

HOTEL ACT,
B.E. 2547 (2004)

BHUMIBOL ADULYADEJ, REX.,
Given on the 30th Day of October B.E. 2547;
Being the 59th 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 hotel.

This Act contains certain provisions in relation to the restriction of right and liberty of person, in respect of which section 29 in conjunction with section 35, and section 50 of the Constitution of the Kingdom of Thailand so permit by virtue of law.

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

Section 1. This Act is called the “Hotel Act, B.E. 2547”

Section 2. This Act shall come into force after the expiration of one hundred and eighty days from the day following the date of its publication in the Royal Gazette.*

Section 3. The followings shall be repealed:

- (1) Hotel Act, B.E. 2478;
- (2) Hotel Act (No. 2), B.E. 2484;

* Translated by Legal Opinions and Translation Section, Foreign Law Bureau, and reviewed by Prof. Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project. -Initial Version – pending review and approval by the Office of the Council of State.

* Published in the Government Gazette, Vol. 121, Special Part 70 kor, dated 12th November, B.E. 2547 (2004).

(3) Hotel Act (No. 3), B.E. 2495;

(4) Hotel Act (No. 4), B.E. 2503.

All any other laws, rules or regulations in so far as they are provided herein or are contrary to or inconsistent with the provisions of this Act, shall be replaced by this Act.

Section 4. In this Act,

“hotel” means an accommodation established for business purposes of providing temporary accommodation service for travelers or any other person in exchange for compensation, but not includes:

(1) an accommodation established for providing temporary accommodation service carried out by a government agency, State enterprise, public organization, or other State agency, or for charitable or educational purposes, but not on profit or income sharing basis;

(2) an accommodation established for the purpose of providing accommodation service for monthly paid service charge or upward only;

(3) any other accommodation prescribed in the Ministerial Regulation;

“hotel business operator” means the person granted a licence for operating hotel business under this Act;

“manager” means a hotel manager under this Act;

“lodger” means a traveler or any other person using service of temporary accommodation of a hotel;

“licence” means a licence for operating hotel business;

“Registrar” means the person appointed by the Minister to be a Registrar under this Act;

“competent official” means the person appointed from the following persons by the Registrar to take action under this Act:

(1) a commissioned police officer; or

(2) a civil official from level three and above; or

(3) a local government official or employee from level three and above;

“Committee” means the Committee for Promotion and Supervision of Hotel Business;

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

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Section 5. The Minister of Interior shall have charge and control of the execution of this Act and shall have power to appoint a Registrar, issue a Ministerial Regulation prescribing fees not exceeding the rate attached hereto, exempt the fee, and determine other activity or issue a Notification for the implementation of this Act.

Such Ministerial Regulation and Notification shall come into force upon their publication in the Royal Gazette.

CHAPTER I
THE COMMITTEE FOR PROMOTION AND SUPERVISION
OF HOTEL BUSINESS

Section 6. There shall be a Committee for Promotion and Supervision of Hotel Business consisting of the Permanent Secretary of the Ministry of Interior as Chairman, Secretary-General of the Board of Investment, Commissioner-General of the Royal Thai Police, Director-General of the Department of Provincial Administration, Director-General of the Department of Public Works and Town and Country Planning, Director-General of the Department of Local Administration, Director-General of the Department of Health, Director of the Office of Natural Resources and Environmental Policy and Planning, Governor of the Tourism Authority of Thailand, representative of the Ministry of Tourism and Sports, representative of the Ministry of Culture, President of the Association of Thai Travel Agents, President of the Association of Domestic Travel, President of the Thai Hotels Association, representative of the Thai Hotels Association, representative of the Tourism Council of Thailand, and five qualified persons appointed by the Council of Ministers from private sector qualified persons having knowledge and experience in hotel or tourism affairs, taking into account the allocation among qualified persons having knowledge and experience in hotel affairs according to the categories of hotels prescribed in the Ministerial Regulation issued under section 13, as members.

The representative of the Department of Provincial Administration shall be secretary, and the representative of the Royal Thai Police and the representative of the Tourism Authority of Thailand shall be assistant secretaries.

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Section 7. The qualified members appointed by the Council of Ministers shall hold office for a term of two years.

In the case where the qualified member appointed by the Council of Ministers vacates office before the end of term, the Council of Ministers shall appoint a qualified person of the same category to fill the vacancy, and the appointee shall hold office for the remaining term of the person he replaces.

In the case where the qualified members appointed by the Council of Ministers vacate office at the end of term but the new qualified members have not yet been appointed, the outgoing members shall remain in office for the time being until the new qualified members are appointed.

