- Member of National Committee on Environment
- Member of Sub Committee on Conservation of Natural and Art Environment
- Member of Sub Committee on Public Sector Offices in Bangkok Metropolitan Area and Major Towns
- President of Professor An Nimmanheminda Foundation
- President of the Society for the Conservation of National Treasure and Environment

附錄三、古蹟、文物、藝術品、國家博物館法

Act on Ancient Monuments, Antiques, Objects
of Art and Antional Museums, B. E.

2504(1961)

**ACT ON ANCIENT MONUMENTS, ANTIQUES,
OBJECTS OF ART AND NATIONAL MUSEUMS,
B.E. 2504 (1961)¹**

BHUMIBOL ADULYADEJ, REX.
Given on the 2nd Day of August B.E. 2504,
Being the 16th Year of the Present Reign.

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

Whereas it is expedient to revise the law on ancient monuments,
antiques, objects of art and national museums;

Be it, therefore, enacted by the King, by and with the advice and
consent of the Constituent Assembly acting as the National Assembly, as follows:

Section 1. This Act is called the "Act on Ancient Monuments,
Antiques, Objects of Art and National Museums, B.E. 2504."

Section 2. This Act shall come into force after the expiration of
thirty days from the date of its publication in the Government Gazette.²

Section 3. The following shall be repealed:

¹ As last amended by the Act on Ancient Monuments, Antiques, Objects of Art
and National Museums (No. 2), B.E. 2535 (1992)(published in the Government
Gazette Vol. 109, Part 38, dated 5th April B.E. 2535 (1992))

² Published in the Government Gazette Vol. 78, Part 66, dated 29th August B.E.
2504 (1961)

(1) The Act on Ancient Monuments, Objects of Art, Antiques
and National Museums, B.E. 2477; and

(2) The Act on Ancient Monuments, Objects of Art, Antiques
and National Museums (No. 2), B.E. 2486.

All other laws, by-laws and regulations insofar as they deal with
matters provided herein or are contrary hereto or inconsistent herewith shall be
replaced by this Act.

Section 4. In this Act:

"ancient monument"³ means an immovable property which, by its

age or architectural characteristics or historical evidence, is useful in the field of art, history or archaeology and shall include places which are archaeological sites, historic sites and historic parks;

"antique" means an archaic movable property, whether produced by man or by nature, or being any part of ancient monument or of human skeleton or animal carcass which, by its age or characteristics of production or historical evidence, is useful in the field of art, history or archaeology;

"objects of art"⁴ means a thing skillfully produced by craftsmanship which is highly valuable in the field of art;

"duplicate antique"⁵ means a thing which is a duplicate of an antique or a particular part of an antique registered under this Act or which is in the possession of the Department of Fine Arts;

³ As amended by section 3 of the Act on Ancient Monuments, Antiques, Object of Art and National Museums (No. 2), B.E. 2535 (1992)

⁴ As amended by section 4, *ibid.*

⁵ As added by section 5, *ibid.*

"duplicate object of art"⁶ means a thing which is a duplicate of object of art or a particular part of object of art registered under this Act or which is in the possession of the Department of Fine Arts;

"duplicate"⁷ means imitate, replicate or reproduce by any means in order to be like or similar to the original object regardless of its original size, features or material;

"competent official" means the person appointed by the Minister for the execution of this Act;

"Director-General" means the Director-General of the Department of Fine Arts;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5.⁸ The Director-General may, in regard to the issuance of permit or licence by him under this Act, entrust a government official of the Department of Fine Arts in a position not lower than a Director or its equivalent to act on his behalf or the *Changwat* Governor of any locality to act on his behalf in such locality. Such entrustment shall be published in the Government Gazette.

After the publication of entrustment of authority to the *Changwat*

Governor of any locality according to paragraph one, the application for permit or licence shall be filed with the Changwat Governor of such locality.

⁶ Ibid.

⁷ Ibid.

⁸ As amended by section 6, *ibid.*

Section 6.⁹ The Minister of Education shall have charge and control of the execution of this Act, and shall have the power to appoint competent officials, issue Ministerial Regulations prescribing fees not exceeding the rates provided in the schedules hereto attached, granting exemption from fees, and prescribing other activities for the execution of this Act.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

CHAPTER I

Ancient Monuments

Section 7. The Director-General shall, for the purpose of keeping, maintaining and controlling ancient monuments under this Act, have the power to cause, by means of notification in the Government Gazette, any ancient monument as he thinks fit to be registered, and to determine such area of land as he thinks fit to be its compound; which area shall also be considered as ancient monument. Cancellation and modification of the same may likewise be made.

If the ancient monument to be registered under the foregoing paragraph is owned or lawfully possessed by any person, the Director-General shall notify in writing the owner or possessor thereof. The owner or possessor shall, if not satisfied therewith, be entitled within thirty days from the date of his

⁹ Ibid.

or her being aware of the Director-General's notification to apply for an order of

the Court requiring the Director-General to stop registration and/or determination of such area of land as ancient monuments, as the case may be. If the owner or possessor fails to apply for the order of the Court or the Court gives, when the case is final, the order rejecting the application, the Director-General shall proceed with the registration.

Section 7 bis.¹⁰ No person shall construct any building according to the law on the control of building construction within the compound of ancient monument registered by the Director-General except permit has been obtained from the Director-General.

In the case where the building being constructed without permit, the Director-General shall have the power to stop the construction and to demolish the building or a part of the building within sixty days from the date of the receipt of the order.

Any person who refuses to stop the construction or to demolish the building or a part of building according to order of the Director-General shall be liable to the offence of refusing the order of official. The Director-General shall demolish the building or a part of that building and the owner, the occupier or the constructor shall have no right to claim damages or proceed with the case whatsoever against the persons executing that demolition.

¹⁰ As added by clause 1 of the Announcement of the National Executive Council No. 308, dated 13th December B.E. 2515 (1972)

If the owner does not remove the demolished materials from the ancient monument's compound within fifteen days from the date of the completion of the demolition, the Director-General shall sell such materials by auction. Proceeds of sale after deduction of demolition and sales expenses shall return to the owner of such materials.

Section 8. All ancient monuments listed and published in the Government Gazette by the Director-General under the law on ancient monuments, objects of art, antiques and national museums before the day of the coming into force of this Act shall also be taken as registered ancient monuments under this Act.

Section 9. In case the registered ancient monument owned and lawfully possessed by any person is deteriorating, dilapidating or being damaged

by any means whatsoever, the owner or possessor thereof shall inform the Director-General of the deterioration, dilapidation or damage within thirty days from the date of his or her being aware of its occurrence.

Section 9 bis.¹¹ The ancient monument under section 9 which display to the public for collecting admission fee or any other fees as regular business or yield any benefits whatsoever from such ancient monument, the owner or possessor thereof shall bear the expense of repair, in total or in part, as prescribed by the Director-General.

In determining the expense of repair under paragraph one, the Director-General shall appoint a committee of not less than three persons and the owner or possessor shall also be a member.

¹¹ As added by section 7 of the Act on Ancient Monuments, Antiques, Objects of Art and National Museums (No. 2), B.E. 2535 (1992)

Section 10.¹² No person shall repair, modify, alter, demolish, add to, destroy, remove any ancient monument or its parts or excavate for anything or construct any building within the compound of ancient monument, except by order of the Director-General, or permit has been obtained from the Director-General. If the permit contains any conditions, they shall be complied with.

Section 10 bis.¹³ The competent official shall have the power to enter any ancient monument for the purpose of inspection as to whether there has been any repair, modification, alteration, demolition, addition, destruction, removal of ancient monument or its parts or any excavation or construction of building within the compound of ancient monument. The competent official shall have the power, for this purpose, to seize or attach any object which is reasonably suspected of excavation within the compound of ancient monument.

The inspection, seizure or attachment under paragraph one shall be made between sunrise and sunset. After an inspection, seizure or attachment has taken place in the Bangkok Metropolitan area, a report shall be made to the Director-General and in other *Changwats* to the *Changwat* Governors and the Director-General.

Section 11. The Director-General shall have the power in regard to

any registered ancient monument even owned or lawfully possessed, to order the competent official or any person to make a repair or to do by any means whatsoever for restoration or preservation of its original condition; provided that its owner or possessor has first to be notified thereof.

¹² As amended by section 8, *ibid.*

¹³ As amended by section 9, *ibid.*

Section 12. In case of transfer of the registered ancient monument, the transferor shall give the Director-General within thirty days from the date of transfer a written information specifying the transferee's name and residence as well as the date of transfer.

The person who acquires ownership of a registered ancient monument by inheritance or by will shall inform the Director-General of such acquisition within sixty days from the date of the acquisition. In case there are many persons acquiring ownership of the same ancient monument and one of the co-owners entrusted to give information of the acquisition of ownership has given the information within the said period, it shall be taken that all co-owners have given such information.

Section 13.¹⁴ When it is deemed appropriate for preserving the condition, safety, cleanliness and tidiness of the registered ancient monument, the Minister shall have the power to issue a Ministerial Regulation on conducts of visitors during their visit; and may fix admission fee or any other fees.

The organizing of visits to ancient monument owned or lawfully possessed by any individual who charge admission fee or any other fees shall be notified in writing prior to the Director-General and shall be complied with the rules, procedure and conditions notified by the Director-General in the Government Gazette.

¹⁴ As amended by section 10, *ibid.*

Section 13 bis.¹⁵ When it is deemed appropriate for promoting education and publicizing culture and arts, the Director-General shall have the

power to give a written permit to an individual to carry out any activity that gain benefit from the compound of registered ancient monument not owned or lawfully possessed by any individual. The person receiving the permit shall bear all expenses incurred in that activity and shall pay ownership fees, remittances, and other fees to the Department of Fine Arts. The payment received shall benefit the Archaeological Fund in accordance with rules notified by the Director-General in the Government Gazette.

CHAPTER 2

Antiques and Objects of Art

Section 14.¹⁶ The Director-General shall have the power, if he deems that any antique or object of art not being in the possession of the Department of Fine Arts is useful or of special value in the field of art, history or archaeology, to cause, by means of notification in the Government Gazette, such antique or object of art to be registered.

The Director-General shall have the power, if he deems that any antique whether it is registered or not, or any registered object of art should be conserved as a national property, to cause, by means of notification in the Government Gazette, such antique or object of art not to be traded. If he deems that they should become a national property, the Director-General shall have the power to purchase such antique or object of art.

¹⁵ As added by section 11, *ibid.*

¹⁶ As amended by section 12, *ibid.*

Section 14 bis.¹⁷ When it is deemed appropriate for preservation and registration of antiques or objects of art dating from Ayudhya and earlier periods, the Director-General shall have the power to cause, by means of notification in the Government Gazette, any locality to be an area of survey for a particular antique or object of art. In such cases, the owner or possessor shall inform the numbers, appearances and places at which such antiques or objects of

art are stored to the Director-General in accordance with the rules, procedure and conditions notified by the Director-General.

When a notification under paragraph one has been made, the Director-General or a person entrusted by him or her shall have the power to enter a dwelling place of an owner or possessor or a place at which antiques or objects of art are stored between sunrise and sunset or during working hours for the benefit of registration. In the case where it is deemed that any antique or object of art is useful or of special value in the field of art, history or archaeology, the Director-General shall have the power under section 14.

Section 15. No person shall repair, modify or alter any registered antique or object of art, unless permit has been obtained from the Director-General. If the permit contains any conditions, they shall be complied with.

¹⁷ As added by section 13, *ibid*.

Section 16.¹⁸ In case the registered antique or object of art is deteriorating, dilapidating or being damaged or lost or removed from the place at which it is stored, the possessor of such antique or object of art shall inform the Director-General of the deterioration, dilapidation, damage, loss or removal within thirty days from the date of his or her being aware of its occurrence.

Section 17. In case of transfer of the registered antique or object of art, the transferor shall give the Director-General within thirty days from the date of transfer a written information specifying the transferee's name and residence as well as the date of transfer.

The person who acquires ownership of a registered antique or object of art by inheritance or by will shall inform the Director-General of such acquisition within sixty days from the date of the acquisition. In case there are many persons acquiring ownership of the same antique or object of art and one of the co-owners entrusted to give information of the acquisition of ownership has given the information within the said period, it shall be taken that all co-owners have given such information.

