



Expat Counsel

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OWNING A HOTEL OR GUEST HOUSE IN THAILAND

Part VI: The hotel licence

Last time we talked about the documents necessary for the construction permit for a hotel that is newly built. This time we'll tell you how to get the hotel licence for a new hotel, once the building permit has been granted.

When construction is substantially complete, the officer who issued the building permit should be notified in writing and should inspect the building. If all is in order, a use permit for the building or buildings will be issued within 30 days or so of the notification.

Once you have the use permit for the hotel, you are ready to get the hotel licence.

For the hotel licence, the application form (Ror Ror 1) and accompanying documentation must, in Bangkok, be filed with the director-general of the Department of Provincial Administration. Outside of Bangkok these documents must be submitted to the provincial governor.

Here are the documents that must be submitted with all applications for a hotel licence:

- If the applicant is an individual, copies of identity card and blue book (address registration) for a Thai applicant, or passport and yellow book for a foreigner;
- layout or floor plan of the hotel;
- map showing the hotel's location;

- building permit, showing the objective to be hotel construction;
- evidence that the person operating the hotel owns the building or has the permission of the owner to operate it as a hotel. Examples of this evidence would be the building permit and land title deed (chanote) if the owner of record on the chanote will operate the hotel, plus the sale and purchase or lease agreement if someone else will operate the hotel;
- if the hotel will have 80 rooms or more, an Environmental Impact Assessment, or;
- from 10 to 79 rooms, an Initial Environmental Examination. (Environmental issues are now the tail that wags the dog in hotel building and development, and we will write later on how these approvals are obtained.)
- a copy of the chanote or chanotes on which the hotel will be located showing an ownership or a possessory right over the land.

If the applicant is a company the following must also be submitted:

- Company registration documents;
- a letter granting a director of the company authority to bind the company;
- copy of the identity card of the authorised director.

After obtaining the hotel licence, in the second step, the hotel operator must appoint a manager who must have the following qualifications:

- Must not be under 20-years-old;
- must have obtained a diploma in hotel management or must have had the experience prescribed the Hotel Business Supervision and Promotion Committee, or must have obtained a certificate showing that they passed a hotel management training course approved by the same committee;
- must not be suffering from chronic alcoholism, drug addiction, or communicable diseases prescribed by the above committee;
- must not be insane or incompetent;
- must not have been sentenced to imprisonment for a major crime or convicted of crimes relating to sex, narcotics, human trafficking or prostitution, and;
- must never have had a manager's licence revoked for the above crimes or otherwise within the last three years.

If the proposed manager meets the above qualifications, the following must be submitted to the director-general of the Department of Provincial Administration if the hotel is in Bangkok and to the provincial governor if it is elsewhere:

- A form notifying the above authorities of the name of the manager;
- a copy of the manager's identification card if the manager is Thai or passport if the manager is foreign;
- a copy of the manager's blue or yellow book;
- two photographs of the manager;
- a medical certificate;
- a letter appointing the manager by the hotel operator, and;
- evidence of the diploma or passing the hotel course or experience mentioned above.

The director-general of the Department of Provincial Administration or provincial governor will consider and decide on this application within three or four days. If granted, the applicant will receive an official acknowledgement letter that the applicant is the manager of the hotel.

Next time we'll discuss the environmental requirements for a hotel. ■

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