The qualified member who vacates office at the end of term may be reappointed but not for more than two consecutive terms.

Section 8. In addition to vacating office at the end of the term, the qualified members appointed by the Council of Ministers vacate office upon:

- (1) death;
- (2) resignation;
- (3) being removed by the Council of Ministers due to performing the duty in bad faith or misconduct;
- (4) being bankrupt;
- (5) being an incompetent or quasi-incompetent person;
- (6) being imprisoned by a final judgment except for an offence committed through negligence or a petty offence.

Section 9. At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum.

In the case where the Chairman is absent or is unable to perform the duty, the presenting members shall elect one among themselves to preside over the meeting.

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

Section 10. The Committee shall have power and duties as follows:

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(1) to recommend the Minister in issuing a Ministerial Regulation under section 13;

(2) to recommend the Minister in issuing a Notification determining any locality to be suspended of granting licence under section 14;

(3) to determine and decide on an appeal against an order of the Registrar under this Act;

(4) to propose various plans and measures concerning the promotion and supervision of hotel business;

(5) to give opinions to the Minister in modifying Ministerial Regulations or Notifications under this Act;

(6) to carry out any other activities as prescribed by this Act or other laws to be the authorities of the Committee or as entrusted by the Minister.

Section 11. The Committee shall have power to appoint a sub-Committee for considering or carrying out any activity on behalf of the Committee or as entrusted by the Committee.

In the case where the Committee appoint a sub-Committee for considering or carrying out any activity in connection with any local government organisation, the Committee must appoint a representative of such local government organisation to be a sub-Committee member in such matter except in the case of appointment of a sub-Committee for determining the case under section 10 (3) in which such local government organisation has an interest or benefit in connection therewith.

The provisions of section 9 shall apply to the meeting of a sub-Committee *mutatis mutandis*.

Section 12. In the performance of duties under section 10 or section 11, the Committee or sub-Committee shall have power to summon any person to give statements or submit any document, evidence, or article for supplementing the consideration as it thinks fit.

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CHAPTER II
HOTEL BUSINESS OPERATION

Section 13. For the purpose of determining and controlling hotel standards, promoting hotel business operation, promoting and conserving environmental quality and the secured, firm, sanitary and safe nature of hotels, the Minister, with the recommendation of the Committee, has the power to issue a Ministerial Regulation prescribing categories of hotels, rules and conditions on locations, sizes, nature, facilities, or standards of hotel business operation, however, such conditions shall also include the prohibition of carrying out any other activities in the hotels.

In the Ministerial Regulation under paragraph one, the Minister may prescribe different rules and conditions on locations, sizes, nature, facilities, or standards of hotel business operation for each category of hotels, taking into account the nature of localities in which the hotels are situated, or the necessity of controlling and supervising each category of hotels or the suitability with the nature of each category of hotels.

Section 14. In the case where it is necessary to maintain public order, good moral or environment, the Minister, with the recommendation of the Committee, has the power to issue a Notification determining any locality to be suspended of granting licence.

The provisions of paragraph one shall not apply to the hotel business operator having been licensed before the date such Notification comes into force and wishes to continue the hotel business operation when such Notification comes into force.

Section 15. No person shall operate hotel business unless he has obtained a licence issued by the Registrar.

The application for and issuance of a licence shall be in accordance with the rules and procedures prescribed by the Minister.

Section 16. An applicant for a licence shall possess the qualifications and not be under the prohibitions as follows:

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- (1) not being under twenty years of age;
- (2) having a domicile or residence in the Kingdom of Thailand;
- (3) not being bankrupt;
- (4) not being an incompetent or quasi-incompetent person;
- (5) not having been imprisoned by a final judgment except for an offence committed through negligence or a petty offence;
- (6) not having been sentenced by a final judgment of committing a sexual offence under the Criminal Code, an offence under the law relating to narcotic drugs, an offence under the law on measure for prevention and suppression of woman and child trafficking, or an offence under the law on prevention and suppression of prostitution;
- (7) not being under suspension of licence;
- (8) not having been revoked of a licence, or having been revoked of a licence by any cause other than the case under (6) and the time has been lapsed for not less than three years.

If the applicant for a licence is a partnership or a juristic person, the managing partner, manager, or representative of the juristic person must have the qualifications and not be under any of the prohibitions under paragraph one and never having been managing partner, manager, or representative of the juristic person which has been revoked of a licence as mentioned in (8).

Section 17. In applying for a licence under section 15, the applicant for the licence may at the same time apply for a licence under other law relevant to hotel business operation to the Registrar.

