

(Translation)

[Official Emblem]

Eastern Special Development Zone Act B.E. 2561 (2018)

MAHA VAJIRALONGKORN BODINDRADEBAYAVARANGKUN, REX.

Given on the 10th day of May 2018;

Being the 3rd year of the Present Reign.

His Majesty King Maha Vajiralongkorn Bodindradebayavarangkun is graciously pleased to proclaim that:

Whereas it is expedient to have a law on the Eastern Special Development Zone.

Whereas this Act contains certain provisions in relation to the restriction of rights and liberties of persons, in respect of which Section 26 in conjunction with Section 34 and Section 37 of the Constitution of the Kingdom of Thailand so permits by virtue of the provisions of law.

The rationale and necessity for restricting the rights and liberties of persons under this Act are to ensure that the development of the Eastern Region of Thailand is conducted in a systematic manner and in line with the principle of sustainable development, particularly for the promotion of the engagement of commercial and industrial activities which employ advanced and modern technologies, promote innovations, and are environmentally-friendly. The promulgation of this Act is in line with the conditions provided under Section 26 of the Constitution of the Kingdom of Thailand.

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

(Translation)

Section 1 This Act is called the “Eastern Special Development Zone Act B.E. 2561”.

Section 2 This Act shall come into force on the day following the date of its publication in the Government Gazette.

Section 3 The following shall be repealed:

(1) The Order of the Head of the National Council for Peace and Order No. 2/2560
Re: Development of the Eastern Economic Corridor, dated 17 January 2017;

(2) The Order of the Head of the National Council for Peace and Order No. 28/2560
Re: Measures to Enhance Efficiency in Development of the Eastern Economic Corridor,
dated 26 May 2017;

(3) The Order of the Head of the National Council for Peace and Order No. 47/2560
Re: Land Use Regulation in the Eastern Economic Corridor, dated 25 October 2017.

Section 4 In this Act:

“Eastern Special Development Zone” means the area defined under Section 6;

“Special Economic Promotional Zone” means the area in the Eastern Special Development Zone as prescribed and notified by the Policy Committee under Section 40;

“Special Economic Promotional Zone Operator” means an operator, who is a juristic person, or any other persons with specialized knowledge and capabilities and has been approved by the Secretary-General in accordance with the criteria prescribed by the Policy Committee to engage in the Special Targeted Industries or the businesses in connection with or beneficial to the development and promotion of the Special Targeted Industries in the Special Economic Promotional Zone;

“Special Targeted Industries” means the industries prescribed and notified by the Policy Committee in under Section 39;

“Targeted Industries” means the Targeted Industries under the law governing national competitiveness enhancement for Targeted Industries;

“Policy Committee” means the Eastern Special Development Zone Policy Committee;

“Office” means the Office of the Eastern Special Development Zone Policy Committee;

(Translation)

“Secretary-General” means the Secretary-General of the Eastern Special Development Zone Policy Committee;

“State Agency” refers to a government agency, state enterprise, local administration agency, public organization or any other government agency;

“Fund” means the Eastern Special Development Zone Fund;

Section 5 The Prime Minister shall have charge and control of the execution of this Act.

Chapter 1 General Provisions

Section 6 The areas in Chachoengsao Province, Chonburi Province, Rayong Province, and other provinces located in the Eastern Region of Thailand as may be hereafter prescribed by a royal decree shall be the Eastern Special Development Zone for the following objectives:

(1) Development of modern and environmentally-friendly economic activities to enhance the country’s competitiveness;

(2) Provision of comprehensive and integrated government services to reduce obstacles and minimize costs in business operations;

(3) Provision of infrastructure and public utility systems that are efficient, interconnected, easily accessible by the general public, and fully and systematically linked;

(4) Identifying land uses suitable to the conditions and potential of the areas in line with the principle of sustainable development; and

(5) Urban development and modernization of cities to meet the international standards that are suitable and convenient for safe living and are accessible by the general public and for quality business operation.

Where there is necessity to further the attainment of the objectives under (3) above, a royal decree may be enacted to designate additional areas in other provinces adjacent or relating to the provinces under the first paragraph, only to the extent necessary in aiding the aforementioned undertakings, as a part of the Eastern Special Development Zone.

(Translation)

Section 7 In the attainment of the objectives under Section 6, the government shall procure that the relevant State Agencies jointly undertake the following:

(1) Promotion and support of the implementation of the development plan of the Eastern Special Development Zone to ensure that such areas become attractive for modern living in line with the principle of sustainable development, and to ensure the development of comprehensive and integrated government services, public utility systems, transport and transportation systems, information technology and communications systems, innovation promotion schemes, stable energy systems, water resources management systems, pollution control and elimination systems, systems of goods manufacturing and provision of services that adopt advanced technologies, and any other undertakings necessary for the development of the Eastern Special Development Zone, provided that the undertakings must be conducted in an efficient, safe, and secure manner, and are conveniently accessible to the general public;

(2) Promotion and support of local and foreign business operators to engage in the Targeted Industries, Special Targeted Industries, and related businesses in the Eastern Special Development Zone, as well as promotion and support of research & development (R&D), application of technologies and innovations, until the transfer of know-how from business operators, educational institutions, or research institutions with high potential to enhance national competitiveness is achieved;

(3) Allocation of budget and procurement of financial sources as appropriate and necessary, as well as the provision of support in other aspects so that the undertakings by relevant State Agencies reach the attainment of the objectives of the development of the Eastern Special Development Zone;

(4) Creation of an environment that is ideal for business operations and livelihood by reducing the procedures required for business operations, thereby enhancing convenience, by establishing various modern facilities that meet international standards such as educational institutions, medical facilities, and public parks, and by ensuring the safety of the life and properties of persons in the area; and

(5) Promotion and support of Thai and foreign financial institutions in providing convenient and efficient financial services, with minor limitations, in the Eastern Special Development Zone, only to the extent necessary for maintaining the stability of the national financial and economic system.

Section 8 For any project implementations or activities within the Eastern Special Development Zone for which a report on the assessment of its environmental impact or its public or community health impact is required by law, the National Environment Board shall appoint an *ad hoc* committee of experts to provide opinions on or approve environmental impact assessment reports for the projects or activities within 120 days from the date of receipt of the correct and complete report.

It shall be the duty of the Office of Natural Resources and Environmental Policy and Planning to make an announcement to the general public on the list of documents required to

(Translation)

be submitted together with the report under the first paragraph, clearly specifying the topics to be incorporated as well as the time period for performing the duties required under the law governing licensing facilitation. The consideration of the report shall be deemed an approval pursuant to the aforementioned law.

The National Environment Board shall have the authority to prescribe the criteria on the collection of special fees, in addition to the Office or the applicant. Additional special payments of consideration may be made to the *ad hoc* committee of experts as specified by the National Environment Board.

