

**PUBLIC POLICY RECOMMENDATIONS FOR ENHANCING
HOTEL BUSINESS ORDER IN PHUKET THAILAND**



Bhuritt Maswongssa

**A Dissertation Submitted in Partial
Fulfillment of the Requirements for the Degree of
Doctor of Philosophy (Integrated Tourism and Hospitality
Management)**

**The Graduate School of Tourism Management
National Institute of Development Administration
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Bhuritt Maswongssa

The Graduate School of Tourism Management

..... Major Advisor
(Professor Therdchai Choibamroong, Ph.D.)

The Examining Committee Approved This Dissertation Submitted in partial Fulfillment of Requirements for the Degree of Doctor of Philosophy (Integrated Tourism and Hospitality Management).

..... Committee Chairperson
(Assistant Professor Pimmada Wichasin, Ph.D.)

..... Committee
(Associate Professor Kanokkarn Kaewnuch, Ph.D.)

..... Committee
(Assistant Professor Paithoon Monpanthong, Ph.D.)

..... Committee
(Assistant Professor Watsida Boonyanmethaporn, D.HTM)

..... Committee
(Professor Therdchai Choibamroong, Ph.D.)

..... Dean
(Assistant Professor Paithoon Monpanthong, Ph.D.)

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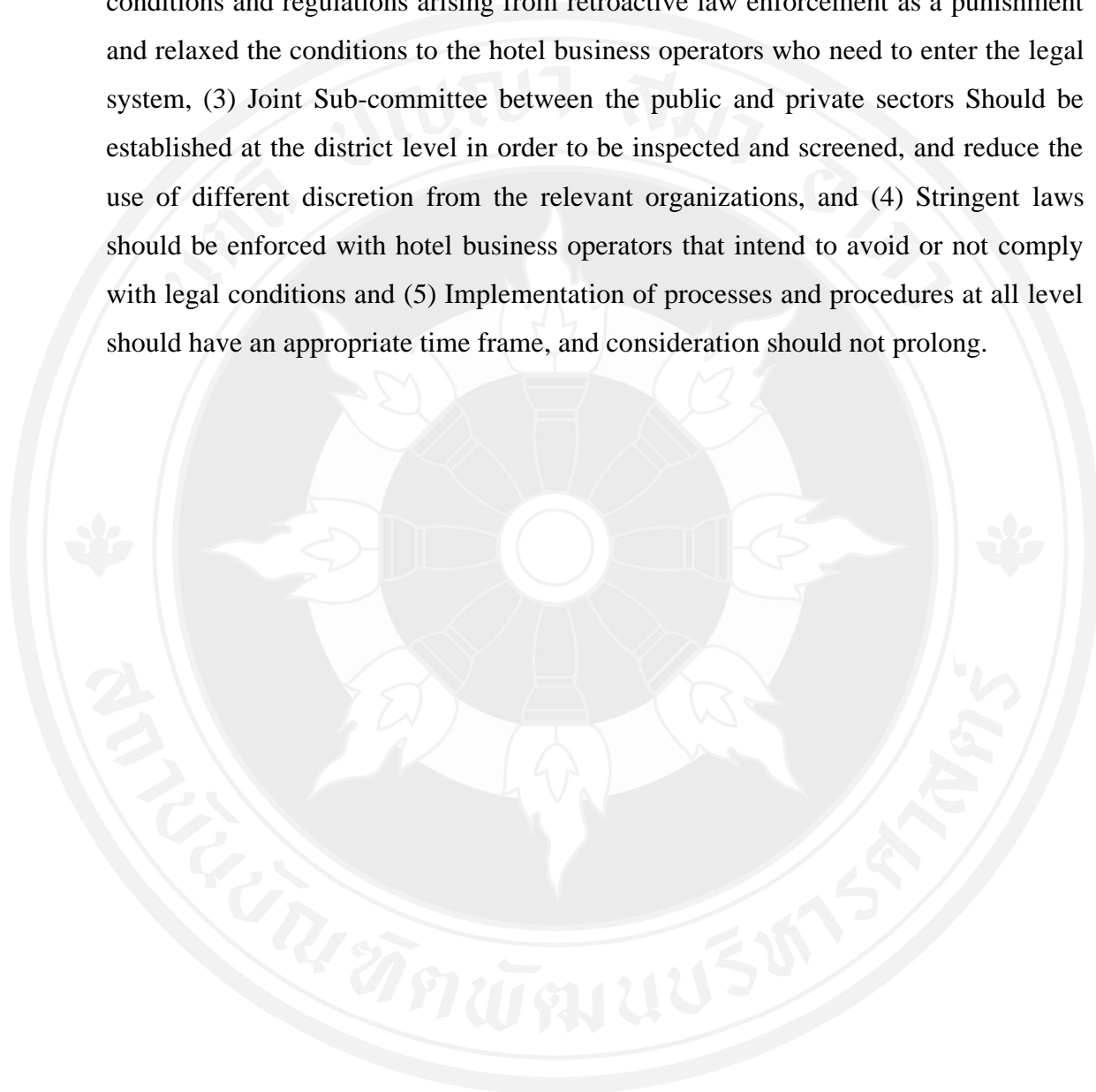
ABSTRACT

Title of Dissertation	PUBLIC POLICY RECOMMENDATIONS FOR ENHANCING HOTEL BUSINESS ORDER IN PHUKET THAILAND
Author	Bhuritt Maswongssa
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The research aims to (1) analyze and synthesize the laws and regulations which are related to the hotel business application in Phuket (2) investigate the methods and systems of applying for a hotel business operating and licensing and study the process of the adaptation into the legal system for unlicensed hotel, and (3) create the public policy recommendations for enhancing the hotel business order in Phuket, Thailand. A qualitative research methodology was conducted. Primary data collection has relied on in-depth interviews with the semi-structured question which have been conducted with key informant from hotel business operators, private sectors, government and local administrative organization authority. Secondary data collection relied on relevant legal procedures, laws and regulations related to the Hotel Act, 2004 (B.E. 2547) and Building Control Act, 1979 (B.E. 2522). Also, study from other related documents, then compiled in descriptive analysis.

The findings of this research identified that the rapid growth of tourism in Phuket had created the demand for hotel accommodations and convinced the investors to build or modified the building or change the usage of the building into the hotel business. Thus, the number of hotel accommodations in Phuket has significantly increased; most of them operated illegally and unlicensed. These hotels have created a negative impact on hotel safety, economy, society, and environment. On the other hand, the problems and obstacles between the legal conflict, laws, regulations, and different discretion of local administrative organizations and government officials authority have also caused the hotel business operators unable to become legitimate hotels in the system.

Ultimately, the Public Policy Recommendation for Enhancing the Hotel Business Order in Phuket, Thailand was proposed that; (1) Amnesty should be given to those who operate hotel businesses before August 19, 2016, before the ministerial regulations come into force, (2) the government sectors should be able to relieve the conditions and regulations arising from retroactive law enforcement as a punishment and relaxed the conditions to the hotel business operators who need to enter the legal system, (3) Joint Sub-committee between the public and private sectors Should be established at the district level in order to be inspected and screened, and reduce the use of different discretion from the relevant organizations, and (4) Stringent laws should be enforced with hotel business operators that intend to avoid or not comply with legal conditions and (5) Implementation of processes and procedures at all level should have an appropriate time frame, and consideration should not prolong.



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CHAPTER 1

Introduction

1.1 Introduction

This chapter discusses the background and significance of the problems facing the hotel business. At the beginning of the tilt of the world travel East or Asia and the Pacific by presenting the statistics of tourist from the situation analysis of the World Tourism Organization of the United Nations (UNWTO) shows that one of the major tourist attractions in Asia that tourist, like to visit most, is Thailand. The tourists scatter around the country, and the number of tourists is likely to increase every year. As the hotel business is essential and related directly to tourists, it has caused rapid expansion to support tourists' growth. Nevertheless, most of these hotels have not started with the legal process, such as not obtaining a license to construct, modify, or change buildings' usage to legitimate the hotel business. The most important thing is that these hotel business operators have not yet been registered legally. Thus, it has derived a negative impact on Thailand's tourism industry. The environment and pollution are increasing, especially when the hotel business expansion is limitless and boundless have raised the problems and the negative impacts continuously on tourists safety.

Likewise, Phuket is an important tourist destination and has been generated income as the second largest country from tourism for Thailand and the government. However, problems are arising from the growth of the tourism industry, especially in the hotel business. In this regard, the government is also trying to find a solution to solve these problems, but still did not achieve the desired result. The reason is that many laws were enforced by various agencies concerned, and the private sector may not understand the rules, regulations and process of operating the hotel business under the law set forth. Therefore, in this chapter, the researcher will explain the study's holistic study perspective, specifically the Phuket tourism industry. It starts

from an overview of world tourism, a summary of Thailand tourism, an overview of Phuket tourism, and an overview of the hotel business. Then, identify the condition of the problems that have impacted the travel industry from the hotel business of Phuket to bring to the purpose of research, design questions, outputs, outcomes and research scope of the study according to the figure 1.1, the structure of chapter 1.