Upon receiving an application for a licence under paragraph one, the Registrar shall examine whether the application is correct and complete or not. If it is found incorrect or incomplete under the rules and procedures prescribed in the Notification issued under section 15, the Registrar shall notify the result of examination, as well as the period for correction thereof, to the applicant for licence within five working days from the date of application. If at the expiration of such period the applicant fails to do so, the Registrar shall return the application for licence to the applicant.

In the case where the Registrar considers that the application for licence under paragraph one is correct and complete, the Registrar shall notify in

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writing and send the application for licence under other law relevant to hotel business operation to the government agency in charge without delay.

If the government agency in charge considers that the application for licence is incorrect or incomplete in accordance with the rules and procedure under such law, such government agency shall notify the applicant for licence as to such incorrectness and incompleteness, as well as the period for correction thereof. The government agency in charge shall accordingly notify the Registrar for information without delay.

If at the expiration of the period under paragraph four the applicant fails to correct the application for licence, the Registrar shall return it to the applicant.

The application for a licence under other law relevant to hotel business operation submitted by the applicant to the Registrar under paragraph one shall be deemed as the application for licence under such law and the provisions of this section shall apply *mutatis mutandis* to the requirement of submitting documents other than the application or for supplementing the application for a licence under other law relevant to hotel business operation. However, in applying for a licence under other law relevant to hotel business operation to the Registrar, if there exists any requirement of compliance with the rules, procedures, condition or payment of any fee prescribed under such law, such requirement shall also be applied thereto.

Section 18. The Registrar may grant a licence to the applicant if he is of the opinion that the location, size, nature, facility, or standard of hotel business operation for each category of hotels complies with the rules prescribed in the Ministerial Regulation issued under section 13.

The Registrar shall notify the grant of licence, or refusal to grant a licence together with the reason thereof, to the applicant within thirty days from the date of receiving the result of consideration from the government agency under section 17.

Section 19. A licence shall be applicable to the hotel specified in the licence only and shall be valid for five years from the date of its issuance.

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Section 20. A hotel shall bear the name in Thai alphabets apparently visible, and the name in foreign alphabets may also be followed by or placed underneath the Thai alphabets, and shall not:

- (1) be similar to or intend to resemble the Names of His Majesty the King, Her Majesty the Queen, or the Royal Heir;
- (2) bear the same or similar name to the name of another licensed hotel unless having been consented by the business operator of such hotel;
- (3) bear a vulgar word or meaning.

Section 21. An application for renewal of licence shall be submitted before the licence expires. Upon the application thereof, the applicant shall be deemed a licensee until there is an order refusing to renew the licence and such order becomes final.

If the result of inspection reveals that the nature of the hotel complies with the rules prescribed in the Ministerial Regulation issued under section 13, the Registrar shall renew the licence thereof; otherwise the Registrar shall order the correction to be made within the prescribed period. After the correction is made, the licence shall be renewed. However, if the correction fails to be made within the prescribed period, an order refusing to renew the licence shall be issued.

If the applicant for renewal of licence fails to apply within the period under paragraph one but intends to continue the business operation and has applied within sixty days from the date the licence expires, the applicant shall be considered as having applied within the prescribed period and the hotel business operation shall be deemed as operated by a licensee for the time being. However, when the renewal of licence is approved, the licensee shall be imposed an additional penalty fine of twenty per cent of licence renewal fee. On the other hand, the application for renewal of licence beyond sixty days from the expiry date shall be treated as an application for a new licence.

The application for and issuance of renewal of licence shall be in accordance with the rules and procedures prescribed by the Minister.

Section 22. No hotel business operator shall carry out any of the following activities unless with the permission of the Registrar:

- (1) to change the category of the hotel;

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(2) to increase or decrease the amount of rooms in the hotel and thereby affecting the structure of the hotel;

(3) to change the name of the hotel.

The request for and grant of permission shall be in accordance with the rules and procedures prescribed by the Minister.

Section 23. In the case where the licence is lost or substantially damaged, the hotel business operator shall file an application for a substitute of licence with the Registrar within thirty days from the date of knowledge of the loss or damage thereof.

Section 24. A licence may be transferred to the person having the qualifications and not being under any of the prohibitions under section 16 only with the approval of the Registrar.

The application for and grant of approval shall be in accordance with the rules and procedures prescribed by the Minister.