Section 18.¹⁹ Antiques or objects of art which are the State property and under the custody and care of the Department of Fine Arts are inalienable, except by virtue of law. However, if the number of certain similar antiques or objects of art is in excess of need, the Director-General may permit to transfer them by means of sale or exchange for the benefit of national museums

or give them to the excavators as rewards or for a consideration of their service in compliance with rules notified by the Director-General in the Government Gazette.

¹⁸ As amended by section 14, *ibid.*

¹⁹ As amended by section 15, *ibid.*

Section 18 bis.²⁰ Antiques or objects of art which are under the possession of the Department of Fine Arts or are registered and are useful or of special value in the field of art, history or archaeology, the Minister shall have the power to cause, by means of notification in the Government Gazette, such antiques or objects of art to control the duplication.

When a notification under paragraph one has been made, the productions, trade or possession in a place of business of a duplicate antique or duplicate object of art under duplication control thereof shall be complied with the rules, procedure and conditions notified by the Director-General in the Government Gazette. The person who wishes to produce a duplicate antique or duplicate object of art under such duplication control shall inform a list of items to the Director-General and show a sign of duplication on each produced item.

After being informed according to paragraph two, the Director-General shall notify lists of producers and duplicate antiques and duplicate objects of art under duplication control to the Director-General of the Customs Department for the benefit of export or take out of the Kingdom.

Section 19.²¹ Any person wishing to engage in the business of antiques and objects of art not to be traded under section 14 paragraph two must obtain a licence from the Director-General. The decision of the Minister shall be final. The application for a licence and the grant thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

In case the Director-General grants the application, he shall notify the list of the licensees in the Government Gazette.

In case the Director-General refuses to grant the application, the applicant is entitled to lodge an appeal in writing with the Minister within thirty days from the date of his or her being aware of such order.

²⁰ As added by section 16, *ibid.*

²¹ As amended by section 17, *ibid.*

Section 19 bis.²² Any person wishing to display antiques and objects of art to public for collecting admission fee or any other fees shall submit prior notification in writing to the Director-General and shall comply with the rules, procedure and conditions notified by the Director-General in the Government Gazette.

Section 19 ter.²³ The licence issued under section 19 shall be valid until 31st December of the year of its issuance. If the licensee wishes to apply for a renewal of his or her licence, he or she shall file an application to the Director-General before the expiration thereof. Having filed the application, he or she may carry on his or her business until such time when the Director-General makes an order refusing the application.

²² As amended by section 18, *ibid.*

²³ As added by section 19, *ibid.*

The application for a renewal of licence and the grant thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

In case the Director-General grants the application, he shall notify the list of the licensees in the Government Gazette.

In case the Director-General refuses to grant the application, the applicant is entitled to lodge an appeal in writing with the Minister within thirty days from the date of his or her being aware of such order.

The decision of the Minister shall be final.

If there is an appeal for a renewal of the licence under paragraph three before the decision is made by the Minister, the Minister may give the permission that the appellant may carry on his or her business if he or she so requests.

Section 20.²⁴ The licensee under section 19 shall produce the licence in the conspicuous place of his or her business and he or she shall make a list of the antiques or objects of art or duplicate antiques or duplicate objects of

art which are in his or her possession and keep such list within such place in compliance with rules notified by the Director-General in the Government Gazette.

Section 21.²⁵ The competent official shall have the power to enter any place of production, business, exhibition or storage of antiques or objects of art or duplicate antiques or duplicate objects of art between sunrise and sunset or during working hours for the purpose of inspection as to whether the licensee has complied with this Act or whether the antiques or objects of art or duplicate antiques or duplicate objects of art unlawfully acquired or whether there are duplicate antiques or duplicate objects of art not being complied with notification prescribed by the Director-General under section 18 bis in such places. In the case where there is a reasonable cause to suspect that the licensee has not complied with this Act or there are the antiques or objects of art or duplicate antiques or duplicate objects of art unlawfully acquired or duplicate antiques or duplicate objects of art not complied with notification prescribed by the Director-General under section 18 bis, the competent official shall have the power to seize or attach any antiques or objects of art or duplicate antiques or duplicate objects of art for the benefit of legal prosecution.

²⁴ As amended by section 20, *ibid.*

²⁵ *Ibid.*

Section 21 bis.²⁶ In the performance of duties, the Director-General or a person entrusted by him or her or the competent official, as the case may be, shall produce his or her identity card to the owner, the possessor, the licensee or the person concerned at the places being inspected under section 14 bis or section 21 and such person concerned shall provide him with reasonable facilities.

The identity card of the competent official shall be in the form prescribed in the Ministerial Regulation.

Section 21 ter.²⁷ In the performance of duties, the Director-General or a person entrusted by him or her or the competent official shall be an official under the Penal Code.

²⁶ As added by section 21, *ibid.*

²⁷ *Ibid.*

Section 22.²⁸ No person shall export or take out of the Kingdom any antique or object of art irrespective of whether it is registered or not, unless a licence has been obtained from the Director-General.

The application for a licence and the grant thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

The provisions of paragraph one shall not apply to objects of art which are not more than five years old and have not been registered and the bringing of antiques or objects of art in transit.

Section 23. Any person being desirous of temporarily dispatching antiques or objects of art out of the Kingdom shall apply to the Director-General for a licence. In case the Director-General gives the order refusing to grant the application, the applicant is entitled to lodge an appeal against the Director-General's refusal with the Minister within thirty days from the date of his or her being aware of such order. The decision of the Minister shall be final.

In case the Director-General deems appropriate or the Minister decides that a licence be issued to the applicant for temporarily dispatching antiques or objects of art out of the Kingdom and the applicant has agreed to comply with the conditions, methods and requirements on deposit of security money and/or payment of penalties as prescribed in the Ministerial Regulation relating thereto, the Director-General shall accordingly issue a licence to the applicant.

²⁸ As amended by section 22, *ibid.*

Section 23 bis.²⁹ In the case where it is necessary to export or take out of the Kingdom any antiques or objects of art or parts of them which are in the possession of the Department of Fine Arts for the purposes of education, analysis, research, repair or assembly, the Director-General shall have the power to export or take out temporarily of the Kingdom such antiques or objects of art or parts of antiques or objects of art. In case the parts of such antiques or objects of art have to be processed or destroyed in regard to the process of analysis or research, the Director-General may export or take such parts out of the Kingdom without having to bring them back.

Section 24.³⁰ Antiques or objects of art buried in, concealed or

abandoned within the Kingdom or the Exclusive Economic Zone under such circumstances that no one could claim to be their owners shall, whether the place of burial, concealment, or abandonment be owned or possessed by any person, become the State property. The finder of such antiques or objects of art shall deliver the same to the competent official or the administrative or police official under the Criminal Procedure Code and is entitled to not more than a reward of one-third of the value of such property.

The Director-General shall appoint a committee of not less than three members to determine the value of property according to paragraph one. The finder is entitled to appeal against the decision of the said committee to the Director-General within fifteen days from the date of his or her being aware of the decision. The decision of the Director-General shall be final.

²⁹ As added by section 23, *ibid.*

³⁰ As amended by section 24, *ibid.*

Section 24 bis.³¹ In the case where the licence issued under this Act is lost or materially destroyed, the licensee shall file an application for a substitute for the licence to the Director-General within fifteen days from the date of his or her being aware of the loss or destruction.

The application for a substitute of the licence and the issuance thereof shall be in accordance with the rules, procedure and conditions prescribed in the Ministerial Regulation.

CHAPTER 3

National Museums

Section 25. There shall be national museums for keeping antiques or objects of art which are the State property.

Any site on which a national museum is to be established or any place required to be a national museum as well as the cancellation of the status of national museum shall be published by the Minister in the Government Gazette.

National Museums existing on the day of the coming into force of this Act shall be national museums under this Act.

Section 26.³² Antiques and objects of art which are the State property under the custody of the Department of Fine Arts shall not be kept in other place than in the national museums. But in case it is unable or unsuitable

³¹ As added by section 25, *ibid.*

³² As amended by section 26, *ibid.*

to keep them in the national museums, they may be, subject to the permission of the Director-General, kept in other museums, temples, or places belonging to the government.

The provisions of paragraph one shall not apply to the case of temporarily displaying antiques or objects of art at any place by permission of the Director-General, or to the case of taking antiques or objects of art out of the national museums for repair by order of the Director-General.

In case of plurality of similar pieces of antiques and objects of art, the Director-General may allow any Ministry, Sub-Ministry or Department to keep some pieces of them.

Section 27.³³ When it is deemed appropriate for preserving the safety, cleanliness and tidiness of national museums, the Minister shall have the power to issue a Ministerial Regulation on conducts of visitors during their visit and may fix admission fee or any other fees.

CHAPTER 4

Archaeological Fund

Section 28. There shall be set up a fund called the "Archaeological Fund" for the expenses of operation profitable to ancient monuments or museum activity.

Section 29. The archaeological fund consists of:

- (1) money acquired under this Act;
- (2) monetary benefits accruing from ancient monuments;
- (3) donation in cash or property;
- (4) central fund or capital money which, under the law on

ancient monuments, objects of art, antiques and national museums, is at the disposal of the Department of Fine Arts on the day of the coming into force of this Act.

Section 30. The keeping and the payment of archaeological fund shall be in compliance with rules prescribed by the Minister.

³³ Ibid.

CHAPTER 4 BIS³⁴

Suspension and Revocation of Licences

Section 30 bis. When any licensee violates or does not comply with this Act, Ministerial Regulation, Notification or rules issued under this Act or conditions imposed by the Director-General, the Director-General shall have the power to suspend the licence for a period of not more than sixty days each time; but in the case where a licensee is prosecuted in the Court for an offence under this Act, the Director-General may suspend the licence pending the final judgment of the Court.

³⁴ As added by section 27, *ibid.*

The person whose licence has been suspended shall not apply for any licence under this Act during the period of such suspension.

Section 30 ter. When it appears that any licensee has received the final judgement of the Court for a violation of this Act or violates the order of suspension, the Director-General shall have the power to revoke his licence.

The person whose licence has been revoked shall not apply for any licence under this Act until the period of two years from the date of the revocation has elapsed.

Section 30 quarter. The licensee shall be notified of the order of suspension and the order of revocation in writing. In the case where the person whose licence has been suspended or revoked is not found or refuses to receive the order, such order shall be posted at the conspicuous place specified in the licence or the domicile of such licensee, and such licensee shall be deemed to have known thereof from the date of posting the order.

The order of suspension and the order of revocation under paragraph one shall be published in the Government Gazette and may propagate in newspaper or by other method.

Section 30 quinque. The person whose licence has been suspended shall have the right to appeal in writing to the Minister within thirty days from the date of his or her being aware of the order.

The decision of the Minister shall be final.

The appeal under paragraph one shall not stay the execution of the order of suspension or revocation.

CHAPTER 5

Penalties

Section 31.³⁵ Any person who finds any antique or object of art which is buried in, concealed or abandoned at any place under such circumstances that no person could claim to be its owner and converts the same to himself or herself or to other person, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both.

Section 31 bis.³⁶ Any person who conceals, disposes, makes away with, purchases, or receives in pledge or otherwise any antique or object of art obtained through the commission of an offence under section 31 shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

If the offence under paragraph one is committed for commercial purposes, the offender shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both.

Section 32.³⁷ Any person who trespasses ancient monument or damages, destroys, causes depreciation in value to or makes useless of any ancient monument, shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both.

If the offence under paragraph one is committed against the registered ancient monument, the offender shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to

both. If the offence under paragraph one is committed against the registered ancient monument, the offender shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

³⁵ As amended by section 28, *ibid.*

³⁶ As added by section 29, *ibid.*

³⁷ As amended by section 30, *ibid.*

Section 33.³⁸ Any person who damages, destroys, causes depreciation in value to, makes useless of or loss any registered antique or object of art, shall be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one million Baht or to both.

Section 34.³⁹ Any person who does not comply with section 9, 12, 13 paragraph two, 14 bis, 16, 17 or 20 or does not comply with the Ministerial Regulations issued under section 13 or 27 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

Section 35.⁴⁰ Any person who violates section 10 or does not comply with the conditions imposed by the Director-General in the licence under section 10, shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

Section 36.⁴¹ Any person who trades in antiques or objects of art not to be traded by the notification issued under section 14 paragraph two or violates section 15 or does not comply with the conditions imposed by the

³⁸ As amended by section 30, *ibid.*

³⁹ As amended by section 31, *ibid.*

⁴⁰ *Ibid.*

⁴¹ As amended by section 32, *ibid.*

Director-General in the licence under section 15, shall be liable to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred thousand Baht or to both.