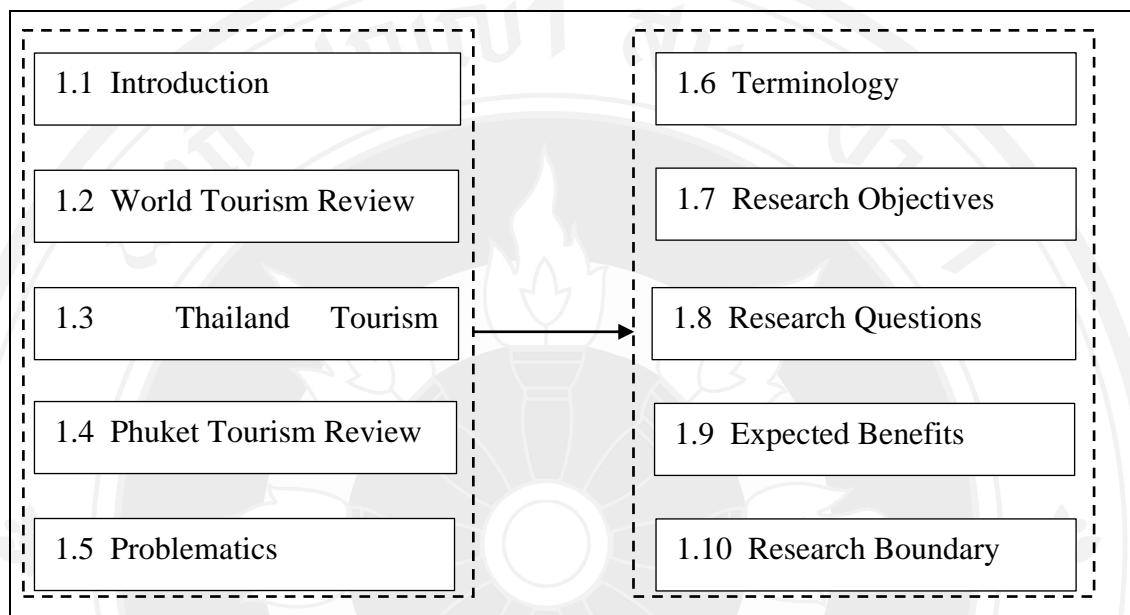


Figure 1.1 Structure of Chapter 1

Source: Researcher

1.2 Overview of World Tourism

According to the analysis of the World Tourism Situation of the UNWTO World Tourism Barometer (UNWTO, 2020), it has reported that the world tourism situation in 2018 still the trend of an increasing number of tourists. By all year round, the world tourists travellers are 1.5 billion, up from 2018 by 4 per cent and the proportion of the global tourism market holdings are as follows; Europe 50.8 per cent, Asia and the Pacific 24.9 per cent, America and Latin America 15.1 per cent, Africa 4.9 per cent and the Middle East 4.4 per cent, respectively, which is a continuous growth since 2010, as shown in Figure 1.2.

					Share	Change	
	2010	2017	2018	(million) 2019	(%) 2019	18/17	(%) 19*/18
World	952	1,322	1,407	1,461	100	5.6	3.8
Advance Economics	515	732	761	776	53.1	4.1	1.9
Emerging Economies	437	600	646	685	46.9	7.6	6.1
By UNWTO regions:							
Europe	487.0	676.6	716.1	742.3	50.8	5.8	3.7
Northern Europe	57.0	79.1	78.7	79.6	5.4	-0.6	1.1
Western Europe	154.4	192.7	200.2	203.8	14.0	3.9	1.8
Central/Eastern Eur.	96.6	136.9	148.5	154.3	10.6	8.5	3.9
Southern/Medit. Eur.	177.1	267.9	288.8	304.6	20.8	7.8	5.5
Asia and the Pacific	208.2	324.1	347.7	363.6	24.9	7.3	4.6
North-East Asia	111.5	159.5	169.2	172.2	11.8	6.1	1.8
South-East Asia	70.5	120.6	128.6	138.6	9.5	6.7	7.8
Oceania	11.5	16.6	17.1	17.5	1.2	2.9	2.6
South Asia	14.7	27.5	32.8	35.3	2.4	19.4	7.7
Americas	150.3	210.7	215.7	220.1	15.1	2.4	2.0
North America	99.5	137.1	142.2	146.2	10.0	3.7	2.8
Caribbean	19.5	26.0	25.8	27.1	1.9	-0.9	4.9
Central America	7.8	11.1	10.9	11.1	0.8	-2.0	2.2
South America	23.5	36.4	36.9	35.7	2.4	1.2	-3.1
Africa	50.4	63.0	68.34	71.2	4.9	8.5	4.2
North Africa	19.7	21.7	24.1	26.3	1.8	11.1	9.1
Sub-Saharan Africa	30.7	41.3	44.3	44.9	3.1	7.1	1.5
Middle East	56.1	57.7	59.4	63.9	4.4	3.0	7.6

Source: World Tourism Organization (UNWTO).

(Date as collected by UNWTO, January 2020)

Figure 1.2 World Tourism Statistic 2019

Source: UNWTO world Tourism Barometer 2020

For the world tourism as a whole, each group's growth rate are as follows; Asia Pacific market growth of 4.6 per cent with 363.6 million, followed by Africa with an increase of 4.2 per cent with 71.2 million and followed by the European group growth of 3.7 per cent with 742.3 million. The Middle East has a growth rate of 7.6 per cent with 63.9 million people and America and Latin America, with a growth rate of 2 per cent with 220.1 million people.

UNWTO World Tourism Barometer (2020) also reports the survey of travel objectives as follows; 56 per cent travelled for leisure tourism, and recreation activities, 27 per cent travelled for meetings, seminars, religion and health, 13 % travelled for business trade and professional, and 4 pr cent were not specified as shown in Figure 1.3

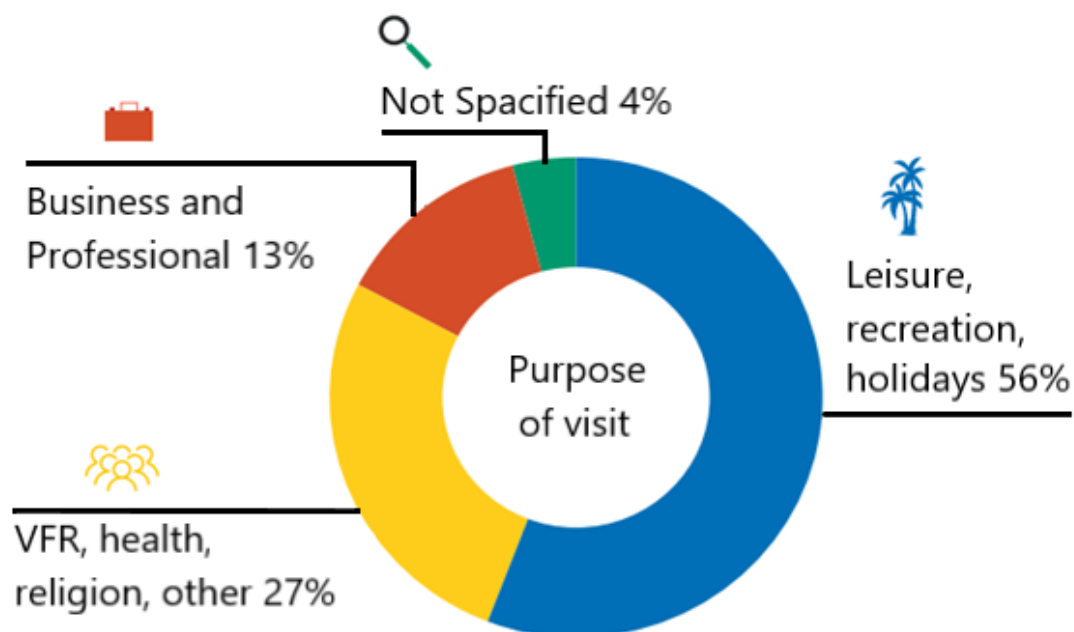


Figure 1.3 Statistic of Tourists Travelling Purposes 2018

Source: UNWTO International Tourism Highlights 2019 Edition

Due to the increasing number of world tourism continue travelling with a tendency for higher growth in the Asia and Pacific region, especially in Southeast Asia, Thailand was established as a tourism hub of ASEAN, resulting in an increased number of continuously travelling to Thailand. Therefore, Thailand has scored ninth ranking among the top 10 tourists incoming of the world, in which there is 38 million tourists arrival to Thailand in 2018. The nationality of tourists coming to Thailand is from all over the world, mainly from Europe, Asia, Australia, Middle East and South Africa. (Figure 1.4).