In the absence of environmental impact assessment experts for projects or activities or if there is an insufficient number of experts for such purpose, the National Environment Board shall have the duty to approve additional experts to study the environmental impact in order to promptly satisfy sufficiency. In this regard, the legal provisions governing licensing facilitation, and the qualifications of the licensees whose duties are to study or prepare environmental impact assessment reports pursuant to the law governing enhancement and conservation of the national environmental quality shall not apply. A non-Thai national may be permitted to have the duty to study or prepare environmental impact assessment reports, subject to the criteria and procedures prescribed by the National Environment Board.

Section 9 If, in undertaking any act in the interests of the development of the Eastern Special Development Zone, the Policy Committee is of the view that any law, rule, regulation, by-law, notification or order causes inconvenience or delay, is redundant or creates an undue and excess burden, or in case of any other problems or obstacles, the Policy Committee shall propose such matter to the Cabinet for consideration of the amendment of such law, rule, regulation, by-law, notification or order, or for the enactment of a new law to ensure that the development of the Eastern Special Development Zone be carried out efficiently, conveniently, and promptly, provided that such amendment or enactment does not prejudice the equality, rights, and liberties of the people and does not constitute discrimination of any kind.

(Translation)

Chapter 2
Policy Committee

Section 10 There shall be a committee called the “Eastern Special Development Zone Policy Committee”, and shall be comprised of:

(1) Prime Minister as the Chairman;

(2) Deputy Prime Minister assigned by the Prime Minister, as the Vice-Chairman;

(3) Minister of Defence, Minister of Finance, Minister of Agriculture and Cooperatives, Minister of Transport, Minister of Digital Economy and Society, Minister of Natural Resources and Environment, Minister of Energy, Minister of Commerce, Minister of Interior, Minister of Labour, Minister of Science and Technology, Minister of Education, Minister of Public Health, and Minister of Industry, as members;

(4) Director of the Bureau of the Budget, Secretary-General of the National Economic and Social Development Board, Secretary-General of the Board of Investment, as members;

(5) Chairman of the Board of Trade of Thailand, Chairman of the Board of the Federation of Thai Industries, and Chairman of the Thai Bankers’ Association, as members;

(6) No more than five qualified persons who possess knowledge or expertise beneficial to the formulation of policies and the operations of the Eastern Special Development Zone, appointed by the Prime Minister, as members.

The Secretary-General shall be a member and the Secretary to the Policy Committee.

In the absence of the members in (5) or (6), or if the composition of the Policy Committee does not meet the requirement for any reason, the Policy Committee shall only be comprised of the members who are available.

Meetings and passing of resolutions of the Policy Committee shall be in accordance with the criteria specified by the Policy Committee.

A qualified member shall be in office for a term of three years. A qualified member may be reappointed but may not be in office for more than two consecutive terms.

(Translation)

In the case where a qualified member vacates office for any other reason than the expiration of such member's term, a new member, whether to fill a vacant position or to be an additional member, shall be appointed in accordance with the law governing administrative procedures.

The resolutions of the Policy Committee shall be binding to every ministry and agency which are members of the Policy Committee.

Section 11 The Policy Committee shall have the following duties and authority:

(1) To formulate policies for the development of the Eastern Special Development Zone;

(2) To consent to the overall plan for the development of the Eastern Special Development Zone, the overall land use plan, the development plan of infrastructure and public utilities, the implementation plan, and the plan to provide comprehensive and integrated government services in the Eastern Special Development Zone;

(3) To consent to the land use planning and the infrastructure and public utilities system planning;

(4) To designate and notify areas as the Special Economic Promotional Zone, the Special Targeted Industries, and privileges to be granted to the Special Economic Promotional Zone Operators in each zone;

(5) To approve the action plans, projects, and budgets in the development of the Eastern Special Development Zone;

(6) To prescribe and notify the criteria, procedures, and conditions for the public-private partnership or investment by private entities;

(7) To issue regulations, by-laws, and notifications for specifying the criteria, procedures, and conditions in carrying out the undertakings specified in this Act;

(8) To approve and grant the rights or concession under Section 37;

(9) To appoint the committee consider the appeal filed pursuant to Section 44 against the order of the Secretary-General. The committee shall comprise one member from each Section 10 (4) and Section 10 (6) of the Policy Committee at a minimum;

(10) To appoint an *ad hoc* committee or a subcommittee to undertake any act as assigned by the Policy Committee;

(11) To supervise the operations of the Office and to issue the rules and regulations for the Office in order for the operations to be carried out in a flexible and efficient manner;

(Translation)

(12) To monitor and evaluate the results of the development of the Eastern Special Development Zone, as well as to resolve any issues and obstacles arising in the course of implementation, and to periodically report the results of the development to the Cabinet as required by the Cabinet; and

(13) To undertake any other acts for the attainment of the objectives under this Act or as assigned by the Cabinet.

Any undertaking under (1), (2), (3), (4), (5), (6), (7), and (8) resolved to approve or consented by the Policy Committee shall be proposed to the Cabinet for its notice. If there is no objection or disagreement, it shall be deemed that the Cabinet has resolved to approve of or provided its consent in accordance with the resolution of the Policy Committee.

The regulations, by-laws, and notifications for specifying the criteria, procedures, and conditions under (4), (6), and (7) shall come into force after the publication in the Government Gazette.

Section 12 To ensure that the development of the Eastern Special Development Zone shall be carried out in an efficient manner, in the case where the Policy Committee stipulates a specific process to consider the public-private partnerships or investments by private entities, and stipulates procedures on supervising and monitoring the results of the operation, the public-private partnership or the investment by private entities under this Act shall comply with such process and procedure. It shall be deemed that the public-private partnership or the investment by private entities is in compliance with the law governing private investments in state undertakings.

The stipulation of the procedure to consider public-private partnerships or investments by private entities, and the procedures on supervising and monitoring the results of the operation under the first paragraph shall be applicable to the types and descriptions of projects prescribed and notified by the Policy Committee in the Government Gazette.

Section 13 The Policy Committee, the appeal consideration committee, the *ad hoc* committee, and the sub-committee shall receive payments of consideration, expenses, and other benefits as specified by the Cabinet.

Chapter 3 Office

Section 14 The Office of the Eastern Special Development Zone Policy Committee shall be a juristic person. The Office of the Policy Committee is a State Agency but it is not a government agency or state enterprise under the law governing budgetary procedure and other law. In the case that the government is to allocate any subsidy or other budget to the Office, the Bureau of the Budget shall have the duty to directly allocate the budget to the Office.

(Translation)

The Office shall act as the secretary unit of the Policy Committee.

The affairs of the Office shall not be governed by the Law governing labour protection, labour relations, social security, and workmen's compensation, provided that the total benefits received by the staff members and employees of the Office is not less than the amount prescribed by the law governing labour protection, social security, and workmen's compensation.