Section 36 bis.⁴² Any person who does not comply with the

notification issued under section 18 bis paragraph two or does not inform a list of his produced items to the Director-General or does not show a sign of duplication on his or her produced item under section 18 bis paragraph two, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred thousand Baht or to both.

Section 37.⁴³ Any person who does not comply with section 19 paragraph one shall be liable to imprisonment for a term not exceeding three years or to a fine not exceeding three hundred thousand Baht or to both.

Section 37 bis.⁴⁴ Any person who does not comply with section 19 bis or the notification issued under section 19 bis shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty thousand Baht or to both.

Section 37 ter.⁴⁵ Any person who obstructs or does not provide reasonable facilities to the Director-General or person entrusted by him or her or the competent official who is performing the duties under this Act shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Baht or to both.

⁴² As added by section 33, *ibid.*

⁴³ As amended by section 34, *ibid.*

⁴⁴ As added by section 35, *ibid.*

⁴⁵ *Ibid.*

Section 38.⁴⁶ Any person who, in violation of section 22, exports or takes out of the Kingdom any non-registered antique or object of art shall be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding seven hundred thousand Baht or to both.

Section 39.⁴⁷ Any person who, in violation of section 22, exports or takes out of the Kingdom any registered antique or object of art shall be liable to imprisonment for a term of one year to ten years and to a fine not exceeding one million Baht.

Transitory Provisions

Section 40. Any person who, on the day of the coming into force of this Act, trades in antiques or objects of art or as his or her regular business, displays the same to the public for collecting admission fee shall apply to the Director-General for a licence to that effect within thirty days from the day of the coming into force of this Act.

⁴⁶ As amended by section 36, *ibid*.

⁴⁷ *Ibid*.

The provisions of sections 19 and 20 shall not apply to the person who trades in antiques or objects of art or as his or her regular business, displays the same to the public for collecting admission fee, and has applied for a licence in conformity with the foregoing paragraph, thus as from the day of the coming into force of this Act up to the day of receiving the licence.

Countersigned by:

Field-Marshal S.Dhanarajata
Prime Minister

Certified correct translation

(Dr. Ackaratorn Chularat)
Secretary-General of the Council of State
Office of the Council of State

Rates of Fees⁴⁸

(1)	Licence under section 19	20,000	Baht each
(2)	Licence under section 22		
(a)	Antiques or objects of art which the Department of the Fine Arts deems as dated from Ayudhya and earlier periods, not exceeding	2,000	Baht each
(b)	Antiques or objects of art which the Department of Fine Arts deems as dated in the period later than Ayudhya period, not exceeding	1,000	Baht each
(3)	Licence substitute	100	Baht each
(4)	Renewal of a licence each time equal to the fee for the licence		

⁴⁸ As amended by section 37, *ibid.*

<http://www.ostc-was.org/environment/enhance.html>

**Enhancement and Conservation of
National Environmental Quality Act
B.E. 2535 (1992)**

THAILAND

**Translated by Environmental Law Center
Published by Department of Environmental Quality
Promotion
Ministry of Science, Technology and Environment**

附錄四、促進及保護全國環境品質法

Enhancement and Conservation of National

Environmental Quality Act, B. E. 2535(1992)

**Enhancement and Conservation of
National Environment Quality Act, B.E. 2535**

**BHUMIBOL ADULYADEJ, REX.
Given on the 29th Day of March B.E. 2535,
Being the 47th Year of the Present Reign**

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

Whereas it is deem expedient to reform and improve the law on
enhancement and conservation of national environmental quality.
Be it, enacted by the King, by and with the advice and consent of
National Legislative Assembly, acting as the National Assembly, as
follows :

Section 1

This Act shall be called "The enhancement and Conservation of
National Environment Quality Act, B.E. 2535"

Section 2

This Act shall come into effect after the elapse of a period of sixty days
from the date following its publication in the Government Gazette.

Section 3

The following Acts shall be repealed :

- (1) The Enhancement and Conservation of National Environmental
Quality Act, B.E. 2518.
- (2) The Enhancement and Conservation of National Environmental
Quality Act (No.2), B.E. 2521.
- (3) The Enhancement and Conservation of National Environmental
Quality Act (No.3), B.E. 2522.

Section 4

In this Act,

"Environment" means natural things which form the physical and
biological conditions surrounding man and man-made things.

"Environmental Quality" means the balance of nature, being
composed of animals, plants, natural resources and man-made
objects which is for benefit of subsistence of mankind and the
sustenance of human-being and nature.

"Environmental Quality Standards" means the parameters of
quality standards for water, air, noise and other conditions of the

<http://www.ostc-was.org/environment/enhance.html>

environment which are determined as the general criteria for enhancement and conservation of environmental quality.

"Fund" means the Environmental Fund.

"Pollutant" means wastes, hazardous substances and other polluting substances as well as residues, sediments or remainders of such matters, which are discharged from point sources of pollution or naturally occur in the environment, that have or are likely to have impacts on environmental quality or to cause conditions poisonous or harmful to health and hygiene of the public, and shall mean to include radiation, heat, light, noise, odor, vibration or other nuisances eliminated or discharged from point sources of pollution.

"Pollution" means the state of environment that has been affected, changed or contaminated by pollutants, resulting in deterioration of environmental quality, such as water pollution, soil pollution.

"Point Source of Pollution" means any community, factory, building, structure, vehicle, place of business or activity or any other thing from which pollution is generated.

"Wastewater" means waste in liquid state including polluting or contaminating substance contained in such liquid.

"Polluted Air" means waste in gaseous state in the form of vapor, steam, exhaust, fume, odor, smoke, gas, dust, soot, ash or other polluting substances in the form of particulate matters that can be suspended in the atmospheric air.

"Hazardous Substance" means explosive substances, inflammable substances, oxidizing and peroxidizing substances, toxic substances, pathogenic substances, radioactive substances, genetic transforming substances, corrosive substances, irritating substances, or other substances whether chemical or not, which may cause danger to human-being, animal, plant, property or the environment.

"Nuisance" means nuisance according to the law on public health.

"Factory" means factories according to the law on industrial plants.

"Building" means buildings according to the law on building control

"Vehicle" means automobiles or motorcycles according to the law on automobiles, vessels according to the law on Thai vessels and aircraft according to the law on aviation.

"Monitoring Control Operator" means the person licensed to monitor, control, assess, operate and maintain wastewater treatment or waste disposal facility, or equipment, instrument, tools, appliances for control, treatment or disposal of any other pollution, which the owner or possessor of point source of pollution manages to construct and bring into operation by his own investment and expenses for the treatment of wastewater or disposal of wastes or any other pollutants.

"Service Contractor" means the person licensed to render for hire the services of wastewater treatment or waste disposal or monitoring of environmental quality.

"Conservation Area" means the areas designated as national parks, wildlife reserves, tourism preserve and other protected areas pursuant to the governing laws related thereto.

"Local Official" means

- (1) President of the Municipal council within a municipality.
- (2) President of the Sanitary District Board within a sanitary district.
- (3) Changwat Governor within a local administration organization.
- (4) Governor of Bangkok Metropolitan Administration within Bangkok Metropolitan.
- (5) Permanent Secretary of Pattaya City Administration within the City of Pattaya.
- (6) Head of local administrator in the administration of the local administration organization other than (1) to (5) above, established by specific law governing thereof, within such local administration organization.

"Pollution Control Official" means the person appointed by the Minister to perform the actions concerning pollution control under this Act.

"Competent Official" means the person appointed by the Minister to have power and duty take action under this Act.

Section 5

In case any provision under this Act refers to Changwat or mandates the power and duty of the Changwat Governor, such reference or mandate shall denote the inclusion of Bangkok Metropolitan Administration or the power and duty of the Governor of Bangkok metropolitan Administration, as may be the case.

Section 6

For the purpose of public participation in the enhancement and conservation of national environment quality, the following rights and duties may be accorded to individual person as provided by this Act or governing law related thereto.

- (1) To be informed and obtain information and data from the government service in matters concerning the enhancement and conservation of environmental quality, except the information or data that officially classified as secret intelligence pertaining to national security, or secrets pertaining to the right to privacy, property rights, or the rights in trade or business of any person which are duly protected by law.
- (2) To be remedied or compensated by the State in case damage or injury is sustained as a consequence of danger arisen from contamination by pollutants or spread of pollution, and such incident is caused by any activity or project initiated, supported or undertaken by government agency or state enterprise.
- (3) To petition or lodge complaint against the offender in case of being a witness to any act committed in violation or infringement of the laws relating to pollution control or conservation of natural resources.
- (4) To co-operate and assist government officials in the performance of duty relating to the enhancement and conservation of environmental quality.
- (5) To strictly observe the provisions of this Act or other laws concerning the enhancement and conservation of environment quality.

Section 7

In order to encourage public participation in the promotion and conservation of environmental quality, non-governmental organizations (NGOs) having the status of a juristic person under Thai law or foreign law which are directly engaged in activities concerning environmental protection or conservation of natural resources without any objective to be involved in politics or to make profits from the engagement in such activities, shall be entitled to register with the Ministry of Science, Technology and Environment as the NGOs for environmental protection and conservation of natural resources in accordance with the rules, procedures and conditions prescribed by ministerial regulation.

Section 8

The NGOs that have been registered pursuant to section 7 may request for government assistance or support in the following matters :

- (1) The organization of volunteers to assist in the performance of duty of government officials under this Act or other laws concerning the enhancement and conservation of environmental quality.
- (2) Public relations campaign and dissemination of information or data to promote public awareness and proper understanding and knowledge about environmental protection and conservation of nature and natural resources.
- (3) Providing assistance to people in certain areas of the country to initiate projects or activities for environmental protection and conservation of natural resources in such areas.
- (4) Conducting a study and research in respect of environment protection and conservation of natural resources and bringing to the Government or agencies concerned on what are the viewpoints and suggestions based on the outcome of such study and research.
- (5) Providing legal aid to people who are in jeopardy of or pollution damage caused by leakage of pollutants or contamination as well as acting as representative of such pollution victims to bring lawsuit and litigate claim in court for compensation or damages to which they are entitled as legal remedies.

In case any registered NGOs, in the carrying out of activities indicated in the first paragraph, encounter problems or difficulties and request for help from the national Environment Board, the Prime Minister shall, with the recommendation of the National Environment board, have the power to direct for appropriate resource or order the government agency or state enterprise concerned to render assistance or facilitation as seen fit under the circumstances.

The Fund Committee, with the approval of the national Environment Board, may consider to allocate grants or loans in support of any activity of the registered NGOs as deemed appropriate.

The registered NGOs may propose for nomination of candidates as representatives of the private sector to be appointed by the cabinet as qualified members of the National Environment Board.

In case any registered NGOs activities are undertaken by causing disturbances of the private sector to be appointed by the Minister

shall have the power to revoke the registration of the NGO involving in such activities.

Section 9

In case there is an emergency or public danger arising from natural disaster or pollution caused by contamination and spread of pollutants which will, if left without remedial actions, seriously endanger the safety of life, body or health of the people, or aggravation cause damage the properties of the people or the State, the Prime Minister shall have the power to order, as deemed appropriate, government agencies, state enterprises or any including the persons who are or may be the victims of such danger or damage, to take prompt action, individually or jointly, in order to control, extinguish or mitigate the adverse effects of such danger or damage. In case any polluters are known and can be identified, the Prime Minister shall be empowered to enjoin such person from any acts which may aggravate the adverse effects of pollution during the occurrence of such endangering incident.

The Prime Minister may delegate the power to give orders pursuant to the first paragraph to the Changwat Governor to exercise such power and act on his behalf within the territorial jurisdiction of that Changwat . The said delegation of power shall made by a written order and published in the Government Gazette.

When any order is given by the Prime Minister by virtue of the first paragraph, or by the Changwat Governor acting on behalf of the Prime Minister by virtue of the second paragraph, such order shall be published in the Government Gazette without delay.