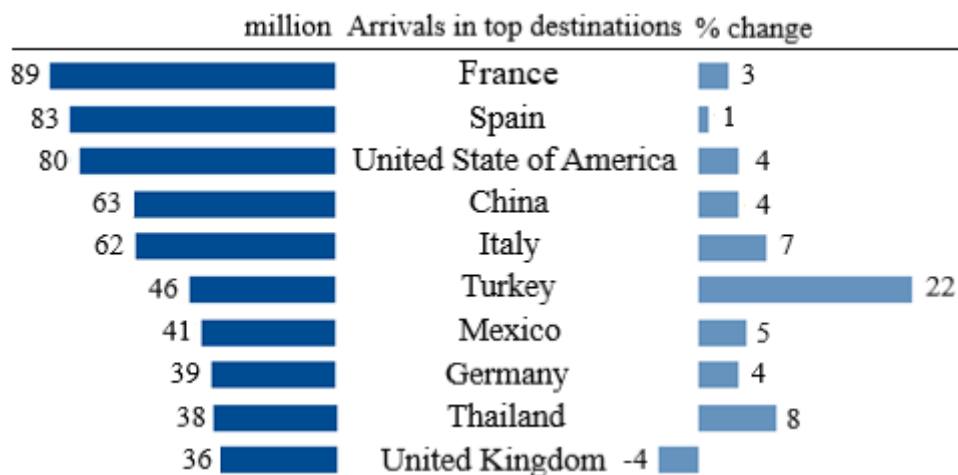


Figure 1.4 Tourists Arrival in Top Destination

Source: UNWTO International Tourism Highlights 2019 Edition

Also, tourism can generate income for Thailand at the 4th ranking from the world tourism's top 10 highest income. It was ranked behind the United States as first-ranking, Spain as second-ranking and France as third-ranking, then Thailand as the fourth as shown in Figure 1.5.

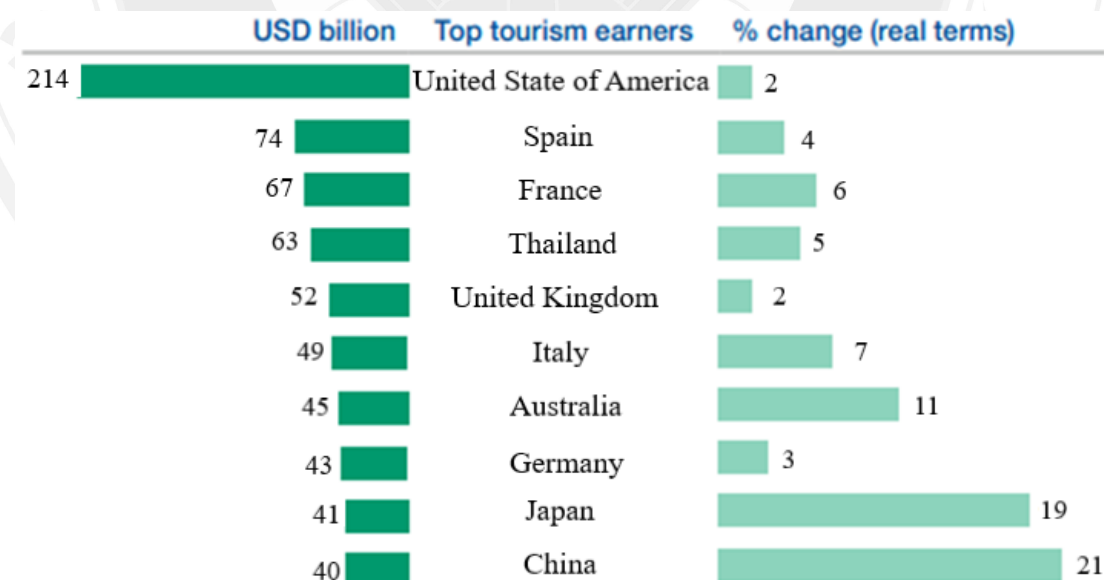


Figure 1.5 Statistic of Top 10 Tourism Destinations Earners 2019

Source: UNWTO International Tourism Highlights 2019 Edition

1.3 Overview of Thailand Tourism

Thailand is a tourism hub of ASEAN, and there are diversity tourist attractions, including tourist activities popular among tourists worldwide. It was found that the statistics of tourists arrival to Thailand during January - December 2018 from the Department of Tourism, The Ministry of Tourism and Sports (DOT, 2019) has reported that the number of tourists has increased by 7.2 per cent from 2017, with 38 million tourists, of which the East Asia market grew by 8.9 per cent to 25.9 million. The European market has increased by 3.7 per cent to 6.7 million. The Americas market has risen by 3.7 per cent to 1.5 million. South Asia market increased by 11.7 per cent to 1.9 million, Oceania market decreased by 1.8 per cent down to 9.2 million, Middle East markets fell by 6.3 per cent down to 7.3 million people, and Africa market grew 7.5 per cent to 2 million people (Table 1.1.)

Table 1.1 Statistic of International Tourist Incoming to Thailand 2019

Country of Nationality	Number			% Change
	2019	2018	2017	2019/2018
East Asia	27,259,855	25,974,407	23,846,387	+4.96
Europe	6,719,144	6,759,855	6,514,011	-0.61
The Americas	1,633,191	1,599,004	1,541,950	+2.17
South Asia	2,397,387	1,982,212	1,773,564	+20.79
Oceania	886,183	921,759	938,894	-3.88
Middle East	702,559	739,487	789,939	-5.00
Africa	198,317	201,470	187,233	-1.57
Grand Total	39,797,406	38,178,194	35,591,978	+4.24

Source: Department of Tourism, Ministry of Tourism and Sports

The above statistics have shown that many tourists worldwide travel to Thailand and spread to the country's major tourist destinations such as Bangkok, Phuket, Chiang Mai, Samui, Krabi, Phang Nga and Pattaya. Moreover, from the summary of Thailand tourism statistics by the Department of Tourism (DOT, 2018) has consistently discussed the numbers of tourists coming to Phuket as follows; Phuket is the leading tourism province that has been generated a large amount of revenue into the country. In 2018, Phuket received 13,651,301 tourists, increasing by 2.84 % from 2017, consisted of 3,730,147 Thais and 9,921,154 foreigners, and generated revenue for the entire country of 449,100 million baht with an increase of 6.17 % from 2017. The tourists' expenses are at an average of 7,765 baht/day/person. Furthermore, the average room rates for Phuket accommodation are from 400 baht - 300,000 baht/room/night with ranges from 1-5 stars. The tourists who have visited Phuket in 2018 divided into top five nationalities as follows;

- 1) Chinese 2.25 million
- 2) Russian 0.64 million
- 3) Australian 0.59 million
- 4) Germany 0.47 million
- 5) The United Kingdom 0.30 million.
- 6) The rest will be countries in ASEAN, the Middle East, and other places.

Therefore, a tourist travelling to Thailand especially in the Chinese and Russian groups directly to Phuket causing other tourism businesses to support the growth, included hotel business, shops, restaurants, souvenir shops, sightseeing tours, and car rental increasing on a large scale. The growth number has linked to the increasing number of tourists arrivals to Thailand; especially in the main tourist cities and has become problematic to the economic overview of Phuket today. It directly affected the tourism and hotel industry's holistic scenario in the economic, social and environmental context, including the negative impact on government law enforcement.

For hotel business in Thailand, according to statistics of the National Statistics Office, Ministry of Digital Economy and Society (2018), in the 2018 hotel survey report nationwide; there are 24,391 legal hotels with a total number of 721,501 bedrooms. The tourists' statistic from the Department of Tourism found that the

average occupancy rate stood at 71.16 per cent in the whole country. The average length of stay is 2.27 days, down from 2017 at -0.01 per cent and the average number of guests/person/night/times is 166,706,140 persons, increased from 4.53 per cent in 2017 (DOT, 2018) as in Table 1.4

Table 1.2 Statistic of Accommodation Establishment 2018

Statistic of Accommodation / Year	2018	2017	% Change
Number of Accommodation	19,660	19,533	+ 0.65
Rooms	746,400	743,107	+ 0.44
Occupancy Rate (%)*	71.16	70.58	+ 0.82
Guest Arrivals of Accommodation (Person)	166,706,140	159,476,565	+ 4.53
Length of stay (Day)*	2.27	2.28	- 0.01

Source: Department of Tourism, Ministry of Tourism and Sports

1.4 Overview of Phuket Tourism

Meanwhile, Phuket, one of the provinces located in the southern part of Thailand on the Andaman Sea and its terrain, is the most significant island filled with nature and its beautiful surroundings and pristine white sand beaches ideal for a tourist's leisure. There are many activities on land and sea for tourist to explore. Thus, Phuket has become a popular tourist destination that convinced tourist from all over the world to visit this island so call The "Pearl of the Andaman Sea", and it is the main reason that makes the number of tourists incoming to Phuket growing up fast as well as in the recent past. The statistic of tourist arrivals in Phuket from 2011 to 2015 has increased at an average rate of 6 per cent/year. In 2015, the number of tourists was at 12.5 million as shown in Table 1.2