Section 15 The Office shall have the following duties and authority:

(1) To be responsible for the administrative and academic affairs of the Policy Committee;

(2) To provide suggestions to the Policy Committee with regard to the implementation under Sections 11 and 12;

(3) To conduct a preliminary research and analysis of impacts from the formulation and implementation of the policies, plans, and measures relating to the development of the Eastern Special Development Zone, as well as the guidelines or measures to prevent, rectify, or remedy such impacts, and propose the results of the research and analysis to the Policy Committee;

(4) To supervise, monitor, and report the progress on the development of the Eastern Special Development Zone to the Policy Committee at least every three months;

(5) To prepare an annual report with respect to the compliance with this Act, and propose the annual report to the Cabinet for submission to the House of Representatives and the Senate for acknowledgement;

(6) To coordinate with the relevant State Agencies to ensure that the development of the Eastern Special Development Zone be in accordance with the policies, plans, and measures specified by the Policy Committee;

(7) To conduct a research on the suitability and feasibility in defining areas as the Special Economic Promotional Zone;

(8) To invest or jointly invest with other parties, within the country and abroad, in the interests of the business operations beneficial to the development of the Eastern Special Development Zone and the Special Economic Promotional Zone;

(9) To incorporate a limited company or a public limited company to engage in businesses beneficial to the development of the Eastern Special Development Zone and the Special Economic Promotional Zone;

(10) To secure loans for use in the affairs of the Office; and

(Translation)

(11) To undertake any other act as prescribed in this Act or other laws or as assigned by the Cabinet or the Policy Committee.

The acts under (8), (9), and (10) shall only be undertaken after obtaining approval from the Policy Committee, provided that the Policy Committee may determine conditions of such approval as it deems appropriate. If, in undertaking the act under (10), the loan amount exceeds fifty million baht, the approval from the Cabinet must be obtained.

Section 16 A member of the Office of the Secretary-General appointed by the Policy Committee shall be responsible for the operation of the Office and work directly under the Policy Committee.

The Secretary-General shall act as the superior of the staff and employees of the Office.

Section 17 The Secretary-General shall possess knowledge, expertise, and experience which benefit the affairs of the Policy Committee and the Office as announced and prescribed by the Policy Committee, be of Thai national, not more than sixty five years old, able to fully dedicate his/her time to the Office, and possess none of the following prohibited characteristics:

- (1) Being bankrupt or having been dishonestly bankrupt;
- (2) Being a public servant, staff, or employee of any State Agency, or an employee of any person;
- (3) Being a holder of a public office;
- (4) Being a member of local council or local administrative officer;
- (5) Being a member of a board of a political party or a holder of a position in a political party, or an officer of a political party;
- (6) Being a party with interests under Section 23;
- (7) Being a person who has been or was revoked the rights to vote or the right to be eligible for candidacy of an election or a person who is serving a ban or has been disqualified from political office, due to any reason whatsoever, by virtue of the Constitution of the Kingdom of Thailand;
- (8) Having been expelled, discharged, or dismissed from an administrative agency, a State Agency or a private agency due to a dishonest performance of duty or acting in bad faith or committing unlawful acts;
- (9) Having been removed from the position of director or executive of a public limited company due to lacking the qualifications to be entrusted with the management of a business that is publicly owned under the law governing securities and exchange;

(Translation)

(10) Having been sentenced to vest assets in the state due to unusual wealth or an unusual increase in assets;

(11) Having been sentenced by a final judgment for committing a malfeasance in public office or in judicial office, an offence under the law governing narcotics, or the law governing gambling as being a banker or a proprietor, by a final judgment.

Section 18 The Secretary-General shall be appointed by a contract of employment in the form specified by the Policy Committee and executed by the Chairman of the Policy Committee.

The contract of employment under the first paragraph must contain at least the provisions related to holding of office, employment conditions, performance evaluation, vacation from office, termination, remuneration, and other benefits of the Secretary-General.

The Secretary-General shall serve for a term as specified in the contract of employment which shall not be longer than four years. The Secretary-General who vacates office may be reappointed but may not serve for more than two consecutive terms.

The Policy Committee shall fix the rate of remuneration and other benefits of the Secretary-General.

Section 19 In addition to the vacation of office at the expiration of a term, the Secretary-General shall vacate office upon

- (1) Death;
- (2) Resignation;
- (3) Lack of any qualification or existence of any prohibited characteristic under Section 17;
- (4) Dissatisfactory performance evaluation;
- (5) Termination in accordance with the conditions specified in the contract of employment;
- (6) Termination by a resolution of the Policy Committee due to disgraceful behavior.

Section 20 The Secretary-General shall have the following duties and authority:

(1) To be responsible and ensure that the affairs of the Office are managed effectively and to attain the objectives, and are in compliance with the law, rules, regulations, as well as the policies, plans, and measures formulated by the Policy Committee;

(2) To supervise, assign, appoint, remove, promote, demote, reduce salary or remuneration, impose disciplinary action on the staff members and employees of the Office, as well as to vacate the staff members and employees of the Office from office, in accordance with the rules specified by the Policy Committee. With the exception of a Deputy Secretary-General and an internal auditor, such action must first be approved by the Policy Committee;

(Translation)

(3) To stipulate the regulations and procedures with respect to the operation of the Office, its staff members and employees, provided that the regulations and procedures shall not be contrary or in conflict with the regulations, rules, or resolutions specified by the Policy Committee;

(4) To issue regulations in the interests of compliance with this Act or for the operations in the Eastern Special Development Zone to be in accordance with the principles of good governance and sustainable development; and

(5) To undertake any other act as delegated by the Policy Committee.

With respect to the affairs of the Office involving third persons, the Secretary-General shall be the representative of the Office. In this regard, the Secretary-General may authorize a Deputy Secretary-General or any staff member to act on his or her behalf. In the case of any necessity other than the cases under Section 43, the Secretary-General may authorize any other person to act on his or her behalf in accordance as the regulations specified by the Policy Committee.

The regulation under (4) shall become into force after approval by the Policy Committee and the publication in the Government Gazette.

Section 21 The numbers of Deputy Secretary-Generals to assist the Secretary-General in his or her performance of duties as assigned by the Secretary-General shall be fixed by the Policy Committee.

The qualifications and prohibited characteristics, appointment, and leaving office of Deputy Secretary-Generals shall be as determined by the Policy Committee.

Section 22 In the absence of the Secretary-General or if the Secretary-General is unable to perform his or her duties, the Policy Committee shall appoint any one from the Deputy Secretary-Generals to act for the Secretary-General. In the case that there are no Deputy Secretary-Generals or none of the Deputy Secretary-Generals are able to perform the duties, the Policy Committee shall appoint one of the staff members of the Office to act for the Secretary-General.

The person acting for the Secretary-General under the first paragraph shall have the same authority and duties as the Secretary-General.

Section 23 The Secretary-General and the Deputy Secretary-Generals must not be a stakeholder in any contract entered into by the Office or in any affair performed or to be performed for the Office, directly or indirectly.

(Translation)

Any act under the first paragraph undertaken by the spouse or child under the legal age of the Secretary-General or any Deputy Secretary-General shall be deemed that the Secretary-General or Deputy Secretary-General has a stake in the affairs of the Office.

The provision under the first paragraph shall not apply to the Secretary-General or Deputy Secretary-General who is assigned by the Policy Committee to be a director in a limited company or a public limited company in which the Office is a shareholder.

Any juristic act undertaken in violation of this Section shall have no binding effects on the Office, unless it is ratified by the Policy Committee.