Section 25. In the case where a hotel business operator deceases and his or her heir wishes to continue the hotel business, the executor or the heir having the qualifications and not being under any of the prohibitions under section 16, or in the case where there are several heirs, an heir appointed by an agreement made amongst those heir having the qualifications and not being under any of the prohibitions under section 16, shall submit an application for accepting the transfer of licence with the Registrar within one hundred and eighty days from the date the hotel business operator deceases, otherwise the licence shall be deemed expire.

If the result of inspection reveals that the applicant possesses the qualifications and is not under any of the prohibitions under section 16, the Registrar shall give approval to the applicant.

During the period specified under paragraph one, the heir or executor who files the application for accepting the transfer of licence shall operate the hotel business with the powers, duties and responsibilities as if he or she was a hotel business operator until the Registrar gives an order refusing to give approval thereof.

The application for accepting the transfer and the grant of approval shall be in accordance with the rules and procedures prescribed by the Minister.

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Section 26. In the case where the hotel business operator is a partnership or juristic person, the licence shall expire on the date of dissolution of such partnership or juristic person.

Section 27. Any hotel business operator who wishes to cease the business operation during the validity of the licence or when the licence expires shall notify the Registrar for not less than fifteen days in advance in accordance with the rules and procedures prescribed by the Minister.

Upon receiving the notification under paragraph one, the Registrar shall consider and issue an order as to the approved time of cessation and the condition and procedures to be complied with, taking into account the benefit and interest of the lodgers in particular.

Section 28. In the case where the hotel is damaged by fire or other serious danger, the hotel business operator or manager shall notify the Registrar for information within fifteen days from the date of cessation of such occurrence.

If the Registrar considers that the situation of such damage is contrary to the rules prescribed in the Ministerial Regulation issued under section 13, the Registrar shall have power to issue an order in writing requiring the hotel business operator to restore the situation within a prescribed period. In case the Registrar considers necessary, he or she may order the hotel business operator to cease the operation, in whole or in part, until the registrar considers that the situation of such damage has already been rectified to meet the requirement of the rules prescribed in the Ministerial Regulation issued under section 13.

In the case where the hotel is destroyed to a non-recoverable condition, the licence of such hotel shall be deemed expires as from the date of such damage.

Section 29. The provisions of section 27 paragraph two, including the relevant penalty provisions shall apply *mutatis mutandis* to the case of expiration of licence under section 26 and section 28 paragraph three, and the case of issuing an order of cessation of business operation under section 28 paragraph two.

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CHAPTER III
HOTEL MANAGEMENT

Section 30. The hotel business operator shall provide a manager with the duties of managing the hotel affairs.

The hotel business operator and the hotel manager may be the same person.

Section 31. No person shall be manager unless the person having the qualifications and not being under any of the prohibitions under section 33 who is appointed by the hotel business operator and has notify the appointment to the Registrar for information in accordance with the form prescribed by the Minister.

If the notifier possesses the qualifications and is not under any of the prohibitions under section 33, the Registrar shall issue a receipt of notification in the form prescribed by the Minister as evidence within the date of notification and the notifier shall commence the performance as manager as from the date of receipt of the notification thereof.

In the case where the Registrar finds out later that the data or documents submitted by the notifier are incorrect or incomplete as the form prescribed by the Minister under paragraph one, the Registrar shall have power to order the notifier to correct or complete such data or documents within seven days from the date of knowledge of the order thereof.

Section 32. In the case where the manager is unable to perform the duties for a period longer than seven days, the hotel business operator or the person having the qualifications and not being under any of the prohibitions under section 33 who is entrusted by the hotel business operator or the manager may act as interim manager for a period not longer than ninety days. In this case such person shall inform the Registrar in writing within three days from the date he or she assumes the performance of duties.

In the case where the manager vacates his or her office, the hotel business operator shall appoint a person to replace the former manager. Then the replacing manager shall inform the Registrar in accordance with section 31 unless he or she has already notified the appointment as a manager before, whereby the hotel

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business operator shall inform the change of manager to the Registrar in accordance with the rules and procedures prescribed by the Minister. However, in the case where the replacement of manager is unable to be carried out within seven days from the date the former manager vacates his or her office, the provisions of paragraph one including the relevant penalty provisions shall apply *mutatis mutandis*.

The hotel business operator or the person entrusted to be acting manager under paragraph one shall bear the same duties and responsibility as a manager.