Table 1.3 Statistics of Tourist Arrivals to Phuket 2014 – 2018

Segment/Year	2014	2015	2016	2017	2018
Tourist	11,958,603	13,203,284	13,410,658	13,274,769	13,651,301
Length of Stay	3.89	4.02	4.34	4.34	4.18
Expenditure	5,810	6,190	6,812	7,311	7,826
Rooms	48,241	82,962	81,727	84,427	84,707
Occupancy	70.39	73.38	73.90	75.20	75.96

Source: Department of Tourism, Ministry of Tourism and Sports

The growth rate is increasing every year due to the Phuket International Airport expanding its facilities for tourists or passengers in the parking bay, passenger bridge and terminal extension to make it possible to accommodate multiple aircraft at one time. Also, an increase in the arrival flight schedule from various destinations to Phuket International Airport has commenced out of each hour. It was making Phuket become the centre of aviation in the ASEAN region. There are increasing domestic and international airlines and allowing tourists to travel to Phuket directly from all areas of the world. If looking at the statistics from Table 1.4, most tourists travel through Phuket International Airport, which currently has a combined airline service. Both regular airlines and charter flights of 62 airlines and the enhancement of Phuket International Airport's passenger capacity can handle up to 16 million passengers per year. Another essential factor that brings more tourists to Phuket International Airport is increasing each year, mostly tourists from China, Russia and Europe, which has many direct flights to Phuket each week. It is resulting that Phuket International Airport keeps on busy 24 hours, next to Suvarnabhumi International Airport (AOT, 2018).

Table 1.4 Statistic of Flights and Passengers at Phuket International Airport

Phuket Airport	International	Domestic	Total
Flights	63,766	54,514	118,280
Passenger	10,403,631	7,817,894	18,221,525
Airlines	54	8	62

Source: AOT 2018, Annual Report

Meanwhile, the number of tourists is increasing, the number of hotels and rooms in Phuket also increase. Prachachat newspaper of September 23, 2019, has reported that the Deputy Governor of Phuket, Mr Anuphong Wawongmul was announced that "The conclusion in the meeting between government and private sectors on September 5, 2019, Phuket Provincial Administration office has learned that the report under the hotel business control on June 21, 2019, found that hotels are operating with a license in a total of 546 places with 53,098 rooms". However, many hotel business operators did not have a license in Phuket. It corresponds in the following news report; "The latest government and private sectors joint committee meeting in solving the economic problems agenda which Mr PrakobWongmaneerung, Deputy Governor of Phuket has brought the schedule on the process of hotel business licensing to discuss in the meeting. The reason is that 546 hotels operated with licensed and many hotels operated without registered or applied for the hotel business license in 1,007 hotels. These hotels have not listed in the Hotel Registration Bureau, Department of Provincial Administration, Ministry of Interior. Many of these are including hotels that are not registered for hotel business license but still running the business at present incorrectly according to the Hotel Act 2004. Most of these illegal hotel business operators have impacted the Phuket tourism industry as a whole, including Economic, Social and Environment at present.

Moreover, the Deputy Governor also stated to the committee that "At present, there are illegal hotel businesses operators have applied to the Local Authority Administration for hotel registration in a total of 988 hotels out of 1,007 hotels. These numbers define in the district registration as follows; Phuket district 382 hotels, Kathu

district 482 hotels and Thalang district 124 hotels. The next step is for the Local Authority Administration to inspect within 30 days from September 9, 2019. In case there is some issue that may need to be improved if it were not correct, the Local authority needs to inform the hotel business operators within 30 days after inspection. Then, the hotel business operators need to correct it within 15 days from the date that has been informed. After that, the registrar committee will inform in lateral to the hotel business operators according to the NPOC announcement of 6/2019". Meanwhile, Kongsak Khoopongsakorn, the President of Thai Hotel Association Southern-Chapter stated that "The 988 hotels that submitted their identity to access to legitimate hotel operation regally is much lower than the reality. The survey on hotel booking online Agoda.com has shown that there are hotels available on this website in more than 2,000 places that much more than the listing stated by the government (Figure 1.6).

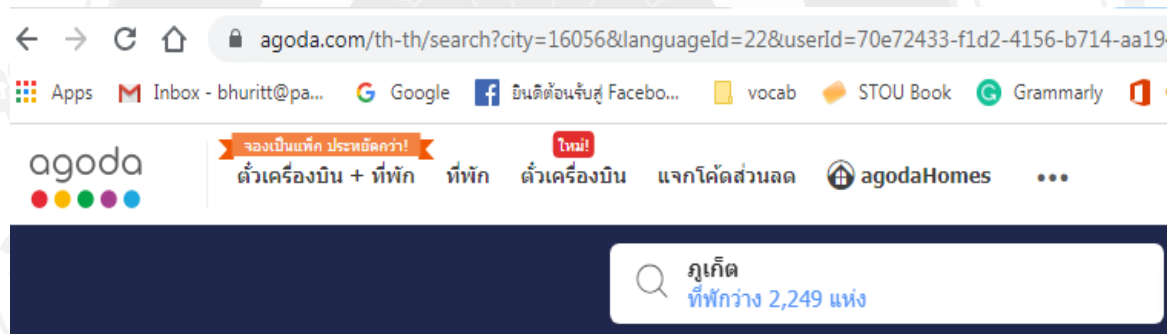


Figure 1.6 Hotels Available on agoda.com

Source: agoda.com

It can be seen that the data from the government and private sectors for the number of hotels and accommodations in Phuket are not matched. The number of hotels in Phuket did not appear only in the Phuket hotel registrar system's directory but still listed on the website of many online hotels' booking operators. Most of the hotels on those websites do not operate with a hotel business license. These non-licensed hotels created many impacts for the hotel business in the tourism industry as

a whole in safety and security of tourists, environmental, pollution, and the overall economy which all are negatively affect stakeholders as a whole.

Therefore, it can be concluded that there are 546 hotels in Phuket with a valid license under the Hotel Act 2004, with 53,098 rooms. Furthermore, there are illegally hotels or hotels that did not have a permit running the business large number compared to the number of available hotels on agoda.com. Moreover, in this number of 1,007 hotels, 988 hotel business operators have submitted a request for a hotel business license under the NCPO order No. 6/2562 to apply for a login to the legitimate process. These are hotels that currently operate, which will have to examine and consider the legal procedure. Nevertheless, the government is still unable to find a way to bring all these hotels into a legal process. The Ministry of Interior has made efforts to integrate with relevant agencies such as the Thai Hotel Association, Southern Chapter and the Local Authority by using the participation process between the public and private sectors to solve this problem together. Nevertheless, it still cannot find a resolution on this matter.

In addition to the current operating hotel business, the apartments, commercial buildings and condominiums that the operators bring to the hotel business have faced problems and obstacles from the current law, due to the legislation that uses the standard of the five-star hotel as a basis and other laws that must be applied together in the hotel business by other entities. The problems arising from different laws enforcement are another reason why hotel business people avoid operating within the law framework that is difficult to implement. Besides, law enforcement issues differ in the officers' discretion responsible for the hotel business operators to adhere to the correct process. These issues are the root of the barriers that cause hoteliers to neglect law enforcement, and some of them fail to try to adapt to the correct system. What followed was the neglect of environmental protection issues, neglect to enforce building control laws, the lack of attention to public health laws in the area of sanitation, all of which had a severe impact on Phuket's hotel business industry. Therefore, the majority of the entrepreneurs are operating hotel business without hesitation under the standard and quality control as well as safety and security prevention.

1.5 Overview of Hotels in Phuket

Problems arise from a hotel business operating in Phuket on many aspects which have affected Phuket province and hotel operators that work legally. Primarily, the disadvantage of assessing income tax-paying and energy consumption charges unequally as the hotel is considered an industry and preserving the environment as stipulated in the law enforcement on hotel business operating. Also, operators without a hotel business license are still operating costs that lower than actual conditions. It is possible to manipulate room sales' price structure to be lower than the market's actual price, resulting in lower evaluating incomes tax and has created price competition among the hotel operators. It has caused the tax evasion to be paid by an uncertain amount, which has caused the government to lose Phuket's economic income in the tourism industry.

Krisada Tansakul, the former President of the Thai Hotel Association, Southern Chapter, gave an interview to Manager Online News on December 28, 2015, on the opportunity to file a complaint with the Deputy Governor of Phuket as the recipient of a complaint. One of them stated, "Currently, there are at least 200 daily room rental business operators. These businesses are not registered or obtaining a hotel operating license correctly as they are not logged in, which has raised many problems, especially on economic, society and environment. Therefore, the Thai Hotel Association, Southern Chapter, came to submit this letter of complaints to request the provincial to organise these rooms to log in correctly with legal measures" (Manager Online, 2015). As stated, currently, many hotels have modified the building's structure or changed the building's usage to operate as a hotel. These hotels are not adequately licensed following the legal hotel business process. More importantly, it is not under the control of other relevant laws and has not taken action on environmental protection, making it impossible to obtain a hotel business license.