Section 24 The revenues of the Office are:

- (1) General subsidies allocated by the government as appropriate and necessary;
- (2) Monies, properties, or benefits derived from investments, business operations, or undertakings pursuant to the duties and the authority of the Office;
- (3) Donated monies or properties;
- (4) Other interests or benefits derived from the monies and properties of the Office.

All revenues derived from its operation shall belong to the Office. Any amount remaining after deduction of operating expenses and charges reasonably incurred such as cost of maintenance, depreciation, payment of consideration to the Policy Committee, the staff members, and employees of the Office, the contribution for social support and welfare fund, the Fund, and the reserves for using as expenses of the Office, shall be remitted to the government as state income.

The reserve for use in the affairs of the Office under the second paragraph comprises of the general reserve against shortfall, reserve for business expansion, reserve for debt repayment, and other reserves as specified by the Policy Committee, provided that the fixing of each reserve must be approved by the Ministry of Finance.

The reserve shall be used in accordance with the criteria and conditions specified by the Policy Committee.

The Office's assets are not subject to legal execution, and no person may raise an argument on period of prescription against the Office.

Section 25 The Office shall put in place and maintain an accounting system that is appropriate in accordance with generally-accepted accounting principles and consistent with the accounting system put in place by the Ministry of Finance.

(Translation)

The accounting period shall be specified by the Policy Committee.

Section 26 The Office shall arrange for an internal audit on a regular basis.

The Policy Committee shall appoint at least three qualified members as the audit committee to propose opinions on the results of internal audit to the Policy Committee.

In conducting an internal audit, the internal auditor shall report the results of internal audit directly to the audit committee.

The provision on the committee with the authority to conduct administrative consideration under the law governing administrative procedure shall apply with the meetings of the audit committee, *mutatis mutandis*.

Section 27 The Office of the Auditor General or an independent auditor approved by the Office of the Auditor General shall be the auditor of the Office.

Section 28 The auditor of the Office shall report the results of audit to the Policy Committee to further propose to the Cabinet within 120 days from the end of the accounting period. The Office shall publish the financial statements certified by the auditor of the Office within 15 days from approval of the Cabinet.

Chapter 4

Development of Eastern Special Development Zone

Section 29 The Office shall formulate a policy for and a plan providing an overview of the development of the Eastern Special Development Zone, a plan for land use, a plan for development of infrastructure and public utilities, a plan for implementation, and a plan for integrated government services that is conveniently-accessible and responsive in order to obtain maximum benefits to the local community and ensure effective land use, and where the Office shall appoint a State Agency who shall responsible to propose such policy and plan to the Policy Committee for approval. Upon being approved by the Policy Committee, the implementation shall become the responsibility of the aforementioned agency unless specified otherwise by the Policy Committee.

With respect to the policy and plan under the first paragraph, consideration must be given to the connection between the land use plan and infrastructure and public utilities development plan of the adjacent areas of the Eastern Special Development Zone by adhering to the protection, respect, and remedy framework for affected persons in line with the principle of promotion and protection of human rights in the context of business operations and rights under the relevant laws.

(Translation)

Section 30 After the Policy Committee approves the plan under Section 29, the Office shall, together with the Department of Public Works and Town & Country Plan, and the relevant State Agency, itemize and complete the details of the land use plan and the infrastructure and public utilities development plan that are in line with the plan, within one year after the Policy Committee grants approval of the plan.

With respect to the infrastructure and public utilities development plan under the first paragraph, consideration must be given to the continuity and connectivity with the infrastructure and public utilities system of the adjacent areas of the Eastern Special Development Zone and the following systems must be included at a minimum:

- (1) Public utility system;
- (2) Transport and transportation system;
- (3) Information technology and communications system;
- (4) Settlement and geo-social system;
- (5) Ecological and environmental system appropriate for operating the Targeted Industries, the Special Targeted Industries, and business operations;
- (6) Water resources management system;
- (7) Pollution control and elimination system;
- (8) Accident prevention system

In undertaking any act under the first paragraph, the Office and the relevant agency shall take into consideration the relationship with communities, health and well-being of the people, environment, and ecological system under the principle of sustainable development by means of creating true awareness to the local community and conducting a public hearing and consultation with the stakeholders, the public, and relevant communities in support of the consideration.

Section 31 In preparing the plan under Section 30:

- (1) The plan shall be prepared in accordance with the principle of the town planning;

(Translation)

(2) The Policy Committee may resolve that the relevant agency undertake any act in accordance with the policy and plan under Section 29 with respect to any matter for the time being.

Section 32 The plan prepared under Section 30, after being approved by the Policy Committee and approved by the Cabinet, the town plan under the law governing town planning applicable to the Eastern Special Development Zone prior to the approval from the Cabinet shall be cancelled and the Department of Public Works and Town & Country Plan shall prepare a new town plan that aligns with such plan. Pending the completion of the town plan, the plan approved by the Cabinet shall be considered the comprehensive town plan under the law governing town plan for each province in the Eastern Special Development Zone.

Section 33 If it is necessary an undertaking be carried out for the development of the Eastern Special Development Zone, or to support or facilitate the development of the Eastern Special Development Zone to bring about integration, achievement, and maximum efficiency, regardless of whether such undertaking must be carried out internally or externally of the Eastern Special Development Zone, should such undertaking be the duty and fall under the responsibility of any one or more State Agencies, the Cabinet shall require that such undertaking be carried out by a State Agency or the Office only. Alternatively, such relevant State Agency may carry out such undertaking jointly with another relevant State Agency or the Office, provided that the Cabinet specifies the period of time, standards, and specifications for carrying out such undertaking in line with the overall development plan of the Eastern Special Development Zone.

In carrying out the undertaking under the first paragraph, if it is required by law that approval, permission or consent must be obtained from any State Agency, the Policy Committee shall grant approval or permit or consent in place of the relevant State Agency under that particular law, provided that the State Agency authorized to approve or permit or consent under that law must be first notified prior to undertaking any act. In the interests of these purposes, the State Agency authorized to approve or permit or consent under that law is obligated to cooperate and facilitate the State Agency or the Office delegated by the Cabinet under the first paragraph.

(Translation)

Unless otherwise specified by the Cabinet, the State Agency or the Office delegated by the Cabinet under the first paragraph may assign a private entity to undertake such act. In that case, that private party shall be deemed to be approved or permitted or consented by the Policy Committee in place of the State Agency under the relevant law, provided that the State Agency or the Office delegated by the Cabinet under the first paragraph must supervise the undertaking by the private entity to ensure that such undertaking is in compliance with the relevant law.

Section 34 In the case that it becomes necessary to acquire land or other immovable property in the interests of the development of the Eastern Special Development Zone, the Office shall be authorized to do so by means of procurement, leasing, hire-leasing, exchange, expropriation or other means in accordance with the criteria specified by the Policy Committee.

Prior to undertaking any act under the first paragraph, the Policy Committee shall appoint an *ad hoc* committee to conduct a feasibility study of the area, the financial viability, as well as impacts and guidelines or measures for prevention, rectification or remedy of such impact and the value for money the local community and the government will receive.