Section 10

In order to prevent, remedy, extinguish or minigate the emergency or danger of pollution envisaged by section 9, the Minister shall determine preventive measures and prepare a contingency plan to rectify the situation in advance.

Section 11

The Prime Minister and the Minister of Science, Technology and Environment shall have charge and control of the execution of this Act, insofar as it is concerned with their respective powers and duties conferred upon them under this Act.

The Minister of Science, Technology and Environment shall have the power to appoint pollution control officials and other competent officials, issue ministerial regulations prescribing fees not exceeding the rates attached hereto and prescribing other activities for the execution of this Act.

The Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Chapter I

National Environment Board

Section 12

There shall be a National Environment Board consisting of the Prime Minister as the Chairman, a Deputy Prime Minister designated by the Prime Minister as the first Vice Chairman, the Minister of Science, Technology and Environment as the second Vice Chairman, the Minister of Defense, the Minister of Finance, the Minister of Agriculture and Cooperatives, the Minister of Transportation and Communications, the Minister of Interior, the Minister of Education, the Minister of Public Health, the Minister of Industry, the secretary-general of the National Economic and Social Development Board, the secretary-general of the Board of Investment, the Director of the Bureau of the Budget as members ex officio and members qualified in environmental matters not more than eight persons of which no less than half shall be representatives from the private sector and the Permanent Secretary of the Minister of Science, Technology and Environment as member and secretary.

The Appointment of qualified members shall be made by drawing from persons who are knowledgeable and known for their expertises, contributions and experiences in the matters concerning the enhancement and conservation of environmental quality.

Section 13

The National Environment Board shall have the power and duty as follows :

- (1) To submit policy and plan for enhancement and conservation of national environmental quality to the cabinet for approval.
- (2) To prescribe environmental quality standards pursuant to section 32.
- (3) To consider and give approval to the Environmental Quality Management Plan proposed by Minister according to section 35.
- (4) To consider and give approval to the Changwat Action Plan for environmental quality management according to section 37.
- (5) To make recommendations to the cabinet in respect to financial, fiscal, taxation and investment promotion measures for the

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implementation of the policy and plan for enhancement and conservation of national environmental quality.

(6) To propose for amendment or improvement of laws relating to the enhancement and conservation of environmental quality to the cabinet.

(7) To consider and give approval to the action plan for prevention and remedy of danger caused by contamination of pollutants or spread of pollution proposed by the Pollution Control Committee pursuant to section 53 (1).

(8) To consider and give approval to the setting of emission of effluent standards proposed by the Minister pursuant to section 55.

(9) To consider, oversee and expedite the enactment of royal decrees and issuance of ministerial regulations, rules, local ordinances, notifications, by-laws and orders which necessary to ensure systematic operation of the laws relating to enhancement and conservation of environmental quality to the fullest extent possible.

(10) To submit opinion to the Prime Minister for his directions in case it appears that any government agency or state enterprise infringes or refrains from complying with the laws and regulations for environmental protection which may cause extensive damage to the environment.

(11) To specify measures for the strengthening and fostering to co-operation and co-ordination among government agencies, state enterprises and the private sector in matters concerning the promotion and conservation of environmental quality.

(12) To supervise the fund management and administration.

(13) To submit reports on national environmental quality situation to the cabinet at least once a year.

(14) To perform other functions as may be provided by this Act or other laws to be within the authority of the National Environment Board.

Section 14

A qualified member appointed by the cabinet shall hold office for a term of three years and may be re-appointed for a period of not more than one consecutive term.

In case an additional appointment of qualified member is made during the term of those members who have already been appointed to hold office, the term of additional membership shall be equal to the

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remainder of the term of those members who have already been appointed before.

Section 15

In addition to the expiration of the term of office according to section 14, a qualified member appointed by the cabinet shall vacate office upon :

- (1) death;
- (2) resignation;
- (3) being a bankrupt;
- (4) being an incompetent or quasi-incompetent person;
- (5) being punished by a final judgement to a term of imprisonment except for an offence committed through negligence or a petty offence.
- (6) Being dismissed by the cabinet for incompetence or misconduct or having vested interests in any activity or business that may have impact on or adversely affect the environmental quality.

When qualified member vacates office before the expiration of his term of office, the cabinet may appoint another person to fill the vacancy and such person shall hold office only for the remaining term of his predecessor.

Section 16

In convening the National Environment Board meeting, if the Chairman is absent or unable to perform the function, the first Vice Chairman shall act as the Chairman. If the Chairman and first Vice Chairman are both absent or unable to perform the function, the second Vice Chairman shall act as the Chairman. If the Chairman and both the two Vice Chairmen are all absent or unable to perform the function, the members who attend the meeting shall elect one of the attending members to act as the chairman of the meeting.

Section 17

A meeting of the National Environment Board requires the presence of not less than one-half of the total member of its members to constitute a quorum.

The decision of a meeting shall be made by a majority of votes. In casting votes, each member shall have one vote. In case of an equality of votes, the Chairman of the meeting shall have an additional vote as a casting vote.

Section 18

The National Environment Board may appoint an expert committee or subcommittee to consider or carry out any matter as may be entrusted by the National Environment Board.

Section 16 and section 17 shall apply mutatis mutandis to the meeting of the expert committee or subcommittee.

Section 19

The National Environment Board shall have the power to require government agencies, state enterprises and other persons to deliver documents relating to the examination of impacts on environmental quality and documents or data concerning the projects or workplans of such government agencies, state enterprises and persons for its consideration. For this purpose, the Board may summon persons concerned to give explanation. If the Board is of the opinion that any project or workplan may seriously affect the environmental quality, it shall recommend remedial measures to the cabinet.

In case the documents of data required to be delivered to the National Environment Board pursuant to the first paragraph are relevant to trade secrets in the name of patent and protected by the law on patent rights, the National Environment Board shall specify suitable measures and methods for preventing such documents or data from being disclosed to anyone to ensure that they shall only be used strictly for the purpose of this section.

Section 20

In the performance of its function, the National Environment Board, the expert committee or the sub-committee may invite any person to present facts, explanation, opinion or technical advice as it deems fit and they may request co-operation from any person with a view to ascertaining any fact or surveying any activity which may have adverse effect on environment quality.

Section 21

In the performance of its duties under this Act, the National Environment Board may entrust the Office of Environmental Policy and Planning, the Pollution Control Department or the Environmental Quality Promotion Department under the Ministry of Science, Technology and Environment with the operation of propositions to be made to the National Environment Board for further actions.

Chapter II Environmental Fund

Section 22

There shall be established a fund called the "Environmental Fund" in the Ministry of Finance with the following moneys and properties :

- (1) Money from the Fuel Oil Fund in the amount determined by the Prime Minister.
- (2) Money transferred from the Revolving Fund for Environmental Development and Quality of Life established by the Annual Budget for the Fiscal Year of B.E. 2535 Act, B.E. 2535.
- (3) Service fees and penalties collected by virtue of this Act.
- (4) Grants from the Government from time to time.
- (5) Moneys or properties donated by donors in the private sector both domestic and foreign, by foreign governments or by international organizations.
- (6) Interest and benefits accrued from this Fund.
- (7) Other moneys received for the operation of this Fund.

The Comptroller-General's Department, Ministry of Finance, shall keep the moneys and properties of the Environmental Fund and make disbursement from the fund in accordance with this Act.

Section 23

Fund disbursements shall be made for the following activities and purposes :

- (1) As grants to government agency or local administration for investment in and operation of the central wastewater treatment plant or central waste disposal facility, including the acquisition and procurement of land, materials, equipment, instrument, tools and appliances necessary for the operation and maintenance of such facility.
- (2) As loans to local administration or state enterprise for making available of air pollution control system, wastewater treatment or waste disposal facilities to be used especially in the activities of such local administration of such enterprise.
- (3) As loans to private person in case such person has the legal duty to make available and install an on-site facility of his own for the treatment of polluted air, wastewater or waste disposal or any

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other equipment for the control, treatment or eliminate pollutants that are generated by his activity or business undertaking, or such person is licensed to undertake business as a Service Contractor to render services of wastewater treatment or waste disposal under this Act.

(4) As aids or grants to support any activity concerning the promotion and conservation of environmental quality as the Fund Committee sees fit and with approval of the National Environmental Board.

(5) As expenditures for administering the Fund.

Section 24

There shall be a Fund Committee consisting of the Permanent Secretary of the Ministry of Science, Technology and Environment as the Chairman, the Permanent Secretary of the Ministry of Agriculture and Cooperatives, the secretary-general of the National Economic and Social Development Board, the Director of the Bureau of the Budget, the Director-General of the Department of Local Administration, the Comptroller-General of the Comptroller-General's Department, the Director-General of the Department of Public Works, the Director-General of the Department of Industrial Works, the Director-General of the Department of Mineral Resources, the Director-General of the Pollution Control Department, the Director-General of the Environmental Quality Promotion Department and not more than five qualified persons appointed by the National Environment Board as members and the secretary-general of the Office of Environmental Policy and Planning as member and secretary.

Section 14 and section 15 shall apply mutatis mutandis to the holding office of the qualified members of the Fund Committee.

Section 25

The Fund Committee shall have the power and duty as follows :

- (1) To consider and Fund allocation for use in the activities prescribed by section 23.
- (2) To prescribe rules, conditions, conditions, procedures and methods concerning application for allocation or loan from the Fund.
- (3) To lay down administrative rules and procedures concerning the power, duties and working methods of the Fund managers according to section 29 and section 30 as well as mechanisms for co-ordination among the Fund Committee, the Comptroller-General's Department and the Fund managers according to section 29 and section 30.

- (4) To lay down rules and procedures to the receipt and disbursement of moneys from the Fund.
- (5) To fix duration for repayment of loan from the Fund according to section 23 (2) or (3) as well as interest rates and securities as necessary and appropriate.
- (6) To determine the ratio and criteria for deduction of service fees and penalties that are required by section 93 to be remitted to the Fund.
- (7) To perform any other functions provided under this Act.

The prescription of rules according to sub-section (2), (3) to (4) and guidelines for action under sub-section (1) or (5) shall be approved by the National Environment Board.

The fund Committee may appoint a subcommittee to consider or carry out any matter as may be entrusted by the Fund Committee.

Section 26

Section 16, section 17 and section 20 shall apply *mutatis mutandis* to the performance of functions of the Fund Committee and the subcommittee appointed by the Fund Committee.

Section 27

In consideration to allocate money from the Fund for the purpose of section 23 (1), the Fund Committee shall give first priority to the request for allocation under the Changwat Action Plan for environmental quality management according to section 39 to construct or operate the wastewater treatment plant or waste disposal facility, for which certain amount of government budget has been earmarked or revenues of the local administration have been allocated as additional contributions to the Fund allocation.

The proportion between the government budget or contributions from the local revenues and the Fund allocation to be determined by the Fund Committee to the first paragraph shall be determined in according with the rules laid down by the National Environment Board.

Section 28

The Fund allocation as loans to the local administration, state enterprise or private person pursuant to section 23 (2) or (3) shall be determined by the Fund Committee in accordance with the rules and conditions stipulated by the National Environment Board.

In order to encourage compliance with this Act, the Fund Committee may, with the approval of the National Environment Board, allocated

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from the fund as an exceptional long-term loan to any local administration, state enterprises, or private person and may determine to reduce the interest rates or make exemption to the payment of such interest as deemed appropriated.

Section 29

The Comptroller-General of the Comptroller's Department, Ministry of Finance, shall be the Fund manager in relation to such portion of the Fund to be allocated as grants to the government agency or the local administration for investment in and operation of the central facility for wastewater treatment or waste disposal according to section 23 (1) and those portions of the Fund to be allocated for the purposes other than those provided by section 23 (2) and (3).

Section 30

The Fund Committee may authorize an appropriate financial institution owned by the State or the Industrial Financing Corporation of Thailand to be the Fund manager in relation to such portion of the Fund that will be allocated as loans to the local administration, state enterprise or private person pursuant to section 23 (2) or (3).

In carrying out the management of Fund according to the First paragraph, the Fund manager has the duty to study and analyze the investment and technical feasibility of the project and shall be empowered to enter the loan agreement on behalf of the Fund Committee in the capacity as the lender, to keep and disburse money to the borrowers from this portion of the Fund in accordance with the terms and conditions of the loan agreement, to pursue, demand and receive repayments and interest from the borrowers in order to pay back to the Fund, and shall be empowered to lay down rules and procedures, with the approval of the Fund Committee, of such matters.