In the government sector opinion, Phongpanu Svetaroon, former Permanent Secretary of Tourism and Sports Ministry told the Thai PBS Online reporters on September 22, 2016, that "The hotel business is an important part which generating revenue for the tourism industry of the country by 30-40 per cent. Therefore, must be implemented with lawful which will benefit the tourism industry". In this same issue,

Banthoon Narisarakun, the Director of the Peace and Order Division, Ministry of Interior, stated that "hotels that are considered illegal has divided into two groups. (1) Groups cannot apply for a license due to the problems concerned with city planning laws and Building Control laws. (2) Groups that intended to circumvent law enforcement which the trend of illegal hotels have increased from 3,710 hotels in 2011 to over 10,000 hotels and more than the legal hotels that are having 10,300 legal hotels". Another person who gave an opinion on the same opportunity was Suraphong Techakarawichit, the Thai Hotel Association's Honorary Advisor. He was stated that "Tourism has been expanding rapidly during the past ten years. The hotel business's resulting growth continues to overgrow, especially the hotels that did not have a license, including apartments and condominiums that provide a daily rent considered an illegal hotel business operation. So, there must urgently solve the problem because it affects tourism image to reduce the negative impact on both the public and private sectors" (Thai PBS Online, 2016). As mentioned, two groups of the hotel were illegally operating the business at present and affected the tourism image in terms of environment, safety, and sanitary as they avoided the legal process.

Another critical issue is that there are very little research has been done on the subject. Most of the research related to the hotel business has been conducted in terms of satisfaction, human resources or environmental management. In this regards, several laws are involved and complied with local government regulations which may cause obstacles. Also, the issue on the local authority that has the legal power, to issue provision regulations to support the process has not been investigated or analysed to determine the root cause of the actual problem and obstacle, including the gaps in law enforcement which may lead to a different use of the officer's discretion. It might provide the entrepreneurs with information on practices that vary according to law enforcement authorities' discretion and individual. Therefore, it might cause the business hotel operators to use different information and discretion from the officials involved to implement it differently.

For the reasons mentioned above, the researcher is interested in studying the government's policy recommendations in enhancing the hotel businesses order in Phuket, Thailand. To bring the research results to be a guideline for managing hotel business operation in other areas.

1.6 Terminology

1) Policy recommendations refer to the findings of policy research. The essential elements are current conditions of Problems, Policy-based and policy mechanism (Viroj Sarattha, 2007).

2) Hotel means a place of business established to provide temporary accommodation for travellers or any other person for compensation (Hotel Act, 2004).

3) To enhance the hotel business order means to find out how to manage a hotel operating the business in the present, adjust to legitimate according to law enforcement's process and procedure.

4) Impact refers to a negatively that affects the economy, society, and the Phuket tourism industry's environment.

5) The Operator refers to the hotel operator.

6) Adaptation refers to change the character of a hotel business operation from illegal to a legal and legitimate regulatory procedure.

7) Licensed hotel refers to a hotel with a hotel business license (Hotel Act, 2004).

8) Unlicensed hotel refers to hotels that do not have a hotel business license (Hotel Act, 2004).

9) Stakeholder means

(1) Government officers related to the licensing process of the hotel business.

(2) Hotel business operators and private sector organisation.

(3) Local Authority involved in licensing a hotel business.

10) Participation refers to the stakeholder who has a voluntary in common thought to participate in a joint decision, joint action and jointly evaluate to get a mutual benefit.

11) Problems and implications refer to the negative impact on society and the economy from the hotel business in Phuket.

12) The entrepreneur's adaptation means preparing to enter the hotel business in Phuket legitimately of the hotel operators.

13) Hotel business refers to the business providing accommodation services with foods and beverages and other facilities to stay overnight in Phuket.

1.7 Research Objectives

The study of Public Policy Recommendations for Enhancing Hotel Business Order in Phuket, Thailand is to organise the hotel business in Phuket which the objectives of the research are as follows;

1) To synthesise laws, rules, and regulations related to hotel business operations in Phuket to understand the accuracy procedures and hotel business registration processes in Phuket.

2) To investigate the process and procedures of applying for a hotel business license in Phuket from both government agencies and personnel involved, including applying for a hotel business license under the Hotel Act, 2004 and the Ministerial Regulations.

3) To study the guidelines of hotel business operators' adaptation to legitimate enter to process and procedures of applying for a hotel business license under the Hotel Act, 2004 and the Ministerial Regulations.

4) To create a public policy recommendation for enhancing the hotel business operators to carry out legal procedures to be used as a guideline to other areas.

1.8 Research Questions

From the purpose of the research, this study aims to answer the following research questions;

1) "what are the legal requirement, rules and regulations related to the hotel business operations in Phuket?"

2) What are the entrepreneur's problems and obstacles in applying for a hotel business license?

3) How do hotel operators in Phuket adapt themselves to stay under the Hotel Act 2004, and the Ministerial Regulation on other types of buildings used for hotel business in 2016?

4) What should Policy Recommendations to Enhance the Hotel Business Order in Phuket be?

1.9 Benefits Expected from the Research

Expected benefits from the study consist of;

1.9.1 Research Outputs

- (1) To know the awareness of legal issues, regulations related to applying for a hotel business license in Phuket.
- (2) To know the process and procedures of hotel license for utilising permission to operate a hotel business in Phuket under the Hotel Act, 2004, correctly.
- (3) To know the adaptation of entrepreneurs to enter the hotel business operation process accurately under the Hotel Act, 2004.
- (4) To bring the information obtained from the analysis and synthesis used as a guideline for creating public policy recommendations for enhancing the hotel business in Phuket, Thailand.

1.9.2 Research Outcomes

- (1) Benefits of Social Movement
 - 1) The government can build confidence in law enforcement to set the standard for management in the Phuket hotel industry.
 - 2) Phuket hotel operators realise that social awareness and business ethics can profoundly impact economic, social, and environmental sustainability in the hotel industry.
- (2) Academic Contributions
 - 1) The researcher can apply the research results to further research on the amendment of the law to comply with the relevant government agencies' work to apply for a hotel business license.
 - 2) The university lecturer who provides hotel management courses can use this research to teach students in the hotel and tourism hospitality management course.

1.10 Scope of Study

The researcher has defined the scope of research as follows;

1.10.1 Scope of Content

This research aims to study the laws and regulations related to applying for the hotel business license in Phuket as many different law enforcement agencies are involved. Therefore, to gather all information, it is necessary to define the procedure's characteristics and apply for a hotel business license in the same direction to reduce the problems and impacts on the economy, society, environment and entrepreneurs. Then bring the results to clarify and make public policy recommendations for enhancing hotel business in Phuket. The government sector can be used as a model for organising a hotel business application in other provinces.

1.10.2 Scope of a Research Area

As mentioned in topic 1.6 on the operators' problems and the demand for a hotel business license, researchers have identified Phuket as a research area. As a major tourist destination, many hotels and hotel operators are dispersed of both legal and unlawful; including the competent officials in the three districts of Muang Phuket, Thalang and Kathu to conduct research that will incur.

1.10.3 Scope of Population Boundaries

To get accurate and correct information, researchers will divide the population into three groups; (1) hotel business operators with licensed; (2) hotel business operators without licensed; and (3) Government officers and Local Authority officers involved with the procedure. After that, the researcher will be sampling the group by using a purposive sampling method. Group 1 and group 2 will study the registration steps of implementation, practice and results of practice barriers for the hotel business's permission. For group 3, a researcher will look at the law's correct procedure that sort by rules and regulations include problems and obstacles to improve and get the implementation framework.

1.10.4 Time boundaries

The research will take one year from March 2019 to February 2020 for one year and start with research design, data collection, data analysis, and the research results.



CHAPTER 2

Literature Review

2.1 Introduction

In this chapter, the related research assessment will be accumulated together with literature reviews, associated laws, and regulations concerned with the hotel business operations in Phuket. Therefore, the Policy Recommendation in Enhancing the Hotel Business Order in Phuket, Thailand, will be conducted concerning the relationship between the two stages of the hotel business application process, including a hotel construction permit applying and obtaining a hotel business license. There are three parties involved in both procedures: (1) the government agencies both direct and indirect the supervision, inspection and licensing with all concerned laws, (2) the local authority that enforces the laws relating to construction in the jurisdiction area and (3) entrepreneurs who are hotel business owners or those who manage the business. Then, laws and regulations concerned with the process will be analysed. To enhance the hotel business order in Phuket, it concerns the stakeholders, particularly with government sectors, local authority, and entrepreneurs involved in the hotel business operation process. The cooperation of stakeholders needs to comply with the laws and regulations in the form of social participation to reduce the problems and obstacles in applying for the hotel business license. Whenever the stakeholders give their cooperation and try to dissolve the obstacles, then the tidiness in hotel business operation in Phuket will have appeared. Then, the impact of society, economy and environment will be improved in a better way.