For any land the Office acquires under this Act, the Office is authorized to use or seek interests from such land in accordance with the criteria specified by the Policy Committee. For any land acquired by means of purchase, hire-purchase, or exchange with any land purchased or hire-purchased or donated, such land shall be the property of the Office and the Office shall be authorized to sell, exchange or hire-lease such land.

Section 35 In the case where the Office and the party enter into a transaction for any activity relating to any land and immovable property where the rights and juristic acts pertaining to such land and immovable property must be registered, such transaction shall be exempted from the fee for registering the rights and juristic act under that law.

Section 36 In the case that it is necessary for the development of the Eastern Special Development Zone, the Policy Committee, with the approval of the Cabinet, is authorized to instruct the Office to make use of any land acquired by the Office of Agricultural Land Reform for the purpose of any undertaking or operating any other business other than those specified in the law governing agricultural land reform without being required to revoke the land reform area for that particular land.

In the use of land under the first paragraph, the authority of the Agricultural Land Reform Committee under the law governing agricultural land reform shall be the authority of the Policy Committee and the duties and authority of the competent official under the law governing agricultural land reform shall be the duties and authority of the Secretary-General or the person delegated by the Secretary-General.

(Translation)

With respect to any land the Office is authorized to use under the first paragraph, the Office, with the approval of the Policy Committee, may confer the right to use such land to any other person in consideration of payment in accordance with the criteria, procedures, and conditions specified by the Policy Committee.

In the case that a third party is entitled to the right to use a land preceding the Office's right to make use of such land under the first paragraph, the Office shall procure other land for such person to use instead. Alternatively, the Office may make payment of compensation or give any other benefits in consideration in accordance with the criteria, procedures, and conditions specified by the Policy Committee.

Section 37 To ensure the development of the Eastern Special Development Zone meets the objectives under Section 6 and the policy and plan under Section 29, the Policy Committee shall have the authority to approve, permit, grant the right or concession to any person who undertakes any act that directly benefits the development of the Eastern Special Development Zone under the following laws. Notwithstanding the foregoing, in the case of any undertaking outside the Eastern Special Development Zone, such undertaking must be connected and approval must be obtained from the Minister in charge of that particular law.

(1) The Announcement of the National Executive Council No. 58, dated 26 January 1972, with the exception of the provision in respect of the duty and authority of Ministry of Finance;

(2) The law governing navigation in Thai waters;

(3) The law governing royal irrigation;

(4) The law governing energy industry;

(5) The law governing concession highways;

(6) The law governing nuclear energy for peace.

In approving, permitting, and granting the right or concession under the first paragraph, the Policy Committee shall take into consideration the criteria, procedures, and conditions prescribed in that particular law. In the case that the Policy Committee is of the view that an amendment or revision of the criteria, procedures, and conditions will increase the efficiency in approving, permitting, and granting the right or concession, the Policy Committee shall notify its opinion from the party who has the duties and is authorized under the relevant law. After consideration, the Policy Committee shall publish the criteria, procedures, or conditions in the Government Gazette as it deems expedient and the Policy Committee shall approve, permit, and grant the right or concession in accordance with the criteria, procedures, or conditions which have been amended or revised.

(Translation)

After granting approval, permission, right or concession under the first paragraph by the Policy Committee, the Secretary-General or an employee of the Office delegated by the Secretary-General shall be the officer or the competent official who has the duty and authority to be in charge of the law under the first paragraph.

Section 38 In the interest of the efficiency in the operation of the Office, the Secretary-General may request a government official, staff member or employee of the State Agency to work as a staff member or employee of the Office on a temporary basis, provided that an agreement can be reached with the State Agency. The requested person shall be returned to his or her original agency swiftly upon the cessation of necessity.

A government official, officer or employee of the State Agency pursuant to the first paragraph who temporarily become a staff member or employee of the Office shall not be deprived of his or her original position and shall continue to receive his or her salary or remuneration, whichever is applicable, from the original agency.

The Policy Committee may specify special consideration for the government officials, staff members or employees of the State Agency under the first paragraph during the period they are working for the Office.

Chapter 5 Special Economic Promotional Zone

Section 39 In the interests of the development of the country's industry for the application of advanced and environmental-friendly technology, creation of innovation, and enhancement of competitiveness in different areas, the Policy Committee may establish Special Economic Promotional Zones that are intended for the development and promotion of any particular areas of Special Targeted Industries or for the promotion of other businesses in connection with or beneficial to the development or enhancement of the Special Targeted Industries or for the purposes of transfer of knowledge and expertise from the Special Economic Promotional Zone Operators, and high-potential educational institutions and research institutions.

In establishing the Special Targeted Industries, the Policy Committee shall select, in whole or in part, from the Targeted Industries or any other industries that may include service industry, tourism and meeting industry or other industries, provided that the following industries which are developed under the first paragraph must be included at a minimum:

(Translation)

- (1) Next-Generation Automotive Industry;
- (2) Intelligent Electronics Industry;
- (3) High Wealth and Medical Tourism Industry;
- (4) Advance Agriculture and Biotechnology Industry;
- (5) Food Processing Industry;
- (6) Robotics Industry;
- (7) Aviation and Logistics Industry;
- (8) Biofuel and Biochemical Industry;
- (9) Digital Industry;
- (10) Comprehensive Healthcare Industry.

In order to promote and support the Special Targeted Industries under the second paragraph, the international standards in design and the development of facility technology shall be taken into consideration.

In order to promote the Special Targeted Industries under the second paragraph, the arrangement of facilities and provision of services to serve the Special Economic Promotional Zone Operators and the persons working in the Special Economic Promotional Zone shall be taken into consideration.

Section 40 Where appropriate, the Policy Committee may designate any area in the Eastern Special Development Zone as the Special Economic Promotional Zone with the objective of promoting the investment in the Special Targeted Industries in any field that are not conflicting each another.

Prior to designating the Special Economic Promotional Zone under the first paragraph, the Office shall arrange for a feasibility study to be conducted with respect to the implementation, benefits, impacts and remedial measures against potential impacts on the people or communities that may be suffered or damaged, as well as a draft land use plan in the Special Economic Promotional Zone to be prepared and the provision of the third paragraph of Section 30 shall apply *mutatis mutandis*. The results of the study and draft plan shall be published in the information system of the Office and other means in order for the general public to be aware of such information.

(Translation)

Section 41 The owners of land located in the Eastern Special Development Zone may request the Office to designate such area as the Special Economic Promotional Zone, provided that the criteria, procedures, and conditions must be complied with and the service fees and the expenses incurred in the implementation under the second paragraph of Section 40 must be paid as prescribed and notified by the Office, with the approval of the Policy Committee.

If, after the Office complies with the provision under the first paragraph, the Office is of the view that it is appropriate to designate such area and make an announcement of the Special Economic Promotional Zone and the person entitled to the ownership of such land has consented to be responsible for remedying potential impacts to the people or communities that may be suffered or damaged in accordance with the guidelines defined by the Office, the Office shall propose the same to the Policy Committee for consideration in order to prescribe and designate such area as a Special Economic Promotional Zone.