Under the loan agreement to be entered into according to the second paragraph, there must be a condition stipulated as an essential element of the agreement that the borrower shall have the duty to make use of the loan specifically for the purpose of meeting the requirements with which the borrower has the legal duty of comply under this Act or other related laws.

Section 31

The moneys received into the Fund and kept by the Comptroller-General's Department, Ministry of Finance, shall be managed by deposit in saving or fixed accounts with State-owned financial institutions in order to earn accrued interest.

All moneys earned by the Fund according to section 22 shall be paid into account for the purpose of uses in the activities indicated in

section 23 and shall not be remitted to the Treasury as revenues of the Government.

Chapter III
Environmental Protection
Part 1
Environmental Quality Standards
Section 32

For the purpose of environmental quality enhancement and conservation, the National Environment Board shall have the power to prescribe by notifications published in the Government Gazette the following environmental quality standards :

- (1) Water quality standards for river, canal, swamp, marsh, lake, reservoir and other public inland water sources according to their use classifications in each river basin or water catchment.
- (2) Water quality standards for coastal and estuarine areas.
- (3) Groundwater quality standards.
- (4) Atmospheric ambient air standards.
- (5) Ambient standards for noise and vibration.
- (6) Environmental quality standards for other matters.

The prescription of environmental quality standards pursuant to the foregoing paragraph shall be based upon scientific knowledge, principles, criteria and evidence related thereto and shall also take into account the practicability of such standards from the viewpoint of economic, social and technological considerations.

Section 33

The National Environment Board shall, if deemed reasonable, have the power to prescribe special standards, which are higher than the environmental quality standards prescribed pursuant to section 31, for the protection of areas designated as conservation or environmentally protected area according to section 42, or areas designated according to section 44, or pollution control areas designated pursuant to section 59.

Section 34

The National Environment Board shall have the power to make appropriate modifications and improvement to the prescribed

environmental quality standards in the light of scientific and technological progressed and changes in economic and social conditions of the country.

Part 2

Environmental Quality Management Planning

Section 35

The Minister shall, with the approval of the National Environment Board, formulate an action plan called "Environmental Quality Management Plan" for implementation of the national policy and plan for enhancement and conservation of environmental quality determined by virtue of section 13 (1).

The Environmental Quality Management Plan pursuant to the first paragraph shall be published in the Government Gazette.

It shall be the duty of all government agencies concerned to take actions within their powers and functions that are necessary for effective implementation of the Environmental Quality Management Plan and in order to ensure that actions are taken to achieve the objectives and goals as prescribed, it shall be the duty of the Ministry of Science, Technology and Environment to give advice to government agencies and state enterprises which are concerned with the formulation of workplans or the taking of any actions with a view to implementing the Environmental Quality Management Plan.

Section 36

The Environmental Quality Management Plan pursuant to section 35 may be a short, intermediate or long-term plan, as appropriate, and should contain workplans and guidances for action in the following matters :

- (1) Management of air, water and environmental quality in any other area of concerns.
- (2) Pollution control from point sources.
- (3) Conservation of natural environment, natural resources or cultural environment pertaining to aesthetics values.
- (4) Estimation of financing to be appropriated from government budget and allocated from the Fund which is necessary for implementation of the Plan.
- (5) Scheme for institutional arrangements and administrative orders by which co-operation and co-ordination among government

agencies concerned and between the public service and private sector could be further promoted and strengthened, including the determination of a manpower allocation scheme which is required for implementation of the Plan.

(6) Enactment of laws and issuances, local ordinances, rules, orders and notifications necessary for implementation of the Plan.

(7) Scheme for inspection, monitoring and assessment of environmental quality by which the results of implementation of the Plan and enforcement of law related thereto can be evaluated objectively.

Section 37

After the Environmental Quality Management Plan has been published in the Government Gazette. It shall be the duty of the Governor of the Changwat, in which there is a locality designated as environmentally protected area according to section 43, or as pollution control area according to section 59, to formulate an action plan for environmental quality management of Changwat level and submit it to the National Environment Board for approval within one hundred and twenty days from the date on which the Governor of the Changwat is directed by the National Environment Board to prepare the Changwat action plan for environmental quality management. If , however, there is a reasonable ground, the said duration may be extended as appropriate by the National Environment Board.

In preparing a Changwat Action Plan for the pollution control area according to section 59, the Governor shall incorporate into it the action plan for mitigation and elimination of pollution prepared by the local authority pursuant to section 60 and the local plan shall form an integral part of the Changwat Action Plan.

In case there is any Changwat, in which no locality is designated as an environmentally protected area according to section 43, or as pollution control area according to section 59, that is nevertheless desirous to enhance and conserve the environmental quality within the limits of its territorial jurisdiction, the Governor of that Changwat may prepare a Changwat Action Plan, within the framework of and in conformity with the requirements of the Environmental Quality Management Plan and submit it to the National Environment Board for approval.

Section 38

The Changwat Action Plan to be submitted to the National Environment Board shall be an action plan which proposes a system of integrated management of environmental quality in conformity with the guidance specified in the Environmental Quality Management Plan, taking into account the severity of the problems and economic, social

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and environmental conditions of that Changwat, and should address and contain essential elements in the following matters :

- (1) Plan for control of pollution from point sources.
- (2) Plan for procurement and acquisition of land, materials, equipment, tools and appliances which are essential for the construction, installation, improvement, modification, repair, maintenance and operation of central wastewater treatment plants or central waste disposal facilities belonging to government agency or local administration concerned.
- (3) Plan of collection of taxes, duties and service fees for operation and maintenance of central wastewater treatment plants or central disposal facilities referred to in sub-section (2) above.
- (4) Plan for inspection, monitoring and control of wastewater and other waste matters which are discharged from point sources of pollution.
- (5) Law enforcement plan for the prevention and suppression of violation or infringement of laws and regulations pertaining to pollution control and conservation of nature, natural resources and cultural environment pertaining to aesthetic values.

Section 39

The Changwat Action Plan for environmental quality management to be given first priority for the consideration of the National Environment Board must propose an estimate of budgetary appropriation and allocation from the Fund for the construction or procurement for the acquisition of a central wastewater treatment plant or a central waste disposal facility pursuant to section 38 (2). In case any Changwat is not ready to take steps for the procurement and acquisition of the central wastewater treatment plant or the central waste disposal facility, it may instead propose a plan to promote private investment in the construction and operation of wastewater treatment plant or waste disposal facilities in order to make available of such services within its jurisdiction.

The Changwat Action Plan to be prepared according to the first paragraph with a request for budgetary appropriation and allocation from the Fund shall be accompanied by drawings, plans specifications and an estimated price of the project for construction, installation, improvement , modification, repair, maintenance as well as the process and method for operation of the proposed central wastewater treatment plant or central waste disposal facility.

For the purpose of approving the Changwat Action Plan with a request for budgetary appropriation in accordance with the first paragraph, the

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Office of Environmental Policy and Planning shall be responsible for the gathering and analysis of the Changwat Action Plans for environmental quality management in order to make a proposal for annual budgets of the Office to be earmarked specifically for this purpose.

Section 40

In case the management of environmental quality in any matters will have to be carried out in an area adjoining the territorial jurisdictions of two or more provinces due to the geographical conditions or the characteristics of the natural ecosystems of that area, or for the purpose of a sound, systematic and proper management in accordance with the principle of integrate management of environmental quality and natural resources, the Governors of the relevant provinces shall jointly prepare the action plan mandatorily required by section 37.

Section 41

In case any Changwat, which is mandatorily required to prepare the action plan according to section 37, fails or is incapable to evolve such a plan, or prepared and submitted the plan as required but failed to get the approval of the National Environment Board for any reason, the National Environment Board shall consider the nature of the problems encountered by that Changwat and evaluate whether its environmental quality is adversely affected to such an extent that any action is warrant to rectify the situation. If action is deemed necessary, the National Environment Board shall propose to the Prime Minister to issue an order directing the Ministry of Science, Technology and Environment to prepare the Changwat Action Plan on behalf of the Changwat in question.

Part 3 Conservation and Environmentally Protected Areas

Section 42

Protection and management of areas within the limits of national parks and wildlife reserves shall be in accordance with the Environmental Quality Management Plan effective by virtue of section 35 and governed by the laws related thereto.

Section 43

In case it appears that any area is characterized as watershed area, or characterized by unique natural ecosystems which are different from other areas in general, or naturally composed to fragile ecosystems which are sensitive and vulnerable to destruction or impacts of human activities, or worthy of being conserved due to its natural or aesthetic

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values or amenities, and such area is yet to be designated as a conservation area, the Minister shall, with the advice of the National Environmental Board, be empowered to issue ministerial regulation designating such area as an environmentally protected area.

Section 44

In issuing the Ministerial regulation pursuant to section 43, any one or more of the following protective measures shall be prescribed thereunder :

- (1) Land use prescriptions for preserving the natural conditions of such area or for preventing its natural ecosystems or its aesthetic values or amenities from being adversely impacted.
- (2) Prohibition of any acts or activities that may be harmful or adversely affect or change the pristine state of the ecosystems of such areas.
- (3) Specifying types and sizes of projects or activities undertaken by government agencies, state enterprises or private entities, to be constructed or operated in such area, which shall have the legal duty to submit reports of environmental impact assessment.
- (4) Determination of management approach and method specific to the management of such area including the scope of functions and responsibilities of relevant government agencies for the purpose of co-operation and co-ordination that are conducive to efficient performance or work towards the preservation of natural conditions or ecosystems or aesthetics values and amenities in such area.
- (5) Prescriptions of any other protective measures which are deemed proper and suitable to the conditions of such area.

Section 45

In any area, despite having been designated as a conservation area, a master town and county plan area, a specific town and county plan area, a building control area, an industrial estate area pursuant to the governing laws related thereto, or designated as a pollution control area pursuant to this Act, but which nevertheless appears to have been adversely affected by environmental problems which assume a critical proportion to such an extent that an immediate action has become imperative and yet no action is taken by government agencies concerned to rectify the situation due to a lack of clear legal authorization or otherwise failure to do so, the Minister shall, with the approval of the National Environment Board, propose for a cabinet authorization to take any one or several protective measures provided by section 44, as necessary and appropriate, in order to control and solve the problems in such area.

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When cabinet authorization is obtained as provided in the paragraph, the Minister shall, by notification published in the Government Gazette, determine the limits of such area and prescribe in detail the protective measures and the duration for which such measures shall be effectively taken therein.

With the approval of the National Environment Board and the cabinet, the duration of effectiveness specified according to the second paragraph may be extended by notification published in the Government Gazette.

Part 4

Environmental Impact Assessment

Section 46

For the purpose of environmental quality promotion and conservation, the Minister shall, with the approval of the National Environment Board, have the power to specify, by notification published in the Government Gazette, types and sizes or projects or activities, likely to have environmental impact, of any government agency, state enterprise or private person, which are required to prepare reports on environmental assessment for submission to seek approval in accordance with section 47, section 48 and section 49.

In the notification issued according to the paragraph, procedures, rules, methods and guidelines shall be laid down for the operation of environmental impact assessment report for each type and size of project or activity, including related documents that are required to be filed together with the report.

In case there has been an environmental impact assessment concerning project or activity of any particular type or size, or site selection for such project or activity in any particular area and such assessment can be used as a standard assessment applicable to the project or activity of the same type or size or to the site selection of such project or activity in the area of similar nature, the Minister may, with the approval of the National Environment Board, issue a notification in the Government Gazette exempting such project or activity of the same or similar nature from the requirement of environmental impact assessment, provided that the proponent of such project or activity shall express its consent to comply with various measures prescribed in the environmental impact assessment report which is applicable as the standard for assessment of such project or activity in accordance with the rules and methods specified by the Minister.

Section 47

In case the project or activity which is required to prepare the environmental impact assessment according to section 46 is the project or activity of a government agency or of a state enterprise or to be jointly undertaken with private enterprise which is required the approval of the cabinet in accordance with official rules and regulations, the government agency or state enterprise responsible for such project or activity shall have the duty to prepare the environmental impact assessment report at the stage or conducting a feasibility study for such project, such report shall be filed with the National Environment Board for its review and comments and then submitted to the cabinet for consideration.