Therefore, the details of each section will be clarified accordingly. Section 2.1 is the introduction of the content of Chapter 2 point out the overview in each area. Section 2.2 describes the overview and background of the hotel business in Phuket. Section 2.3

is a literature review, laws and regulations related to hotel business application for building permit (hotel), type of a building which can be operated as a hotel. In this section, the applicable laws and regulations currently used will be described. Section 2.4 is a description of the concept and theory involved in the analysis of the hotel business operation, also the social participation of all sectors, according to the democratic principle that the researcher found in this implementation. Section 2.5 reviews research related to the hotel industry in law enforcement, both domestically and internationally that comply with concepts close to this study and some studied research. Section 2.6 is opinion collecting and review from stakeholders from management under the Hotel Act 2004, which has been presented to the public through the media. Section 2.7 is a framework for research, and Section 2.8 is the research summary. However, the review of each unit is discussed at the end of each section. (Figure 2.1)

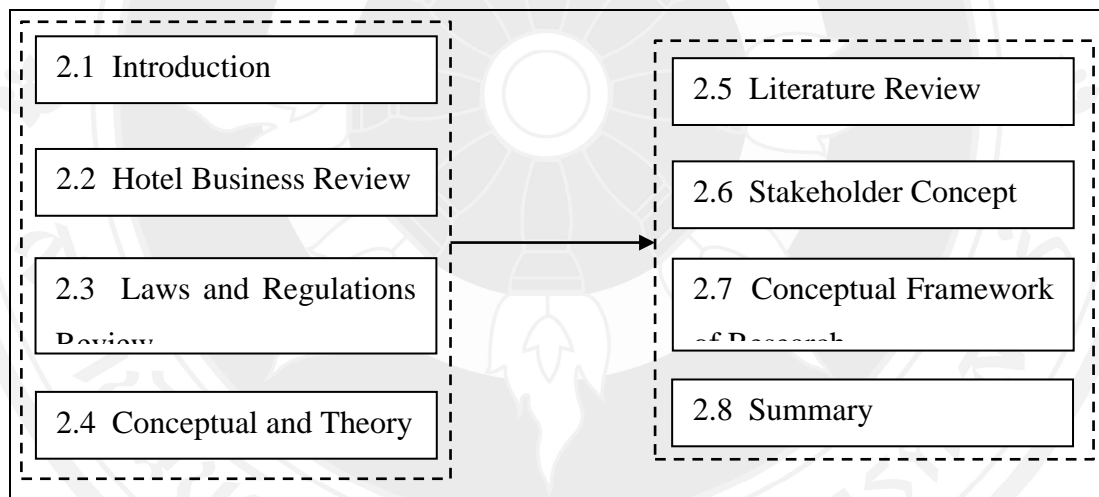


Figure 2.1 Structure of Chapter 2

Source: Researcher

2.2 Overview of the hotel industry in Thailand and Phuket

The hotel business operation is a business that operators provide services, rooms, food and other facilities for travellers or visitors who require assistance on foods, beverages and accommodations.

2.2.1 The term of "Hotel".

"Hotel" in the meaning of the Royal Institute Dictionary refers to the accommodation of travellers who have to pay for lodging.

"Hotel" as defined in the Hotel Act, 2004, means a place of business established to provide temporary accommodation for travellers or any other person with compensation unless otherwise;

2.2.1.1 A building was created for short stay offered by government agencies, a public organisation, and other state agencies for charity or education on non-profit or revenue sharing.

2.2.1.2 The accommodation is established to provide housing services only, which based monthly basis.

2.2.1.3 Any other building as prescribed in the Ministerial Regulations.

"Hotel" in the meaning of SukhothaiThammathirat Open University (2002) refers to a place for tourists or travellers that offer food, beverages and drinks.

In summary, "hotel" means accommodation with facilities for travellers or other persons wishing to utilise the service with compensation.

2.2.2. History of Hotels in Thailand

According to information that commenced on the hotel business in Thailand (Jittinant Nanthaphaiboon, 2012; Siam Manussati, 2017), the hotel business in Thailand has been started since the reign of King Rama IV in 1863. From the article in Doctor Bradley's newspaper, the publisher stated that the opening of the first two hotels in Thailand is the Union Hotel and Boarding Hotel purposely used to accommodate the traders and travellers from the foreign country who have been visited Thailand regularly. In the old days, the traders from the foreign country who have set sail to travel and trade commonly use ship or boat to journey between

Thailand and Overseas. Mainly, Chinese merchants who came and sold their goods had to stay at the temple because no hotel or boarding house existed. Later on, the Thai ambassador, Mom Ra Cho Thai (M.R. KrataiIsarangkul), returned from Europe after his diplomatic trip. The idea of building a hotel has been raising to King Rama the IV with thoroughly convincing from the Ambassador, then soon after considering with the Royal Privy Councilors, the hotel development in Thailand had just begun. Since then, Doctor Bradley's annual newspaper has mentioned the opening of a hotel in the country.

2.2.2.1 Published in 1863 (B.E.2406), the first two hotels in Thailand are Union hotel and Boarding hotel.

2.2.2.2 Published in 1864 (B.E. 2407), the Oriental hotel and Fisher's hotel were opened.

2.2.2.3 Published in 1865 (B.E. 2408), advertising of the Union Hotel and Oriental Hotel were posted in a newspaper.

2.2.2.4 Published in 1866 (B.E. 2409), advertising of the Union hotel were posted in a newspaper.

Until the reign of King Chulalongkorn (King Rama the V) had conducted a significant hotel renovation to make the hotel more comfortable and elegant than ever. During his reign, the first electrical equipment was introduced into the hotel business in Thailand. Therefore, the Oriental hotel is the only hotel refurbishing and setting up a restaurant's full service.

In 1870 (B.E. 2413), the hotel business in Thailand is flourishing. The new hotels were opened such as Falck's German, Hamburg, Marien, Siam. By 1871 (B.E. 2414), the Carter's and Norfolk was opened, but all the hotels mentioned are built and managed by foreigners. These included the Oriental hotel established in 1870 (B.E. 2413) by the Danish sailor, J. Salj Jack, and in 1885 (B.E. 2428) Mr Hans Nielsen Andersen came to manage and improve it to a modern hotel. Later, the new building was expanded and called "The Auther's wing" and was officially opened on May 9, 1887 (Matichon, 2013, p. 65; PornpailinJulphan, 2019).

Until 1922 (B.E. 2465), HRH Prince Burachat Chaiyakorn (Kromphra Kamphangphet Akkarayothin) the Army General and the Commander in Chief of the Royal Thai Railway Department has created a hotel so-called "Hua Hin Railway

Station Hotel". It was a hotel near Hua Hin Railway Station, the first hotel built and managed by Thai people. It was opened on January 1, 1923 (B.E. 2466). Today, this hotel is a Sofitel operated by the Centara Group. Then in 1923 (B.E. 2466), His Majesty King Rama the VI has graciously adapted "Phaya Thai Royal Palace" to be a first-class hotel named "Wang Phayathai Hotel" which was the most modern and the best hotel in Asia during that time (Silpa, 2020). In 1927 (B.E. 2470), many hotels were built for public utilisation in general; such as The Rest House Hotel at Bangkok Central Train Station with 14 rooms. The other one was the Trocadero Hotel at Surawong road with 45 rooms; these two hotels were the first privately owned hotel that consisted of the elevator and air conditioning.

The hotel that was built in 1942 is Rattanakosin Hotel which was created by the Bureau of the Royal Private Property and opened in 1943 (B.E. 2486). It was a five-star hotel at the beginning of the hotel history in Thailand that welcomed the government's special guests when visited Thailand. The building architecture was design in a western style; perform the arch of the building bend along the road. In 1970, the Itthiphol Company limited has been rented this hotel and managed by Royal Hotel's name, which was famous among foreign tourists. However, Thai people still call on the combination of The Royal Rattanakosin Hotel (Prachachat, 2017)

After that, in the reign of King Rama the IX, the Government by Marshal P. Pibulsongkram, the Prime Minister has presented the policy of a large hotel to support an important international event held four years ahead or in 1965 (B.E. 2499). Therefore he has approved a limited company called "The Syndicate of Thai Hotels and Tourists Enterprises Limited" on March 26, 1953 (B.E. 2496). This company originally had planned and located a hotel construction project at Lumpini Park. However, it was restrained because King Rama VI gave this piece of land to public utilities as a park. Thus, the project had to find a new venue and moved to a new piece of land at Ratchaprasong intersection on nine rai of land and started construction in 1951 as "Erawan Hotel". There were many problems and obstacles during the construction until 1955; the building is still not completed. At that time, the project's management was agreed to build a Hindu god's shrine, "BhraBhrom". Finally, the construction of the hotel was completed in 1956 (B.E. 2499). However, during the

start of operations, the management has faced many service staff problems that do not have a skilled and knowledgeable hotel and hospitality (Sahataihotel, n.d.).