In the case that the applicant under the first paragraph is jointly submitted by local communities, the Office may waive or exempt the service fees or expenses in accordance with the criteria and conditions prescribed by the Policy Committee.

Section 42 In order to establish, change, and rescind each Special Economic Promotional Zone, the Policy Committee shall publish a notification in the Government Gazette.

The notification of the establishment of Special Economic Promotional Zone under the first paragraph must contain the following important information at a minimum:

- (1) Name of the Special Economic Promotional Zone;
- (2) Objectives of the Special Economic Promotional Zone;
- (3) Area of the Special Economic Promotional Zone, indicated on a map, attached to the notification;
- (4) Land use plan in the Special Economic Promotional Zone.

The provisions of Section 30, Section 31, and Section 32 shall apply to the preparation of plan and enforcement of the plan in (4) *mutatis mutandis*.

Section 43 With respect to any undertaking or act in the Special Economic Promotional Zone relating to the following laws, it is required by law that the person who undertakes or performs such act must first be granted approval, permission, license, or consent from the relevant State Agency or the committee under the applicable law or the person who undertakes or performs such act must register or declare such undertaking or act to the relevant State Agency or the committee under the applicable law, it shall be deemed that the Secretary-General has the authority to grant approval, permission, license, or consent or has the authority to accept registration or declaration under the applicable law:

(Translation)

- (1) The law governing land excavation and land filling;
- (2) The law governing building control;
- (3) The law governing machine registration;
- (4) The law governing public health;
- (5) The law governing immigration, solely for the purpose to permit foreigners under Section 54 (1) or (2) to stay in Kingdom;
- (6) The law governing commercial registration;
- (7) The law governing factory;
- (8) The law governing land allocation.

After the person who undertakes or performs such act is granted approval, permission, license, or consent from the Secretary-General or such undertaking or act is registered or declared to the Secretary-General under the first paragraph, it shall be deemed that the person who undertakes or performs such act is granted approval, permission, license, or consent of the relevant State Agency or the committee under the applicable law or such undertaking or act is registered or declared to the relevant State Agency or the committee under the applicable law.

Subject to the fourth paragraph, in granting approval, permission, license, consent, registration, or declaration under the second paragraph, the Secretary-General shall comply with the criteria, procedures, and conditions prescribed under the applicable law and inform the relevant State Agency or the committee under the applicable law or the relevant law for information and evidence.

In the case that the Secretary-General is of the view that an amendment to the criteria, procedures, and conditions as specified by the third paragraph will increase the efficiency in granting approval, permission, license, consent, registration, or declaration under the applicable law, the Secretary-General shall propose the opinion to the relevant State Agency or the committee under the applicable law and propose the same to the Policy Committee for consideration. If the Policy Committee approves, the Secretary-General shall comply with the criteria, procedures, or conditions which have been amended in place of the existing criteria, procedures, or conditions.

(Translation)

The Secretary-General may authorize the Deputy Secretary-General, staff member of the Office, or a public officer of any agency to act on his or her behalf under the first paragraph and shall inform the relevant State Agency of such authorization.

The Secretary-General, the Deputy Secretary-General, staff member of the Office, or government official who is authorized under the fifth paragraph will be the officer or the competent official who has the authority and duties of the enforcement of the law under the first paragraph.

Section 44 The applicant who applies for approval, license, permit, consent or who applies for registration or declaration under Section 43 is entitled to appeal the order of the Secretary-General to the Appeal Committee, appointed by the Policy Committee, within 30 days from the date of such order.

The appeal under the first paragraph shall be in accordance with the regulation prescribed by the Policy Committee and published in the Government Gazette and shall be deemed an appeal under the relevant law.

The decision of the Appeal Committee under the first paragraph shall be final.

Section 45 In granting approval, permission, issuance of license, consent, registration or declaration under Section 43, the Secretary-General shall have the authority to collect the fees, payments in consideration, expenses or other costs as prescribed by a specific law, by-law, or ordinance and shall have the authority to collect additional service fee for such implementation in accordance with the rate prescribed and notified by the Policy Committee.

The fee, payment in consideration, expenses or other costs collected by the Secretary-General under the first paragraph shall be remitted to the State Agency authorized to collect such fees.

Section 46 It is prohibited to use any name, mark or statement that may mislead the general public to understand that an area is a Special Economic Promotional Zone without being a Special Economic Promotional Zone under this Act.

Section 47 The Policy Committee shall require the operators who engage in the Special Targeted Industries and the businesses in connection with the Special Economic Promotional Zone to remit the maintenance fee to the Fund in accordance with the rate, criteria, procedures, and conditions as prescribed and notified by the Office, with the approval of the Policy Committee.

Section 48 The Special Economic Promotional Zone Operator shall receive any one or more of the following rights or benefits under this Chapter as specified by the Policy Committee:

(Translation)

- (1) Right to the ownership of land for operating businesses or condominiums for operating businesses or for residence purposes under Section 49;
- (2) Right to bring foreigners into the Kingdom and residing in the Kingdom;
- (3) Right to exemption or deduction of taxes and duties;
- (4) Right to enter into financial transactions;
- (5) Other rights and benefits under Section 59.

In specifying the rights and benefits under the first paragraph, the Policy Committee may specify different rights and benefits by giving consideration to the objectives in the establishment of each Special Economic Promotional Zone.

Section 49 The Special Economical Promotional Zone Operator who is a juristic person and foreigner under the land code shall be entitled to hold ownership for the land in the Special Economic Promotional Zone to engage in the businesses that have been licensed without being required to obtain a license under the land code.

The Special Economical Promotional Zone Operator who is a juristic person and a foreigner under the law governing condominiums shall be entitled to the ownership of condominiums by being exempted from the restrictions of the rights on foreigners under the law governing condominiums.

The operator who shall be entitled and the areas of land or condominiums under the first and the second paragraphs shall be in accordance with the criteria, procedures, and conditions as prescribed and notified by the Policy Committee, with the approval of the Cabinet. However, the areas shall not exceed the threshold prescribed by the law governing the promotion of investment or the law governing the industrial estates authority of Thailand.

Section 50 In the case where the Operator under Section 49 has ownership of land in the Special Economic Promotional Zone but has not engaged in any business within three years or ceases the business operation on such land, the Operator must sell such land within one year from the receipt of notice by the Office. Alternatively, the Office shall have the authority to dispose such land in place of the Operator and return any amount remaining after deduction of expenses to the Operator.

Section 51 In the interest of encouraging persons with specialized knowledge and capabilities that will benefit the development of technology and creation of innovation to operate businesses or work in the Special Economic Promotional Zone, the persons, including their spouses, parents and children residing in the Eastern Special Development Zone or the Special Economic Promotional Zone may be granted tax deduction, the rights with respect to immigration and work permit application, and other additional rights as prescribed and notified by the Policy Committee.

(Translation)

The persons and the rights under the first paragraph shall be as prescribed in the Royal Decree.