Section 33. A manager shall possess the qualifications and not be under the prohibitions as follows:

- (1) not being under twenty years of age;
- (2) possessing a certificate or experience prescribed by the Committee or a certificate of attending hotel administration training course recognized by the Committee;
- (3) not suffering from chronic alcoholism, addiction to narcotic drugs or the having contagious diseases prescribed by the Committee;
- (4) not being of unsound mind or mental infirmity or an incompetent or quasi-incompetent person;
- (5) not having been imprisoned by a final judgment except for an offence committed through negligence or a petty offence;
- (6) not having been sentenced by a final judgment of committing a sexual offence under the Criminal Code, an offence under the law relating to narcotic drugs, an offence under the law on measure for prevention and suppression of woman and child trafficking, or an offence under the law on prevention and suppression of prostitution;
- (7) not having been revoked of a receipt of notification on appointment as manager or having been revoked of a receipt of notification on appointment as manager by a cause other than the case under (6) and the time has been lapsed for not less than three years.

Section 34. The hotel business operator and the manager shall jointly bear the duties and responsibility as follows:

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(1) to provide a signboard bearing the name of the hotel in accordance with section 20 to be affixed in front of the hotel;

(2) to provide the licence to be shown in a conspicuous place in the hotel;

(3) to provide a room number to be affixed in front of every lodging room;

(4) to provide the document showing rate of accommodation fees to be shown in a conspicuous place in the hotel;

(5) to provide the signs of fire escape plan to be affixed in each floor of the hotel as well as each lodging room and signs of emergency exit in each floor of the hotel;

(6) to provide the documents showing the scope of limited liability under section 675 of the Civil and Commercial Code in the form prescribed by the Committee to be shown in the hotel and every lodging room;

(7) to keep the hotel sanitarily and hygienically clean in accordance with the law on public health and the order of the local or public health official;

(8) to keep the hotel in a firm and secure condition and maintain a fire prevention system in accordance with the law on building control and the order of the local official;

(9) to maintain the environmental quality in accordance with the law on national environmental quality promotion and conservation;

(10) to take care and render facilities for lodgers in case of fire, flood, or any danger occurring in the hotel.

For any action requiring an approval of the hotel business operator, if the manager has applied in writing for approval but the hotel business operator neglects or fails to take action, the manager shall not be liable for it.

Section 35. The manager shall arrange for recording immediately the information regarding lodgers and numbers of lodgers in each lodging room into the lodger registration card when checking in, and any one of the lodgers shall sign in the lodger registration card. If a lodger below eighteen years of age checks in on his or her own, the manager or his or her representative shall countersign therein. And such record shall be put into the lodger registration within twenty four hours after checking in.

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If the particulars of record to be registered in the lodger registration under paragraph one repeats that of the previous day, the record shall be noted that it remains unchanged.

In recording the particulars relating to a lodger in the lodger registration card and the lodger registration, every entry must be completely filled. No blank space shall be left unfilled without justification.

The manager shall retain the lodger registration card and the lodger registration at least for one year in a condition ready to be inspected.

The lodger registration card and the lodger registration shall be in the forms prescribed by the Minister.

Section 36. The manager shall weekly submit copies of daily lodger registration to the Registrar who shall provide a receipt in evidence whereof. In case any hotel is far away or is unable to submit punctually, the Registrar shall consider determining regular intervals for submitting such copies and inform the manager thereon.

Section 37. In the case where the lodger registration retained in the hotel is lost or damaged, the manager shall proceed to apply for reproduction of such lodger registration from the Registrar for retention instead.

Section 38. The manager has the duties

(1) to take care not to let any one hides or conspires in the boundary of the hotel in such a manner as is likely to cause public disorder or commission of a criminal offence in the hotel;

(2) to immediately inform the administrative official or police officer of the locality concerned in case there is a reasonable ground to suspect that there may be or has been a hiding, conspiracy or commission of a criminal offence in the hotel as mentioned in (1).

Section 39. The manager may refuse to admit any person wishing to stay in the hotel in the following cases:

(1) there is a reasonable ground to suspect that such person may hide, conspire or commit any criminal offence in the hotel or annoy other lodgers in the hotel;

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(2) there is a reasonable ground to believe that such person cannot afford the accommodation fee;

(3) there is a reasonable ground to believe that such person is suffering from a dangerous contagious disease or contagious disease under the law on contagious diseases;

(4) there occurs such other reasonable cause as prescribed by the Committee.

In the case under (3), if such person is admitted to stay therein the manager shall inform the public health official or competent official under the law on contagious diseases.

CHAPTER IV CONTROL AND APPEAL

Section 40. If it appears to the Registrar that any hotel business operator or manager has done any of the following acts, the Registrar shall have power to order the cessation or the rectification of such act as he or she deems appropriate:

(1) having violated or failed to comply with the provisions of this Act or the Ministerial Regulation or Notification issued under this Act;

(2) having failed to comply with the order of the Committee, Registrar, or competent official issued under this Act.