In conclusion, the hotel industry's evolution in Thailand occurred from travel, trade, and foreigners' stay. Moreover, a hotel was built to accommodate those travelling since King Rama 4 and has increased since the government has to trade more with foreign countries. In which, travelling will be mainly in the form of international trade and international relations. Later, when a tourism promotion organisation is established during King Rama the 9th, many hotels were built to support the foreign tourists who come to Bangkok for their travelling purposes. When the Tourism Authority of Thailand was established, it had been converted and changed the mission of tourism organisation to have a broad scope and cover different regions worldwide to support the country's tourism industry's growth. The tourism spread to the other areas and has created the hotel business's expansion to those regions and continues to present. Therefore, the summary of hotel industry evolution in Thailand can be concluded, as shown in Figure 2.2.

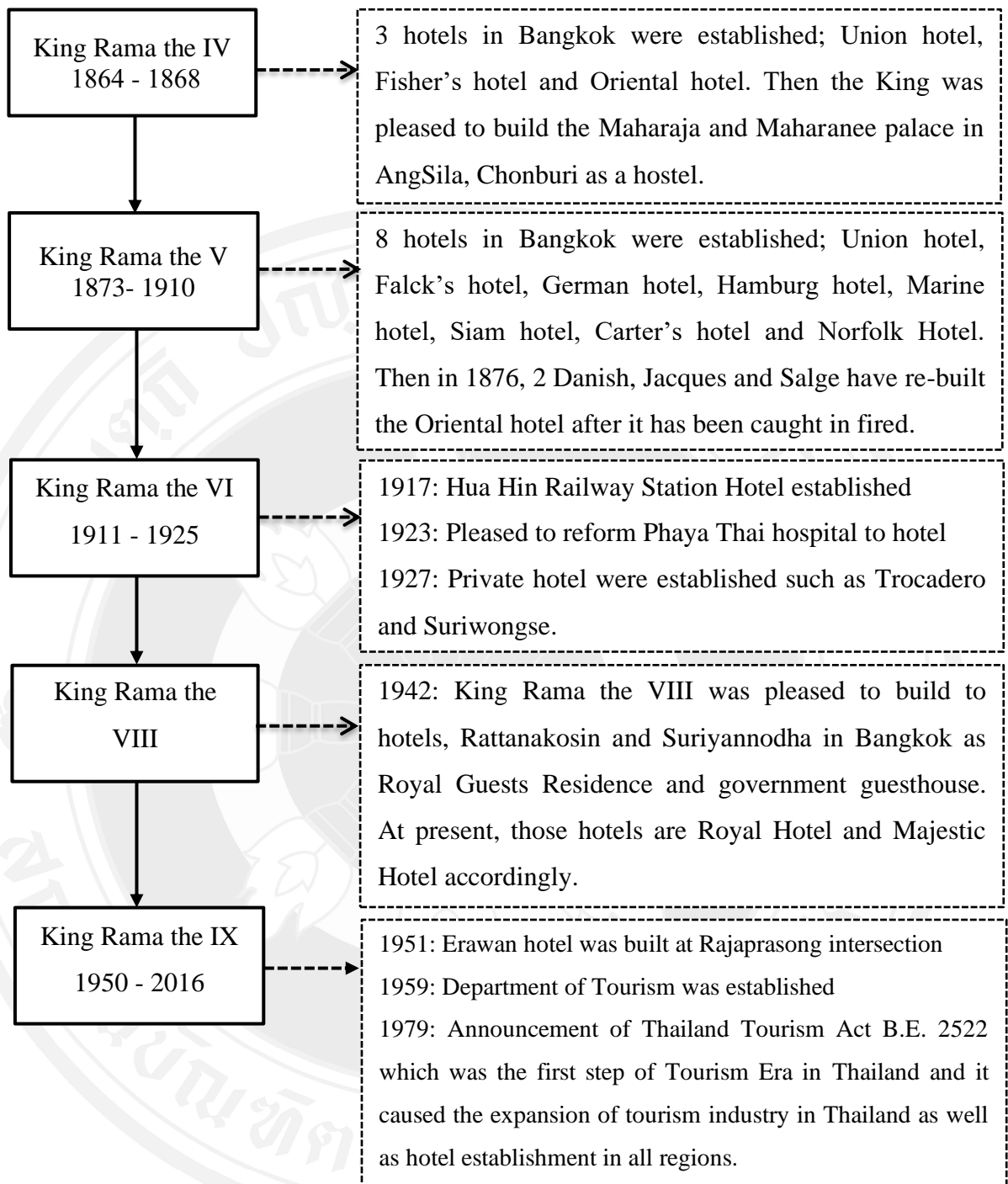


Figure 2.2 Summary of Hotel Industry Evolution in Thailand

Source: Researcher

Nowadays, the hotel industry in Thailand is developing and growing in parallel with the tourism industry, becoming a global tourism industry leader. Thailand accommodation survey 2018 prepared by the National Statistical Office, present the information related to the hotel business and accommodation. It was found that the number of accommodation establishments across the country was 24,391 places with the highest density of residential areas in 3 provinces: Surat Thani, Phuket and Chiang Mai. The percentage of accommodation establishments nationwide divided; 27.8 per cent are in the Southern region, 26.4 per cent in the Central region, 20.4 per cent in the Northern region, 20.4 per cent in the North-Eastern region, and 5 per cent in Bangkok. The accommodation establishment significantly showed that the total number of room accommodation in Thailand is 721,501 rooms. It was divided into the region as follows; (1) a total of 225,257 rooms in the Southern region, (2) a total of 192,930 rooms in the Central region, (3) a total of 108,618 rooms in the Northern region and (4) a total of 95,350 rooms which is the smallest number in the North-eastern region, as shown in table 2.1.

Table 2.1 Statistic of Hotel Accommodations in Thailand 2018

Regions	Rooms	%	Hotels	%
Southern	225,257	31.2	6,789	27.8
Central	192,930	26.7	6,439	26.4
Northern	108,618	15.1	4,960	20.4
Northeastern	95,350	13.2	4,977	20.4
Bangkok	99,346	13.8	1,226	5.0
Total	721,501	100	24,391	100

Source: National Statistic Office, Ministry of Digital for Economy and Social

2.2.3 Overview of the hotel industry in Phuket

Hotel Business in Phuket was beginning in 1929. The first hotel in Phuket was On-On hotel which is located at Phang-Nga Road, Phuket. The hotel owner has hired a designer and artisan from Penang, Malaysia to create the hotel building. The design and construction is a two-story building consisted of bricks and white mortar. There are unique features and decorative pattern above the door and window headers, pillars and walls, and rooftop grilles. Beautifully in the style of mixed art and culture between Western and Eastern, this later becomes the identity of Phuket. This particular design is known as "Shino-Portuguese". The room rate was charged at 80 satangs only (Ononhotel, n.d.).

The Manager 360 Degrees, Manager online magazine (1999) have mentioned the revolution of Phuket economic from Tin mine since the Ayutthaya era and Para rubber industry started after the 2nd world war Chancellor Phraya Rassada Nupradit. At that time, tin was precious in the world market during 1975-1981 and began to decline in 1987. Para rubber also started to decline during 1977-1981 caused by the unstable world market situation, and the quality of Para rubber in Thailand was lower than the standard (Pradit Nuankaew, 1992). During that time, the tourism industry has come instead. Hence, the Tourism Policy has been remarked in the National Economy and Social Development Plan, 4th Issue, 1977-1981 in the import section. By stating that the Government has stipulated that income from tourism activities be accelerated to increase at an average rate of 16 per cent per year, estimating that tourists would increase by at least 11 per cent per year. Meanwhile, concerned sectors should manage to motivate tourists' expenditure per person to a higher figure than previously (NESDC, 2020).

The 360-degree manager (1999) also mentioned many standard hotels in the city in a later decade. In 1963, Mr Tilok Thavorn Wongwong built a permanent hotel at Ratsada Road, it was a 3-story building, which was considered a first-class hotel in the province. The Pearl Shopping Centre on the Montri Road in 1976 consists of Pearl Hotel with 12 storeys, a bowling alley and a movie theatre. It was managed under Vijit Na Ranong who has studied tourism business in particular and is also a co-founder of the Phuket Tourists Association in 2521. He was the first President of the

Association and monopolised the position for 15 years as a founder. Later decade, he has taken part as the Chairman of the Tourism Council of Thailand.