In considering to give approval to the environmental impact assessment report filed according to the first paragraph, the cabinet may as well request any person or institution, being an expert or opinion for its consideration thereof.

For project or activity of government agency or state enterprise which is not required to be approved by the cabinet according to the first paragraph, the government agency or state enterprise responsible for such project or activity in accordance with the rules and procedures as provided by section 48 and 49.

Section 48

In case the project or activity which is required by section 46 to prepare the environmental impact assessment report is the project or activity which is required by law to obtain permission prior to construction or operation, the person applying for the permission shall have the duty to file the environmental impact assessment report with the permitting authority under such law and with the Office of Environmental Policy and Planning simultaneously. The report to be filed as aforesaid may be made in the form of an initial environmental examination (I.E.E.) in accordance with the rules and procedures determined by the Minister pursuant to section 46, second paragraph.

The official who is legally authorized to grant permission shall withhold the granting of permission for the project or activity referred to in the first paragraph until having been notified by the Office of Environmental Policy and Planning of the result of consideration pertaining to the review of the environmental impact assessment report in accordance with section 49.

The Office of Environmental Policy and Planning shall examine the environmental impact assessment report and related documents filed therewith. If it is found that the report as filed is not correctly made in accordance with the rules and procedures specified by virtue of section

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46, second paragraph, or the accompanied documents and data are incomplete, the Office of Environmental Policy and Planning shall notify the person applying for permission who files the report within fifteen days from the date of receiving such report.

In case the Office of Environmental Policy and Planning finds that the environment impact assessment report together with related documents as filed is duly made and completed with the data as required, or has been duly amended or modified in accordance with the foregoing third paragraph, it shall review and make preliminary comments on the report within thirty days from the date of receiving such report in order that the report together with the preliminary comments shall be referred to the committee of experts for further consideration.

The appointment of the committee of experts according to the foregoing fourth paragraph shall be in accordance with the rules and procedures determined by the National Environment Board. The committee shall be composed of expert members who are qualified or specialized in various fields of related disciplines and the authority legally competent to grant permission for the given project or activity under review, or its representative, shall be included in its membership.

Section 49

The review and consideration by the committee of experts according to section 48 shall be carried out within forty-five days from the date of receiving the environmental impact assessment report from the Office of Environmental Policy and Planning. If the committee of experts fails to conclude its review and consideration within the said period, the report shall be deemed to have been approved by it.

In case the committee of experts approves or is deemed to have given approval to the report, the official legally empowered to grant permission shall accordingly order that the permission be granted to the person applies for it.

In case approval of the report is denied by the committee of experts, the permitting authority shall withhold the granting of permission to the person applying for it until such person will resubmit the environment import assessment report that has been amended or entirely redone in conformity with the guidelines and detailed requirements determined by the order of the committee of experts.

When such person has resubmitted the environmental impact assessment report that has been amended to entirely redone, the committee of experts shall review and conclude its consideration within thirty days from the date of receiving the resubmitted report. If

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the committee of experts fails to conclude its view and consideration within the said period, it shall be deemed that the committee has approved the report and the permitting authority shall accordingly grant permission to the person who applies for it.

In case it is deemed reasonable the Minister may issue notification in the Government Gazette requiring that the project or activity of the type and size specified by the notification issued by virtue of section 46 also file the environmental impact assessment report when the application is made for renewal of permission for such project or activity in accordance with the same procedures as applicable to the application for the permission.

Section 50

For the purpose of review and consideration of the environmental impact assessment report pursuant to section 48 and section 49 and site inspection is deemed appropriate, the committee of experts or the competent official assigned by the committee shall be authorized to inspect the site of the project or activity identified in the report for which approval thereof is sought.

When the committee of experts has approved the environmental impact assessment report pursuant to section 49, the official who is legally competent to grant permission or the renewal of permission shall stipulate as the conditions of permission or renewal thereof all the mitigation measures proposed in the environment impact assessment report and all such conditions shall be deemed the conditions prescribed by virtue of the governing laws on the subject matter.

Section 51

For the purpose of compliance with section 47 and section 48, the Minister may, within the approval of the National Environment Board, require that the environmental impact assessment report required by section 46 be prepared or certified by the person who is licensed to be a specialist in environmental impact assessment.

Application and issuance of license, qualifications of specialists who will be eligible to prepare environmental impact assessment reports, control of the licensee's performance, renewal of license, issuance of certificate in lieu of the license, suspension or revocation of the license and fee payments for the application and issuance of license shall be in accordance with the rules, procedures and conditions stipulated by ministerial regulation.

Chapter IV Pollution Control

Part 1 Pollution Control committee

Section 52

For the purpose of pollution control under this Act, there shall be a committee called the "Pollution Control Committee" (PCC) which consists of the Permanent Secretary of the Department of Local Administration, the Director-General of the Department of Local Administration, the Director-General of the Police Department, the Director-General of the Department of Land Transport, the Director-General of the Harbor Department, the Director-General of the Department of Public Works, the Director-General of the Department of Mineral Resources, the Director-General of the Department of Industrial Works, the Director-General of the Health Department, the Director-General of the Department of Agriculture, the Director-General of the Department of Environmental Quality Promotion, the secretary-general of the Office of Environmental Policy and Planning, the Permanent Secretary of the Bangkok Metropolitan Administration and not more than five qualified persons appointed by the National Environmental Board as members and the Director-General of the Department of Pollution Control as member and secretary.

Section 14 and section 15 shall apply mutatis mutandis to the holding office of the qualified members in the pollution Control Committee.

Section 53

The Pollution Control Committee shall have the power and duty as follows :

- (1) To submit an action plan for prevention or remedy of pollution hazards or contamination to the National Environment Board.
- (2) To give opinion and recommend the National Environment Board on proposed amendments to or improvement of any laws concerning the control, prevention, reduction or eradication of pollution.
- (3) To propose incentive measures regarding taxation and private investment promotion in relation to pollution control and conservation of environmental quality to the National Environment Board.
- (4) To recommend the National Environment Board on the determination of service fee rates for the central waste water treatment or central waste disposal services of the government.

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- (5) To give advice to the Minister on the setting of emission or effluent standards under section 55.
- (6) To give advice to the Minister concerning the types of point sources of pollution that will be required to comply with section 68 and section 69.
- (7) To make recommendation on the issuing of ministerial regulations specifying the types and categories of hazardous wastes under section 79.
- (8) To coordinate government agencies, state enterprises and the private sector in their actions to control, prevent, mitigate or eradicate pollution.
- (9) To prepare and submit the report on pollution situation to the National Environment Board once a year.
- (10) To consider and resolve on the challenge to the order of the pollution control official under this Act.
- (11) To perform other functions designated by this Act or other law to be the power and duty of the Pollution Control Committee.
- (12) To carry out other matters assigned by the National Environment Board.

The Pollution Control Committee may appoint a subcommittee to consider or carry out any matter as may be assigned by the Control Committee.

Section 54

Section 16, section 17 and section 20 shall apply mutatis mutandis to the performance of functions of the Pollution control Committee and subcommittee.

Part 2 Emission or Effluent Standards

Section 55

The Minister, shall, with the advice of the Pollution Control Committee and the approval of the National Environment Board, have the power to publish notification in the Government Gazette prescribing emission or effluent standards for the control of wastewater discharge, polluted air emissions, or discharge of other wastes or pollutants from point sources into the environment, in order to meet the environmental

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quality standards set by virtue of this Act for the conservation of national environmental quality.

Section 56

In case there have been standards prescribed by virtue of the other laws concerning wastewater discharges, polluted air emissions, or discharge of other wastes or pollutants from point sources of pollution into the environment and such standards are no less stringent than the emission or effluent standards set by the Minister by virtue of section 55, such standards shall continue to be effective by virtue of the laws related thereto. If however, such standards are less stringent than the emission or effluent standards set by the Minister pursuant to section 55, the government agencies empowered by such laws shall amend such standards in conformity with the emission or effluent standards under this Act. If there is any obstacle preventing from doing so, the National Environment Board shall resolve on such matter and the government agencies concerned shall act in accordance with such resolution.

Section 57

In case any government agency is empowered by the other law to prescribe emission or effluent standards in any matter, but that government agency fails to exercise its power, the Minister shall, with the recommendation of the Pollution Control Committee and with the approval of the National Environment Board, publish notification in the Government gazette prescribing the emission or effluent standards in question and such standards shall be deemed to have been set by the governing law on such matter.

Section 58

If it is deemed reasonable, the Changwat Governor shall have the power to publish notification in the Government Gazette prescribing a special set of emission or effluent standards applicable to the pollution control area designated by section 59, higher than the standards set pursuant to section 55 or the standards set by virtue of other law which remain in force according to section 56.

Part 3

Pollution Control Area

Section 59

In case it appears that any locality is affected by pollution problems and there is a tendency that such problems may be aggravated to cause health hazardous to the public or adverse impact on the

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environmental quality, the National Environment Board shall have power to publish notification in the Government Gazette designating such locality as a pollution control area in order to control, reduce and eliminate pollution.

Section 60

For the purpose of the Changwat Action Plan for environmental quality management to be prepared according to section 37, the local official in the locality designated as the pollution control area pursuant to section 59, shall prepare and submit an action plan for reduction and eradication of pollution in such area to the Changwat Governor in order to incorporate such plan into the Changwat Action Plan for environment quality management.

In preparing the action plan for reduction and eradication of pollution, steps shall be taken as follows :

- (1) to survey and collect data concerning point sources of pollution located within the limits of that pollution control area.
- (2) to make an inventory showing the number, type and size of point sources of pollution under survey and collection of data according to (1) above.
- (3) to study, analyse and assess the state of pollution, as well as the scope, nature, severity of the problem and impacts on environmental quality in order to specify suitable and necessary measures for mitigation and eradication of pollution control area.

The pollution control official shall give advice and assistance to the local official necessary for the preparation of the action plan to reduce and eradicate pollution in that pollution control area.

Section 61

The action plan for reduction and eradication of pollution in the pollution control area under section 60 shall propose the estimation and request for government budget and Fund allocations for construction or operation of the central wastewater treatment plan or the central waste disposal facility necessary to reduce and eradicate pollution in that pollution control area.

Section 62

In case it is necessary to acquire a piece of land to be used as the site of the central wastewater treatment or central waste disposal facility for any pollution control area but state-owned land is not available, steps shall be taken to select and acquire land for the siting purpose.

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If there are expenses, the estimate and request for government budget and Fund allocation shall be made in the Changwat Action Plan.

If it is unable to proceed under the first paragraph, suitable land shall be selected and proposed to the Minister in order to take steps to appropriate such land in accordance with the law on expropriation of immovable property.

Section 63

The Changwat Governor shall supervise and oversee the local official's actions under section 59. If no action is taken by the total official within a reasonable time, the Changwat Governor shall have the power to take action on behalf of the local authority upon notification to such local authority and the National Environment Board.

Part 4 Air and Noise Pollution

Section 64

Usable vehicle shall conform to the emission standards prescribed for such vehicle pursuant to section 55.

Section 65

If it is found that the use of any vehicle is in violation of section 64, the competent official shall have the power to prohibit the use of such vehicle permanently or until it will have been modified or improved to meet the emission standard requirement prescribed pursuant to section 55.

Section 66

In using the order prohibiting to use of vehicle according to section 65, the competent official shall make the sign clearly shown by the words "Use Prohibited Permanently" or "Use Prohibited temporarily" or any other sign, known and understood by the general public to have the same meaning, on any part of such vehicle.

The making or removal of the sign under the first paragraph, or the use of vehicle while the said sign is on, shall be in accordance with the rules, methods and conditions specified in the ministerial regulation.

Section 67

In performing his duty under section 65, the competent official has the power to stop and inspect the vehicle, enter into the vehicle or to do

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any act necessary to check and test the engine and equipment of such vehicle.

Section 68

The Minister shall, with the advice of the Pollution Control Committee, have the power to publish notification in the Government Gazette specifying the types of point sources of pollution that shall be controlled in regard to the emission of polluted air, or other pollutants, in the form of smoke, fume, gas, soot, dust, ash, particle or any other form of air pollutant, to the atmosphere, in conformity with the emission standards prescribed under section 55, or standards prescribed by any government agency by virtue of the other law which remain in force according to section 56, or standards set by the Changwat Governor in special case for the pollution control area according to section 58.