In the case where the hotel business operator or manager failed to cease or rectify such act in accordance with the order of the Registrar under paragraph one, the Registrar shall notify such person in writing to act properly within the prescribed period not exceeding thirty days. If there is no action in compliance with the warning, the following action shall be taken:

(1) subject to the rules and procedures prescribed by the Minister, in case of the hotel business operator, the Registrar shall have power to order the suspension of licence for a period not exceeding fifteen days each time, but not more than four times;

(2) in case of the manager, the Registrar shall notify in writing one more time requiring the manager to act properly within the prescribed period not exceeding thirty days.

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The hotel business operator whose licence is suspended shall not operate the hotel business during the licence is under suspension.

In the case where the Registrar issues an order of suspension of licence, the Registrar shall have power to order the hotel business operator to provide another hotel of comparable standard for lodgers, or to determine another procedure as he thinks fit, taking into account the benefit and interest of the lodgers in particular.

Section 41. If it appears to the Registrar that any hotel business operator or manager has been under any of the following situations:

(1) lacking the qualifications or being under any of the prohibitions under section 16 or section 33 as the case may be, except the prohibition under section 16 (7);

(2) having the licence been suspended under section 40 paragraph two (1) or having been warned under section 40 paragraph two (2) before and violates or fails to comply with section 40 paragraph one, paragraph three, and paragraph four again;

(3) uses or allows the hotel to be used for committing a sexual offence under the Criminal Code, an offence under the law relating to narcotic drugs, an offence under the law on measure for prevention and suppression of woman and child trafficking, or an offence under the law on prevention and suppression of prostitution;

The Registrar shall have power to order the revocation of licence or the receipt of notification as manager as the case may be, and the hotel business operator or the manager shall cease the hotel business operation or hotel management. However, in the case under (2) the Registrar needs not notify in writing requiring such person to act properly under section 40 paragraph two any more.

In the case where the hotel business operator and the manager is the same person who is under the situation of (2) or (3), the Registrar shall at the same time order the revocation of both the licence and the receipt of notification as manager.

In the case where the hotel business operator is a partnership or juristic person which the managing partner, manager, or representative of the juristic person is under the situation under paragraph one, the Registrar shall inform the hotel business operator thereon. And the hotel business operator shall appoint

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another person to replace such position within thirty days from the date of receipt of the notification. If the hotel business operator fails to comply therewith within the prescribed period, the Registrar shall revoke the licence of the hotel business operator.

The provisions of section 40 paragraph four including the relevant penalty provisions shall apply to the revocation of licence *mutatis mutandis*.

Section 42. The order suspending or revoking a licence or the receipt of notification as manager shall be made in writing and sent by registered mail with acknowledgement of receipt to the hotel business operator or the manager, as the case may be, addressing the hotel where such person operates the business or manages. And the hotel business operator or manager shall be considered as having known of such order after seven days from the date of sending thereof, unless it can be proved that no order has been received or it has been received before or after such date.

Section 43. The applicant for licence whom the Registrar refuses to issue or renew a licence, or the person appointed as manager whom the Registrar refuses to issue a receipt of notification as manager, or the hotel business operator or the applicant for accepting the transfer of a licence whom the Registrar refuses to grant approval under section 22, section 24 or section 25, or the hotel business operator whom the Registrar refuses to approve the cessation of business or approve the cessation of business under any condition and procedure under section 27, or the hotel business operator whose licence is suspended under section 40, or the hotel business operator or manager whose licence or receipt of notification as manager is revoked under section 41, has the right to appeal against the order of the Registrar to the Committee within fifteen days from the date of being notified or acknowledged of the order of the Registrar.

The Committee shall consider and decide the appeal under paragraph one within forty-five days from the date of receiving the appeal and notify the decision including the reason thereof in writing to the appellant and the Registrar. The decision of the Committee shall be final.

In the case where there is an appeal against the order of the Registrar, pending the appeal the hotel business operator, manager or transferee of the licence under section 25, as the case may be, may continue the business operation except

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in case of the appeal against the order revoking the licence or receipt of notification as manager by the reason of being under any of the prohibitions under section 16 (5) or (6) or being under any of the situations under section 41 (3) which shall not suspend the execution of the order of the Registrar and the provisions of section 40 paragraph four or section 32, as the case may be, including the relevant penalty provisions shall apply *mutatis mutandis*.