Section 52 In leasing, subleasing, leasing-out or subleasing-out of land or real properties in the Special Economic Promotional Zone for the attainment of the purposes of the development and promotion of the Special Targeted Industries, the provisions of Section 540 of the Civil and Commercial Code and Section 5 of the Rental of Immovable Property for Commerce and Industry Act B.E. 2542 (1999) shall not apply.

In leasing, subleasing, leasing-out or subleasing-out under the first paragraph, the lease term shall be no longer than 50 years. If the agreed lease term is longer than the specified period, it shall be reduced to 50 years. The lease term may be extended but it shall be no longer than 49 years from the date on which the lease term reaches 50 years.

Section 53 In the case that the Policy Committee resolves to establish a Special Economic Promotional Zone on state land, as well as to lease out or sublease out, all authority of the Treasury Department with respect to such state land shall be the authority of the Office. If the state land is under possession or utilization of any other State Agency, the consent of such State Authority must be obtained. Notwithstanding the foregoing, the Policy Committee may require that the Office allocates the income derived from the use of that state land to the State Agency, that possesses the state land or uses the state land, or to the Treasury Department.

In the use of the state land under the first paragraph, the criteria, procedures, or conditions as prescribed by the law governing state land shall not apply.

The registration of the lease of the state land or state land shall be conducted in accordance with the criteria as specified by the Policy Committee. When the lease is registered under the criteria, it shall be deemed that the lease is registered with the competent official under the Civil and Commercial Code.

The lease, sublease, lease-out, or sublease-out under this Section does not constitute a private-public partnership under the law governing private investments in state undertakings, with the exception that if the Policy Committee approves on a case-by-case basis that it is a private-public partnership under the law governing private investments in state undertakings.

Section 54 Subject to the law governing immigration, the Special Economic Promotional Zone Operator who is granted the right under Section 48(2) shall have the right to bring in and let the following foreigners stay in the Kingdom, at the number of foreigners and period of stay as permitted by the Secretary-General, even if the number of foreigners or period of stay exceeds the number of foreigners or period of stay in the Kingdom under the law governing immigration:

(Translation)

- (1) Persons with expert knowledge in any area as prescribed by the Policy Committee;
- (2) Executives or experts;
- (3) Spouse and dependents of the persons in (1) or (2).

The right to enter into and stay in the Kingdom, and to bring the spouse and dependents into and letting them stay in the Kingdom under the first paragraph shall apply to the specialists who are invited by the Policy Committee to work in the Special Economic Promotion Zone *mutatis mutandis* in accordance with the criteria, procedures, and conditions as specified by the Policy Committee.

In the case that the foreigner under the first paragraph does not enter into the Kingdom, when the Secretary-General grants permission to any foreigner to enter into and stay in the Kingdom under the first paragraph, the Secretary-General shall notify the competent official under the law governing immigration and the competent official shall take actions under the law governing immigration.

In the case that the foreigner under the first paragraph (1) or (2) has entered into the Kingdom and has been permitted to temporarily stay in the Kingdom under the law governing immigration, the Secretary-General shall grant permission to such foreigner to extend his or her stay in the Kingdom and a certificate of permission shall be issued to such foreigner to extend his or her stay in the Kingdom.

Section 55 Subject to the law governing immigration, the foreigner who is permitted to enter into and stay in the Kingdom under Section 54 (1) and (2) shall be entitled to work in the position as specified by the Policy Committee without being required to obtain a work permit under the law governing foreigners' working management but the foreigner is required to obtain a written permission from the Secretary-General. The written permission of the Secretary-General shall be deemed the work permit under the law governing foreigners' working management.

Section 56 The Special Economic Promotional Zone Operator shall be entitled to exemption and deduction of taxes and duties under Section 48 (3) in accordance with the criteria, procedures, and conditions as specified by the Policy Committee, provided they shall not exceed the amount as prescribed by the law governing investment promotion and the law governing national competitiveness enhancement for the Targeted Industries.

(Translation)

In addition to the right under the first paragraph, the Policy Committee may determine that some or all Special Economic Promotional Zone Operators shall enjoy the same rights as the business operators in the free zones, bonded warehouses, or free trade zones.

Section 57 In the interests of promoting the Special Targeted Industries, the Policy Committee may announce that the importers or exporters who operate their businesses in the Special Economic Promotional Zone be exempted from complying with the law governing customs, whether in whole or in part, and may determine certain conditions for the importers or exporters to comply with.

Section 58 The Special Economic Promotional Zone Operators who are entitled under Section 48 (4) shall have the following rights:

(1) To be exempted from complying with the law governing exchange control, whether in whole or in part, in accordance with the criteria and conditions specified by the Policy Committee;

(2) To use foreign currency for the payment of goods and services among the Special Economic Promotional Zone Operators in accordance with the criteria and conditions specified by the Policy Committee.

In specifying the criteria and conditions under (1) and (2), the Policy Committee shall mutually consider and agree with the Bank of Thailand first.

Section 59 In the interests of the promotion and support of development in the Special Economic Promotional Zone, the Policy Committee may prescribe and notify that Special Economic Promotional Zone Operators or the operators of the professions that are beneficial to the Special Economic Promotional Zone be granted any of the following special benefits in accordance with Section 48 (5) as it deems appropriate:

(1) In the case of a profession where it is required by law that in order to lawfully engage in the profession, the operator or applicant must be a Thai national or the operator must be licensed, registered or certified, the Policy Committee may announce that the operators who are licensed, registered or certified in the countries specified by the Policy Committee may engage in that profession for the businesses in the Special Economic Promotional Zone in accordance with the criteria, procedures, and conditions specified by the Policy Committee;

(2) Other rights and benefits as specified under the law governing investment promotion or the law governing national competitiveness enhancement for the Targeted Industries. The authority of the Board of Investment under the law governing investment promotion, and the authority of the Policy Committee on Enhancement of Country's Competitiveness for the Targeted Industries under the law governing enhancement of the country's national competitiveness enhancement for the Targeted Industries shall also be deemed the authority of the Policy Committee.

(Translation)

Section 60 In the interests of promoting the Special Targeted Industries relating to aircraft, the provisions under Section 41/23, Section 41/33, and Section 41/95 of the Air Navigation Act B.E. 2497 (1954) as amended by the Air Navigation Act (No. 11) B.E. 2551 (2008) shall not apply to the applicants for the aircraft manufacturer certificate, major aircraft components certificate, or the repair station certificate, operating in the Special Economic Promotional Zone. However, the applicants for the aircraft manufacturer certificate, major aircraft components certificate, or the repair station certificate operating in the Special Economic Promotional Zone must be qualified as prescribed by the Secretary-General, with the approval of the Director-General of the Civil Aviation Authority of Thailand under the law governing civil aviation of Thailand.

Chapter 6 Fund

Section 61 The Fund called “Eastern Special Development Zone Fund” shall be established in the Office with the objective of promoting the development of the areas, the communities, and the people residing in or the people who are affected by the development of the Eastern Special Development Zone.

Section 62 The Fund consists of the following:

- (1) Subsidies allocated by the government;
- (2) Maintenance fee under Section 47;
- (3) Contribution from the income of the Office under Section 24 (2);
- (4) Donated funds or properties;
- (5) Other funds or properties that become the properties of the Fund;
- (6) Any interests or benefits arising out of any fund or properties of the Fund .