The owner or possessor of the point source of pollution under the first paragraph has the duty to install or bring into operation an on-site facility for air pollution control, equipment or other instrument as determined by the pollution control official in order to control, dispose, reduce or eliminate pollutants which may affect the air quality, unless such facility, equipment or instrument has already been in place and still in a working condition upon the inspection and test by the pollution control official. For the purpose of this section, the pollution control official may also require that the operation of such facility, equipment or instrument be controlled by the Monitoring Control Operator.

The provision of the first and second paragraph shall apply mutatis mutandis to the point source of pollution which emit or generate noise or vibration in excess of the emission standards set pursuant to section 55, to the standards set by any government agency by virtue of the other law which remain in force according to section 56, or the standards set by the Changwat Governor in special case for the pollution control area according to section 58.

Part 5 Water Pollution

Section 69

The Minister shall, with the advice of the Pollution Control Committee, have the power to publish notification in the Government Gazette specifying the types of point sources of pollution that shall be controlled in regard to the discharge of wastewater or wastes into public water sources or into the environment outside the limits of such point sources, in conformity with the effluent standards set pursuant

to section 55, or the standards set by any government agency by virtue of the other law which remain in force according to section 56, to the standards set by any government agency by virtue of the Changwat Governor in special case for the pollution control area according to section 58.

Section 70

The owner or possessor of the point source of pollution under section 69 has the duty to construct, install or bring into operation an on-site facility for wastewater treatment or waste disposal as determined by the pollution control official. For this purpose, the pollution control official may also require that such owner or possessor commission a Monitoring Operator to control the wastewater treatment or waste disposal facility that shall be constructed, installed or brought into operation accordingly.

In any point source of pollution has had an on-site facility for wastewater treatment or waste disposal before the date of notification of the Minister under section 69, the owner or possessor of such point source of pollution shall inform the pollution control official to check functioning system of the facility. If its capacity to treat wastewater or dispose of waste fails to meet the applicable standards, the owner or possessor has the duty to modify or improve it in conformity with the pollution control official's directions.

Section 71

In any pollution control area or locality where a central wastewater treatment plant or a central waste disposal facility has been brought into operation by the administration concerned, the owner or possessor of the point source of pollution according to section 70, first paragraph, who has not yet constructed, installed or brought into operation the on-site facility for wastewater treatment or waste disposal according to the prescription of the pollution control official, or may not want to construct or make arrangements for such a system, shall have the duty to send the wastewater or wastes generated by his activities to the central wastewater treatment plant or central waste disposal facility in the pollution control area or in that locality for treatment or disposal and shall have the duty to pay the service fees at the rates fixed by virtue of this Act or the other related laws.

Section 72

In any pollution control area or locality where the central wastewater treatment plant or central waste disposal facility has been brought into operation by the administration concerned, the owner or possessor of any point source of pollution, except those under section 69, shall have the duty to send wastewater or wastes from his source or

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pollution to the central wastewater treatment plant or the central waste disposal facility in that pollution control area or locality for treatment or disposal and shall have the duty to pay service fees at the rates fixed by virtue of this Act or the other related laws, except such point source of pollution already has its own wastewater treatment or waste disposal facility which is capable to meet the standards prescribed under this Act.

Section 73

No person shall be employed as a Monitoring Control Operator or as a Service Contractor, who renders for hire the services of wastewater treatment or waste disposal, without obtaining the license from the local official.

Application and issuance of license, qualifications of the applicant, control of the licensee's performance, renewal of license, issuance of certificate in lieu of the license, suspension or revocation and fee payments for the application and issuance of license shall be in accordance with the rules, procedures and conditions stipulated by ministerial regulation.

The person who has obtained a license to be a Service Contractor shall also be deemed to have obtained a license to be a Monitoring Control Operator.

In rendering the services of wastewater treatment or waste disposal by the Service Contractor to the first paragraph, the service charges shall not exceed the rates fixed by the ministerial regulation.

Section 74

In any pollution control area or locality where the central wastewater treatment or central waste disposal facility of the public service is yet to be put into operation, but there is nonetheless a Service Contractor who is licensed to render such services within that area, the owner or possessor of the point source of pollution according to section 70 and section 71 shall be required to send the wastewater or wastes from point source for treatment or disposal by such Service Contractor in accordance with the rules, regulations, methods and conditions prescribed by the local official, with the advice of the pollution control official.

Section 75

In any pollution control area or locality where central wastewater treatment or central waste disposal facility is yet to be put into service by the government and there is no licensed Service Contractor rendering services therein, the local official may, with the advice of the pollution control official, determine a temporary method necessary for

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the treatment of wastewater or disposal of wastes from point sources of pollution under section 70 and section 71 until the central wastewater treatment or central waste disposal facility will have been constructed, installed and put into operation within such pollution control area or locality.

The temporary method for wastewater treatment or waste disposal according to the first paragraph shall mean to include the collection, transport or conveyance of wastewater or wastes by whatever appropriate means to be treated or disposed by the central wastewater treatment plant or central waste disposal facility of the government in the other area; or to allow the licensed Service Contractor rendering services in the other area render the same services in that pollution control area or locality temporarily; or to allow such licensed Service contractor to collect and transport wastewater or wastes to treat or dispose by his own wastewater treatment or waste disposal facility located outside that pollution control area or locality.

Section 76

Wastewater treated by either the central wastewater treatment plant of the government or by wastewater treatment facility of the Service Contractor must also have the properties which meet the requirements of the effluents standards prescribed by virtue of section 55, or the standards prescribed by virtue of the other law which remain in force according to section 56, or the standards set by the Changwat Governor in special case for the pollution control area according to section 58.

Section 77

The government agency or the local authority which makes provision for the services of central wastewater treatment or central waste disposal facilities by using government budget, or revenues of the local authority, and Fund allocations under this Act shall be responsible for the management and control of such facilities. In this respect, the responsible agency or local authority may employ a licensed Service Contractor under the Act to manage and control the operation of such facilities.

Regulations, rules and methods for conveyance, collection and transport of wastewater or wastes from the point sources of pollution to the central wastewater treatment plant or central waste disposal facility as well as prescriptions, prohibitions, restrictions and other conditions for discharging and draining of wastewater or wastes from factories and other point sources of pollution under section 72 into the systems of central wastewater treatment or central waste disposal facilities shall be prescribed by the ministerial regulation.

Part 6 Other Pollution and Hazardous Waste

Section 78

The collection, transport and other arrangement for the treatment and disposal of garbage and other solid wastes; the prevention and control of pollution from mining both on land and in the sea; the prevention and control of pollution from the exploration and drilling for oil, natural gas and all kinds of hydrocarbon both on land and in the sea; and the prevention and control of pollution resulting or originated from the discharge of oil and the dumping of wastes and other matters from sea-going vessels, tankers, and other types of vessel, shall be in accordance with the governing laws related thereto.

Section 79

In case there is no specific law applicable thereto, the Minister shall, with the advice of the Pollution control committee, have the power to issue ministerial regulation specifying the types and categories of hazardous waste generated from the production and usage of chemicals or hazardous substances in the production process of industry, agriculture, sanitation and other activities which shall be brought under control. For this purpose, rules, regulations, measures and methods must also be prescribed for the control of collection, storage, safety measures, transportation, import into the Kingdom, export out of the Kingdom, and for proper and technically sound management, treatment and disposal of such hazardous wastes.

Part 7 Monitoring, Inspection and Control

Section 80

The owner or possessor of the point source of pollution, required by virtue of section 68 or section 70, to have his own facility for treatment of polluted air, equipment or instrument for control of the discharge of polluted air or the pollutants or the wastewater treatment or waste disposal facility, shall have the duty to collect statistics and data showing the daily functioning of the said facility or equipment and instrument, and make detailed notes thereof to be kept as recorded evidence at the site of the point source of pollution, and shall submit report summarizing the functioning results of the facility, equipment or instrument to the local official of the locality where such point source is situate at least once a month.

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The collection of statistics and data, the making of notes and reports shall be in accordance with the rules, procedures, methods and format specified by ministerial regulation.

In case the facility for treatment of polluted air, wastewater or waste disposal or equipment and instrument indicated in the first paragraph requires a Monitoring Control Operator as determined by the pollution control official, the Monitoring Control Operator shall have the duty to act under the first paragraph on behalf of the owner or possessor.

The Service Contractor licensed to render wastewater treatment or waste disposal services shall have the duty to do the same as the owner or possessor of the point source of pollution is required under the first paragraph.

Section 81

The local official shall gather the reports received according to section 80 and send them to the pollution control official, who has jurisdiction over that locality, on a regular basis at least once a month. In doing so, the local official may make comments for consideration of the pollution of the pollution control official.

Section 82

In order to perform his functions under this Act, the pollution control official is empowered as follows :

(1) To enter into the building, place and site of the factory or point source of pollution or the site of wastewater treatment or waste disposal facility which belongs to any person, between the sun rise and the sun set or during the working hours, to inspect the functioning process of wastewater treatment or waste disposal facility, air pollution control system or equipment and other instrument for the control of polluted air or other pollutants, as well as to examine the notes, statistics or data on the functioning of the said facility, equipment and instrument, or when there is a reasonable suspicion that there is a non-compliance with this Act.

(2) To issue an order in writing directing the owner or processor, the monitoring Control Operator, or the licensed Service Contractor rendering the services of wastewater treatment or waste disposal, to correct, change, improve or repair the air pollution control, wastewater or waste disposal facility or other equipment and instrument for the control of polluted air or other pollutants. If however, the point source of pollution is a factory, the official under the law on industrial plants shall be notified to take action within his power and duty. If such official fails to do so, the pollution control official shall have the power to take action in accordance with this Act.

(3) To issue a written order directing the owner or possessor of the point source of pollution which is not a factory to pay penalties as provided under section 90, section 91 or section 92. If the point source of pollution is a factory the official under the law on industrial plants shall be notified to order the owner or possessor of such factory to pay the penalties and, in doing so, such official under the law on industrial plants shall be deemed to be the pollution control official under this Act. If, however, such official fails to issue the penalty order with a reasonable time, the pollution control official shall then have the power to issue the order directing the owner or possessor of such factory to pay the penalties.

(4) To issue a written order directing the Service Contractor Control Operator under section 68 or section 70 in case such Monitoring Control Operator licensed to render the services of wastewater treatment or waste disposal to stop or shut down his services, or revoking his license in case such Service Contractor violates or does not comply with this Act, or any ministerial regulation, local ordinance, rule, notification or condition issued or stipulated by virtue of this Act, or does not comply with the order of the pollution control official issued by virtue of this Act.

(5) To issue a written order suspending the Monitoring Control Operator under section 68 or section 70 in case such Monitoring Control Operator violates or does not comply with this Act, or any ministerial regulation, local ordinance, rule, notification, or condition issued or stipulated by virtue of this Act, or does not comply with the order of the pollution control official issue by virtue of this Act.

Section 83

In case it is deemed reasonable in the interest of co-ordination of action among agencies concerned, the pollution control official may :

(1) Recommend the official who has the legal power to control the point source of pollution, to close down its operation, to suspend or revoke the license of its owner or operator, or to bar its use or utilization in any way, especially in connection with the point source of pollution under section 68, section 69 or section 74 which has no intention to treat the polluted air, wastewater or other wastes and illegally discharges the untreated wastes into the environment outside the limits of its site and premise.

(2) Recommend the local official to take action against the owner or possessor of the point source of pollution under section 71 or section 72 in order to coerce him to send wastewater or wastes to be treated or disposed in accordance with this Act.

(3) Give advice and suggestions to the local official or the government agency concerned in connection with the operation and maintenance of the central wastewater treatment plant or the central waste disposal facility under the responsibility of such local official or government agency.

Section 84

In the performance of duty under this Act, the competent official or the pollution control official must produce his identity card at the request of the person concerned.

The identity card of the competent official and pollution control official shall be in such a form as prescribed in the ministerial regulation.

Section 85

The owner or occupier of premises, vehicles or any person concerned shall facilitate the performance of duty under this Act by the competent official or the pollution control official who shall be official under the Penal Code.

Section 86

The performance of duty by the competent official under section 50, first paragraph, or section 65 and the performance of duty by the pollution control official under section 82 (1) shall be done in the presence of the owner or occupier of the premise or vehicles; if such person cannot be found, it shall be done in the presence of at least two other persons requested by the competent official of the pollution control official to attend as witnesses.