Section 44. The hotel business operator shall pay annual fee in accordance with the rules, procedures and rates prescribed in the Ministerial Regulation as long as operating the business. If the fee is not paid within the prescribed period, a surcharge shall be applied at five per cent per month. If the fee is still not paid without justification, the Registrar shall have power to suspend the licence until the full amount of fee and surcharge are paid and the provisions of section 40 paragraph four, including the relevant penalty provisions shall apply *mutatis mutandis*.

CHAPTER V COMPETENT OFFICIALS

Section 45. In the performance of duties, the competent official entrusted in writing by the Registrar shall have power as follows:

(1) to enter the hotel, during sunrise to sunset, for inspecting the licence, lodger registration, lodger registration card, condition and nature of the hotel, or for inspecting the vacant room or any part of the hotel which is open for public access, or to enter the hotel during working hours for inspecting the number and personal record of staff of the hotel for the purpose of supervision in accordance with this Act;

(2) to summon the hotel business operator, manager or staff of the hotel in writing for giving statement or explanation, or for submitting relevant document or evidence for supplementing the consideration.

Upon entering and inspecting the hotel under (1), if the inspection is unable to be finished in time, it can be continued at night or beyond the working hours of the hotel; provided that this can be done only in case the inspection is

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almost complete or there is reasonable ground to suspect that the delay thereof may entail the conceal or modification of the original document.

Section 46. In the performance of duties, the competent official shall produce his or her identity card and the written authorization issued by the Registrar to the person concerned.

The identity card of the competent official shall be in the form prescribed by the Minister.

Section 47. In the performance of duties under this Act, the member of the Committee for Promotion and Supervision of Hotel Business, the Registrar and the competent official shall be the competent official under the Criminal Code.

**CHAPTER VI
PENALTY PROVISIONS**

**PART I
GENERAL PROVISIONS**

Section 48. In the case where the offender is a juristic person, if the offence is committed through an act or omission of duty of the managing director or any person responsible for hotel business operation of such juristic person, such person shall also be liable for the penalty provided for such offence.

**PART II
ADMINISTRATIVE FINE**

Section 49. The Registrar shall have power to impose such administrative fine as prescribed in this Act.

In imposing an administrative fine, the Registrar shall take into account the offensive conduct of the commission of offence. In the case where the Registrar thinks fit, he may order such person to rectify the situation as appropriate.

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The determination on imposing administrative penalty shall be in accordance with the rules prescribed by the Minister. If the person liable to pay administrative fine refuses to do so, the provisions on administrative execution under the law on administrative procedures shall apply *mutatis mutandis*. In the case where there is no execution officer to enforce the order, the Registrar shall have power to institute an action before the Administrative Court for executing the fine. In such case if the Administrative Court considers that the order imposing the fine is legal, the Court shall have power to decide the case and execute the seizure or forfeiture of property for sale by auction in lieu of payment of the fine.

Section 50. Any hotel business operator or applicant for accepting the transfer under section 25 who violates or fails to comply with section 22 (1) or (2), section 24 paragraph one, or section 30 paragraph one shall be liable to an administrative fine of not exceeding five hundred thousand baht and an additional fine of not exceeding twenty thousand baht a day throughout the period of contravention.

Section 51. Any hotel business operator or applicant for accepting the transfer under section 25 who violates section 22 (3) shall be liable to an administrative fine of not exceeding one hundred thousand baht and an additional fine of not exceeding five thousand baht a day throughout the period of contravention.

Section 52. Any hotel business operator or applicant for accepting the transfer under section 25 who fails to comply with section 23, section 27 paragraph one, or section 28 paragraph one shall be liable to an administrative fine ranging from ten thousand baht to fifty thousand baht.

Section 53. Any hotel business operator or applicant for accepting the transfer under section 25 who fails to comply with the order of the Registrar under section 27 paragraph two, section 28 paragraph two, section 40 paragraph four, or section 44 shall be liable to an administrative fine of not exceeding two hundred thousand baht and an additional fine of not exceeding ten thousand baht a day throughout the period of contravention.

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Section 54. Any hotel business operator, applicant for accepting the transfer under section 25, or person entrusted to be manager who fails to comply with section 32 paragraph one or paragraph two shall be liable to an administrative fine ranging from five thousand baht to twenty thousand baht.

Section 55. Any hotel business operator, applicant for accepting the transfer under section 25, manager or person entrusted or appointed to be manager under section 32 who fails to comply with section 34 (1), (2), (3), (4), (5) or (6) shall be liable to an administrative fine ranging from ten thousand baht to fifty thousand baht and an additional fine of not exceeding one thousand baht a day throughout the period of contravention.