Any fund and properties that become the properties of the Fund shall not be required to be remitted to the treasury as state revenue in accordance with the law governing treasury balance and the law governing budget procedures.

Section 63 The Office shall receive payments, make payments, maintain and manage the Fund separately from the budget of the Office.

The reception, payment, maintenance, and management of the Fund shall be in accordance with the regulation prescribed by the Policy Committee.

Section 64 The Fund shall be used to fund the following activities:

(Translation)

(1) Development of areas or communities, as well as providing assistance or taking remedial actions to the people and communities who may be affected by the development of the Eastern Special Development Zone;

(2) Promotion and support of education and granting of scholarships to people residing in the Eastern Special Development Zone, or its vicinities, who are affected by the development of the Eastern Special Development Zone;

(3) Other expenses that will enhance efficiency and promptness of the development of the Eastern Special Development Zone as specified by the Policy Committee;

(4) Expenses incurred in the course of the management of the Fund.

In expending of the Fund under (1) and (2), the need of the local communities shall be taken into consideration.

Chapter 7 Supervision

Section 65 The Prime Minister shall have the duty and authority of general supervision of the business of the Office. For this purpose, the Prime Minister may instruct the Office either to give clarification on facts, to provide opinions or to prepare reports.

If it appears that the Office has engaged in a wrongdoing, or may cause any problems or damage, the Prime Minister has the authority to instruct the Office to suspend or stop such undertaking.

Chapter 8 Penalties

Section 66 Any person acting in violation of Section 46 shall be subject to a fine of not more than five hundred thousand baht.

Transitional Provisions

Section 67 The Eastern Economic Corridor and its Promotional Zone under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor, dated 17 January 2017 shall be the Eastern Special Development Zone or the Special Economic Promotional Zone, as the case may be, under this Act unless otherwise resolved to cancel or specify otherwise by the Policy Committee under this Act.

(Translation)

Section 68 For the first term , the Eastern Economic Corridor Policy Committee under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor dated 17 January 2017 then existing prior to the date on which this Act comes into force shall act as the Policy Committee under this Act, until the Policy Committee under this Act is formed within 60 days from the date on which this Act comes into force.

Section 69 For the first term, the Secretary-General of the Eastern Economic Corridor Policy Committee under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor, dated 17 January 2017 holding the position prior to the date on which this Act comes into force shall continue to act as the Secretary-General under this Act, until the Secretary-General under this Act is appointed in accordance with Section 16 within 90 days from the date on which this Act comes into force.

Section 70 All duties, authorities, businesses, assets, rights, obligations, liabilities, including budgets of the Eastern Economic Corridor Office under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor, dated 17 January 2017 existing prior to the date on which this Act comes into force shall be transferred to the Office.

Section 71 Any act approved, consented, or undertaken by the Eastern Economic Corridor Policy Committee, the Management Committee for Development of the Eastern Economic Corridor, the Secretary-General of the Eastern Economic Corridor Policy Committee, and the Eastern Economic Corridor Office under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor dated 17 January 2017, the Order of the Head of the National Council for Peace No. 28/2560 Re: Measures to Enhance Efficiency in Development of the Eastern Economic Corridor dated 26 May 2017, and the Order of the Head of the National Council for Peace No. 47/2560 Re: Land Use Regulation in the Eastern Economic Corridor dated 25 October 2017 shall continue to be in full force and effect unless resolved to cancel or specify otherwise by the Policy Committee under this Act.

Section 72 Any approval, permission, issuance of license, consent, registration or receipt of notice, as well as any undertakings by Secretary-General of the Eastern Economic Corridor Policy Committee to enforce the law in the promotional zone which has been approved, permitted, licenses, consented, registered or notified or undertaken under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor dated 17 January 2017, the Order of the Head of the National Council for Peace No. 28/2560 Re: Measures to Enhance Efficiency in Development of the Eastern Economic Corridor dated 26 May 2017, and the Order of the Head of the National Council for Peace No. 47/2560 Re: Land Use Regulation in the Eastern Economic Corridor dated 25 October 2017, shall continue to be in full force and effect under this Act.

(Translation)

Section 73 Any government official, staff member, or employee of a Governmental Agency who has been requested to work on a temporary basis by the Secretary-General under the Order of the Head of the National Council for Peace and Order No. 2/2560 Re: Development of the Eastern Economic Corridor dated 17 January 2017 who wishes to be a staff member or employee of the Office, shall declare his or her written intent to the superior within 90 days from the date on which this Act comes into force. After his or her successful selection or assessment by the Secretary-General in accordance with the criteria and procedures set forth by the Policy Committee and recruited as a staff member or employee of the Office, it shall be deemed that the person leaves the public service or the position, as the case may be.

The government official, staff member, or employee of a Governmental Agency who leaves the public service or position under the first paragraph shall be deemed leaving the public service or position due to termination or dissolution under the law governing pension of government officials, the law governing pension fund of government officials, or the law establishing that particular unit, as the case may be. In the case of an employee, the employee shall be deemed terminated from the position due to termination or dissolution without fault attributable to the employee and shall be granted a pension under the regulations of the Ministry of Finance governing employee pensions.

If the person leaving the public office or the position under the first paragraph remains under a scholarship contract for which he or she is required to serve the public office or to perform the service for a specified period, the period of time he or she works with the Office shall be counted towards the period of time he or she is required to serve the public office or perform the service under the scholarship contract.

Countersigned by

General Prayut Chan-o-cha

Prime Minister

(Translation)

Remark: The reason for promulgating this Act is as follows: Given the high economic potential of the Eastern Region of Thailand, if the region undergoes a continuous and systematic development in line with the principles of sustainable development, the use of the land in the Eastern Region of the country will be appropriate considering the true nature and potential of such land. This will, in turn, enhance the country's competitiveness overall, particularly in respect of the promotion of the engagement of commercial and industrial activities which apply advanced and modern technologies, the creation of innovations, and approaches that are environmentally-friendly and compatible with traditional agricultural practices and the ways of life of the communities in the area. However, the fact that the law currently in force and effect does not facilitate development in line with the aforementioned principle and there is a lack of macro land management planning results in isolated and non-cohesive improvements. This non-integrative environment thus obstructs the ability to develop the Eastern Region to its fullest potential. Furthermore, considering the lack of continuity and synchronization of the basic public utilities system of the various Government Agencies, it is thus appropriate to prescribe the Eastern Region as the Eastern Special Development Zone; to engage in clear and definitive land use planning that is appropriate for the nature and potential of the land as well as in line with the principle of sustainable development; to engage in the continuous and synchronized integration of the civil infrastructure and public utilities within and outside of the Eastern Special Development Zone; to engage in urban development to enhance the modernity of the cities in order to meet the international standards of land used for residential and commercial purposes; to provide one stop government service; and to grant rights and benefits specifically to Special Economic Promotional Zone Operators. In light of the above reasons, it is therefore necessary to enact this Act.