Section 87

The owner or possessor of the point source of pollution, the Service contractor licensed to render services of wastewater treatment or waste disposal, the monitoring Control Operator or any other person who is not satisfied with the order of the pollution control official under section 82 (2), (3),(4) or (5), is entitled to challenge such order by petition to the Pollution Control Committee within thirty days from the date of receiving the order of the pollution control official.

If the petitioner does not agree with the decision of the Pollution Control Committee, he shall appeal to the Minister within thirty days from the date of receiving notification of the Pollution Control Committee's decision.

The decision of the Minister shall be final.

Part 8

Service Fee and Penalty

Section 88

In any pollution control area or locality where a central wastewater treatment plant or a central waste disposal facility has been constructed and brought into operation as a public utility service, funded by government budget or revenue of the local administration and money allocated from the Fund as provided in this Act, the National Environment Board shall, within the advice of Pollution Control Committee, fix the rates of service fee to be applicable within the limits of each pollution control area or locality, being the site of and served by the operation of such facility.

The service fee rates fixed according to the foregoing first paragraph shall be notified and published in the Government Gazette.

Section 89

The rates of service fee fixed according to section 88 for treatment of wastewater or for disposal of wastes eliminated from point sources pursuant to section 71 and section 72 may be varied as appropriate,

The owner or possessor of point source of pollution governed by the provision of section 72, in the category of domestic household, that can be classified as a small-scale user is entitled to be exempted from the payment of service fees in accordance with the rules and conditions stipulated by the National Environment Board, with the advice of the Pollution Control Committee.

Section 90

Any owner or processor of point source of pollution who avoidably refrains from sending wastewater or wastes to the central wastewater treatment plant or the central waste disposal facility as required by section 71 or section 72 and illegally discharged such wastewater or wastes into the environment outside the limits of the site of the point source owned or possessed by him, or does send the wastewater or wastes to the central wastewater treatment plant or the central waste disposal facility of the public service for treatment but fails or refuses to make payment for the service fees without being entitled to the exemption as provided by section 89, second paragraph, shall be liable to pay as a penalty four times as much the amount of service fee that he is liable to pay at the rate fixed in accordance with section 88 until this provision of this observed by him.

Section 91

Any owner or possessor of the point source of pollution required by section 70 to have an on-site facility for wastewater treatment or waste disposal, who illegally discharges wastewater or wastes into the central wastewater treatment plant or the central waste disposal facility of the public service, shall be liable to pay as a daily penalty four times as much the amount of daily expenses for the normal operation of his on-site facility for wastewater treatment or waste disposal throughout the duration of such illegal discharge and shall also be liable to pay damages if such illegal discharge has caused any damage or defection to the central wastewater treatment plant or the central waste disposal facility of the public service.

Section 92

Any owner or possessor of the point source of pollution subject to the requirements of section 68 or section 70, who refrains from using his on-site facilities or equipment for the control of air pollution, noise pollution and vibrations, or refrains from operating his on-site facilities for the treatment of wastewater or disposal of wastes and illegally discharges such untreated wastewater or wastes into the environment outside the limits of the site of the point source of pollution, shall be liable to pay as a daily penalty four times as much the amount of daily expenses for the normal operation of his facilities, equipment or process for wastewater treatment or waste disposal throughout the duration of such illegal discharge.

Section 93

The local authority or the competent official of the government agency responsible for the operation of the public wastewater treatment plant or waste disposal facility shall have the power and duty to collect service fees, penalties and claim for damages as provided in this Part, particularly in connection with the operation of the central wastewater treatment plant or the central waste disposal facility of the public service which is made available by such local authority or government agency.

The service fees and penalties collectable in accordance with the foregoing first paragraph shall be exempted from being remitted to the Treasury as government revenues, but shall be deducted and remitted to the Fund at the ratio specified by the Fund Committee, whereas the balance therefrom shall be used as expenditures for operation and maintenance of the central wastewater treatment plant or the central waste disposal facility of the local authority or government agency which is responsible to collect such service fees and penalties.

Chapter V Promotional Measures

Section 94

The owner or possessor of any point source of pollution, who has the duty according to this Act or other related laws to install an on-site facility for treatment of polluted air or wastewater or for disposal of any other wastes, including the procurement of equipment, instrument, tools, appliances or materials necessary for control of pollution from such point source, or the service Contractor licensed pursuant to this Act, is entitled to request for promotional supports and assistance from the government service in the following matters :

- (1) Request for assistance regarding import duties for the import into the Kingdom of necessary machinery, equipment, instrument, tools, appliances or materials which are not available in the Kingdom.
- (2) Application for permission to bring foreign experts or specialists into the country to carry out works concerning the installation, monitoring, control or operation of air pollution control systems, wastewater treatment works or waste disposal facilities in case qualified persons within the Kingdom are not available for recruitment and commissioning to supervise and control machinery, equipment, instrument or tools imported into the Kingdom pursuant to sub-section (1), including application for exemption of income tax that will incur from the performance of work as a supervisor of such person within the Kingdom.

The owner or possessor of the point source of pollution who has no legal duty as referred to in the foregoing first paragraph, but nonetheless wishes to install an on-site facility with his own equipment, instrument, tools or appliances for air pollution control, wastewater treatment or for disposal of other wastes eliminated from his activities or business undertakings, is also entitled to request for promotional supports and assistance from the government service in accordance with the foregoing first paragraph.

Section 95

The request for promotional supports and assistance according to section 94 shall be made to the Environment Board in accordance with the rules, procedures, methods and formats prescribed by ministerial regulation.

The National Environment Board shall consider and proceed with the request for promotional supports and assistance according to the foregoing first paragraph as it sees fit, taking into account the economic, financial and investment necessities of each individual applicant. In case it is considered appropriate to give assistance to the applicant, the National Environment Board shall recommend the government agencies concerned to act within their powers and functions to render promotional support and assistance to the applicant accordingly.

Chapter VI Civil Liability

Section 96

If leakage or contamination caused by or originated from any point source of pollution is the cause of death, bodily harm or health injury of any person or has caused damage in any manner to the property of any private person or of the State, the owner or possessor of such point source shall be liable to pay compensation or damages therefor, regardless of whether such leakage or contamination is the result of a willful or negligent act of the owner or possessor thereof, except in case it can be proved that such pollution leakage or contamination is the result of :

- (1) Force major or war.
- (2) An act done in compliance with the order of the Government or State authorities.
- (3) An act or omission of the person who sustain injury or damage, or any third party who is directly or indirectly responsible for the leakage or contamination.

The compensation or damages to which the owner or processor of the point source of pollution shall be liable according to the foregoing first paragraph shall mean to include all the expenses actually incurred by the government service for the clean-up of pollution arisen from such incident of leakage or contamination.

Section 97

Any person who commits an unlawful act or omission by whatever means resulting in the destruction, loss or damage to natural resources owned by the State or belonging to the public domain shall be liable to make compensation to the State representing the total value of natural resources so destroyed, lost or damaged by such an unlawful act or omission.

Chapter VII Penal Provision

Section 98

Any person who violates or refuses to observe the order issued by virtue of section 8 or obstructs any act done in compliance with such order shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

In case the person who violates or refuses to observe the order or obstruct any act done in compliance with such order is the person who has caused danger or damage arisen from pollution, such person shall be punished by imprisonment not exceeding five years or fine not exceeding five hundred thousand baht, or both.

Section 99

Any person who illegally encroaches upon, occupies, or enters into public land to act in any manner which results in the destruction, loss or damage to natural resources or treasures worthy of being conserved, or causes the occurrence of pollution having impact on the environment within the limits of environmentally protected area designated by virtue of section 43 shall be punished by imprisonment not exceeding five years or fine not exceeding five hundred thousand baht, or both.

Section 100

Any person who violates or refrains from observing the restrictions stipulated by ministerial regulation issue according to section 44 or by notification given by the Minister according to section 45 shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

Section 101

Any person who spreads or disseminates false information about the danger from any point source of pollution with the intention to destroy its reputation or to undermined public trust on the lawful operation of its business or activity shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

If the spread or dissemination of information according to the foregoing first paragraph is done my means of publication, announcement, advertisement or reports through newspaper, radio, television or other forms of mass media, the person who commits such

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act shall be punished by imprisonment not exceeding five years or fine not exceeding five hundred thousand baht, or both.

Section 102

Any person who violates the order of competent official forbidding the use of vehicle according to section 65 shall be punished by fine not exceeding five thousand baht.

Section 103

Any person who refuses to observe the order given by competent official according to section 67 shall be punished by imprisonment not exceeding one month or fine not exceeding ten thousand baht, or both.

Section 104

Any owner or possessor of the point source of pollution who refrains from observing the provision of section 71, or any person who refrains from observing the provision of section 72, or the rules laid down by the local authority by virtue of section 80 shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

Section 105

Any person who renders services as a Monitoring Control Operator or as a Service Contractor for wastewater treatment or waste disposal without the license granted according to section 73 shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

Section 106

Any owner or possessor of the point source of pollution or any Monitoring Operator any any Service Contractor rendering the services of wastewater treatment or waste disposal, who refrains from collecting statistics or data or from making notes or report as required be Section 80 shall be punished by imprisonment not exceeding one month or fine not exceeding ten thousand baht, or both.

Section 107

Any Monitoring Control Operator having the duty to make notes or reports according to this Act, who intentionally makes such notes or reports showing false information or statement shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

Section 108

Any person who obstructs or refuses to comply with the order of the pollution control official given in the performance of his duty according to Section 82 (2) shall be punished by imprisonment not exceeding one month or fine not exceeding ten thousand baht, or both.

Section 109

Any Service Contractor rendering services for wastewater treatment or waste disposal ordered by the pollution control official to stop or close down his services pursuant to Section 82 (5), or any Monitoring Control Operator whose license has been revoked by the order of the pollution control official pursuant to Section 82 (6), who violates or refuses to comply with such order of the pollution control official or continues to carry on his service in violation of such order shall be punished by imprisonment not exceeding one year or fine not exceeding one hundred thousand baht, or both.

Section 110

Any owner or possessor of the point source of pollution who employs the person, whose license to be a Monitoring Control Operator has been revoked, to supervise and monitor the operation of air pollution control, wastewater treatment, or waste disposal facility that he has the duty to install and operate according to this Act, shall be punished by fine not exceeding fifty thousand baht.

Section 111

In case the offender who is liable to be punished according to this Act is a juristic person, the directors or manager of such juristic person, or any person who is responsible for the business operation of such juristic person, shall also be punished by the same penalties prescribed by law for such offence, unless it can be proved that they have no part to play in the commission of such offence.

Interim Provisions

Section 112

In the period during which the National Environment Board is yet to be appointed in accordance with section 12 of this Act, the National Environment Board appointed prior to the date of effectiveness of this Act shall continue to hold office in order to perform its function until the new Board shall be appointed and take over the office.

Section 113

All ministerial regulations, rules, procedures, notifications or orders, issued by virtue of the Enhancement and Conservation of National Environmental Quality Act, B.E. 2518 which remain in force on the date of effectiveness of this Act, shall continue to be effective, insofar as they are not in conflict with or contrary to this Act, unless and until ministerial regulations or orders will have been issued in accordance with this Act.

Section 114

The person, who has been holding a license as an eligible person to prepare reports concerning the study and measures for the prevention of and remedy for the adverse effect on environmental quality by virtue of the Enhancement and Conservation of National Environmental Quality Act, B.E. 2518, shall continue to be eligible to prepare the environmental impact assessment report provided by this Act, until such person is required by the Minister to apply for license in accordance with this Act.

Section 115

For all the reports concerning the study and measures for the prevention of and remedy for the adverse effect on environmental quality required for any project or activity pursuant to the Enhancement and Conservation of the National Environmental Quality Act, B.E. 2518, that have been filed prior to the date on which this Act shall come into effect and still pending review by the Office of National Environment Board, the review and approval of such reports shall be further proceeded with in accordance with the rules and procedures laid down by virtue of the Enhancement and Conservation of National Environmental Quality Act, B.E. 2518. for this purpose, the power and duty of the Office of National Environment Board in become the power and duty of the Office of Environmental Policy and Planning.

Countersigned by :
Anand Panyarachun
Prime Minister