Section 56. Any hotel business operator, applicant for accepting the transfer under section 25, manager or person entrusted or appointed to be manager under section 32 who fails to comply with section 34 (10), section 35 paragraph one or paragraph four, section 36, section 37, or section 38 shall be liable to an administrative fine ranging from twenty thousand baht to one hundred thousand baht.

Section 57. Any manager or person entrusted or appointed to be manager under section 32 who fails to comply with section 35 paragraph three shall be liable to an administrative fine of not exceeding ten thousand baht.

Section 58. Any manager or person entrusted or appointed to be manager under section 32 who refuses to admit any person wishing to stay in the hotel without a ground under section 39 shall be liable to an administrative fine ranging from five thousand baht to twenty hundred thousand baht.

PART III CRIMINAL PENALTIES

Section 59. Any person who violates section 15 paragraph one shall be liable to an imprisonment of not exceeding one year or to a fine of not exceeding

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twenty thousand baht or to both, and an additional fine of not exceeding ten thousand baht a day throughout the period of violation.

Section 60. Any person who violates section 31 paragraph one shall be liable to an imprisonment of not exceeding six months or to a fine of not exceeding ten thousand baht or to both.

Section 61. Any person who gives false information to be registered in the lodger registration card or the lodger registration, or obstructs or fails to facilitate the competent official in the performance of duties under section 45 shall be liable to an imprisonment of not exceeding one month or to a fine of not exceeding one thousand baht or to both.

TRANSITORY PROVISIONS

Section 62. A licence to commence the hotel business under the Hotel Act, B.E. 2478 shall be deemed a licence under this Act and shall be valid until its expiry date.

Section 63. Any person operating hotel business before or on the date this Act comes into force who wishes to continue the hotel business operation must file an application for licence with the Registrar within one year from the date the Ministerial Regulation issued under section 13 comes into force. Upon filing the application, the Registrar shall accept the application for further proceeding under this Act and such person may continue the business operation until he or she is informed of the refusal to issue the licence by the Registrar.

In the case where the Ministerial Regulation issued under section 13 requires a hotel to provide sufficient parking area for meeting the amount of lodging rooms or requires a hotel to keep away from any certain place, such requirement shall not apply to the hotel under paragraph one.

The applicant for licence who is informed of the refusal to issue the licence by the Registrar under paragraph one shall cease the hotel business operation within thirty days from the date of receiving the written notice of refusal thereof. In such case the Registrar shall have power to order the applicant for licence to provide another hotel of comparable standard for lodgers or to determine

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another procedure as he or she thinks fit, taking into account the benefit and interest of the lodgers in particular.

The applicant for licence who fails to comply with the order of the Registrar under paragraph three shall be liable to the penalty prescribed in section 53.

Section 64. Any person controlling or managing a hotel under the Hotel Act, B.E. 2478 or managing a hotel before or on the date this Act comes into force who wishes to continue the status of manager shall notify the Registrar within thirty days from the date this Act comes into force. Upon the notification he may remain in the status of manager until the receipt of notification as manager is revoked. In this case section 33 (2) shall not apply thereto.

Section 65. The application for licence to commence the hotel business before the date this Act comes into force which is still pending the consideration of the Registrar, and the approval for changing the name or trade mark, moving the location, or increasing or decreasing the amount of lodging rooms given under the Hotel Act, B.E. 2478 shall be deemed the application filed and the approval given under this Act *mutatis mutandis*.

In the case where the application for or the determination of approval for commencing the hotel business under paragraph one differs from the application for or the determination of approval for hotel business operation under this Act, such application for or determination of approval shall be required to comply with this Act instead and the Registrar shall order the applicant for licence to comply therewith within thirty days from the date of receiving the order otherwise the application for licence shall be rejected.

Section 66. All the Ministerial Regulations, orders or Notifications issued under the Hotel Act, B.E. 2478 shall remain in force in so far as they are not contrary to or inconsistent with this Act until the Ministerial Regulation, order or Notification issued under this Act comes into force but not longer than one year from the date this Act comes into force.

Countersigned by

Police Lieutenant Colonel Thaksin Shinawatra

Prime Minister

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RATE OF FEES

1. Licence : 50,000 baht each.
2. Licence substitute : 200 baht each.
3. Renewal of licence : half the rate of respective licence for each renewal
4. Hotel business operation fee
to be calculated in accordance with
the lodging rooms available in the hotel 80 baht per lodging room per annum

In issuing the Ministerial Regulation prescribing fees, the rate of fees may be varied on account of the size, nature or category of the hotel.

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