



Expat Counsel

By James Finch and Nilobon Tangprasit

Several readers have requested information about environmental legislation requirements regarding hotels in Thailand. The basic law is the Enhancement and Conservation of the National Environmental Quality Act BE 2535 (1992). Under this law, two notifications have been issued, both on Jan 22, BE 2539 (1996) by the Ministry of Science and Technology and Environment. These notifications require an environmental impact assessment (EIA) for all new hotels consisting of 80 rooms or more, wherever they are located in Thailand.

There are also notifications issued under the above law that impose a similar requirement on new hotels from 10 to 79 rooms in certain areas. For these hotels an initial environmental examination (IEE), an assessment less rigorous than an EIA, is required.

Examples of the areas in which IEEs are required are Petchaburi, Pattaya, Koh Samui, Phuket, along with Prachuap Khiri Khan and Pattalung provinces. As we mentioned in an earlier article, you can't get a hotel licence without an EIA or IEE, if one of them is required.

Thus the only hotels that can operate without EIAs or IEEs are those smaller than 80 rooms in places where an IEE isn't required. You may also need an EIA or IEE for a major change in the construction of an existing hotel.

Here are samples of the kinds of information that must be disclosed in an EIA or IEE:

- Type and size of the hotel, including surrounding grounds;
- location of the hotel, including map and nearby areas that may experience environmental impact;
- analysis of environmental impact and pollution caused by construction and operation of the hotel;
- methods to be used to minimise environmental impact;
- current condition of the environment in the area;
- background information and purpose of the hotel;
- timetable for construction and implementation;
- reasons for area selection;
- detailed information on construction, including raw material and energy use and the number of workers required; and
- information on the hotel's waste treatment system, its management and maintenance.

The EIA or IEE must be prepared by a consulting company approved by the Office of Natural Resources and Environmental Policy and Planning (Onep), a government office under the Ministry of Natural Resources and Environment. Onep is responsible for planning to enhance the quality of the environment and also administers the EIA and IEE processes. A list of presently approved consulting companies appears at www.onep.go.th/eia, Onep's website. The consulting company must use an environmental professional graduate in environmental science, engineering or eco-



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nomics to prepare the overall report and at least three technical specialists to supervise the production of the report.

Once finalised, the EIA or IEE must be submitted to Onep for preliminary review. Within 30 days Onep is required to either return it to the applicant with an explanation of what is missing or make preliminary comments and pass it to a committee of

experts drawn from the building, minerals, energy, petrochemical and other industries.

The committee of experts may reject the EIA or IEE and, in this event, the project owner and consulting company must make an additional submission within 30 days. If rejected again, there must be another submission within 30 days. The process can be a lengthy one. ■

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