In 1979, Phuket was recognised by foreign tourists who admired the serenity and beautiful scenery of the white sand beach and clear blue sea at Patong beach, Kata beach and Karon beach. Then, the Phuket tourism era was started there. The bungalows and small resort have been established on those beaches such as Patong Beach Bungalows, Bungalows, Club Andaman, Phuket Cabana, Sea Dragon and Seagull Cottage (Kontogeorgopoulos, 1998). After that, the first hotel on Patong beach was established by following the building construction style like Erawan Hotel in Bangkok under Patong Beach Hotel's name. In 1985, Patong beach became the most famous tourists destination. There were hotels and resorts established and expanded to another part of Patong beach such as Coral Beach Hotel, Patong Merlin Hotel while the international hotel chain from overseas is stepping in such as Le Meridian, Club Mediterranee, AmanPuri. The tourism business and hotel business were expanded and spread to the other beaches around the island such as Surin beach, Kata beach, Karon beach, Bangtao beach and Cherg Talay beach (Lauzon, n.d.)

In 1990, according to a JICA study, Phuket with high tourism potential, which attracts investors from the international hotel chains, have become more active, such as Holiday Inn, Sheraton, Hilton or even Thai hotel chains such as Dusit Thani and Amari. The hotel business began to grow continuously along with the growth of tourism in Phuket which has a continually increasing rate of foreign tourists visiting (Panisara Chuphon, 2008)

However, in 2004 or B.E. 2547, Phuket province has suffered from the Tsunami disaster. It causes severe damage to the tourism industry and the hotel business. Many hotels have closed or tried to sell their businesses during the difficulty (Trakarn Leelahawarong, 2005). However, due to the government sectors' efforts, stakeholders in Phuket, Private sectors and Phuket people are trying to push forward on tourism recovery and development to return to normal as soon as they can. With the help of all sectors, the Phuket tourism industry has got back to normal shortly after in the following year 2005 or B.E. 2548. The number of tourists has been increased in a higher figure than the previous year, especially in Chinese and Russian markets. Therefore, the hotel rooms were purposely built to accommodate this significant

expansion of the Chinese and Russian tourist market. Some of the commercial building has been converted into a hotel room's accommodation, and more illegal hotel construction was established to anticipate business results without taking into account of the impact and damage to the economy and society as a whole and continues to grow to the present (Sasiphon Rodpinyo, 2006).

From the study on "Tourism Industry in the Southern Region (case study: tourism industry in Phuket) by the Bank of Thailand (2017) reported that the tourism sector is an important economic sector of the country due to having the highest growth rate compared to others. The hotel revenue reflected it in 2015, which grew by 14.6 per cent. The country's tourism sector was mainly in Bangkok, accounting for 56.3 per cent, followed by Phuket, accounting for 11.5% and considering the southern region's tourism income. It was found that most of the revenue is in Phuket, 49.1 per cent which has the most foreign tourists visiting in the Southern area, most are Chinese tourists, followed by Russia, Australia and Germany. Chinese tourists are the leading group in Phuket with the highest growth. It has corresponded to the report of the Federation of Thai Industries (2017); stated that in the first ten months of 2017, there were 28.82 million foreign tourists, an increase of 6.69 per cent from the same period of 2016, with tourists from all regions increasing at a higher rate. Most arrivals to Thailand are China, followed by Russia, Australia, South Korea, Laos, and Japan. By expecting that in 2017, there will be 35.39 million tourists will be visiting Thailand with an increase of 8.59 per cent and will generate the revenue from foreign tourists at 1.84 trillion baht, with a rise of 12.49 per cent from the year 2016. In 2018, predicted that if there are no unusual events incur. There will be 38 million foreign tourists visiting Thailand with an increase of 9.16 per cent from the previous year. Moreover, it will generate incomes from foreign tourists at 2.14 trillion baht with an expansion of 16.30 per cent from 2017 and the Department of Tourism, Ministry of Tourism and Sports has classified tourism statistics in Phuket as follows; (Table 2.2).

Table 2.2 Summary of Phuket Tourism Statistic 2013 - 2018

Descriptions	2556	2557	2558	2559	2560	2561
Number of Tourists	11,339,885	11,312,037	12,520,769	12,709,415	13,274,769	13,651,301
Length of Stay	4.02	3.89	4.02	4.34	4.34	4.18
Number of Rooms	46,007	48,241	82,962	84,427	81,727	84,707
Occupancy (%)	71.58	70.39	73.38	75.20	73.90	75.96
Number of Guests	10,804,700	10,793,303	11,928,579	12,023,148	12,500,939	12,834,961

Source: Department of Tourism, Ministry of Tourism and Sports

Therefore, the summary of hotel industry evolutions in Phuket can be concluded, as shown in Figure 2.3.

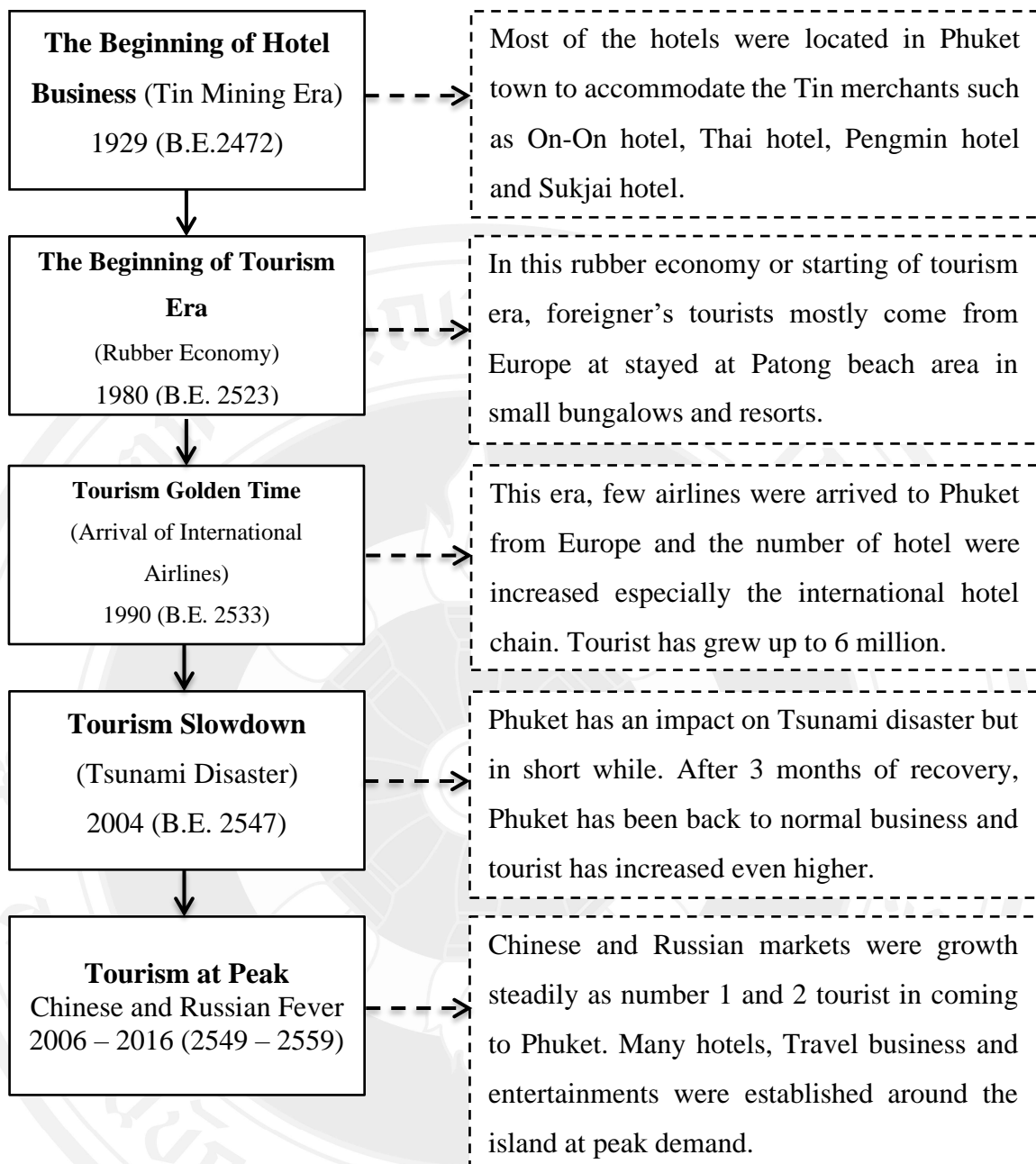


Figure 2.3 Summary of Hotel Industry Evolution in Phuket

Source: Researcher

From the latest report of the Phuket Provincial Administration office, the expert officer, as of March 27, 2020, summarised the number of hotel business in Phuket classified by district and hotel type, with details as in Table 2.3.

Table 2.3 Statistic of Phuket hotel data as of March 27, 2020

Phuket Province		Hotel with Licensed		Hotel on Applications
District	Village	Hotels	Rooms	Hotels
Muang Phuket	Talad Nue	32	1,765	22
	Talad Yai	54	3,536	39
	Koh Kaew	5	559	4
	Rassada	20	1,101	7
	Vichit	34	2,492	16
	Chalong	22	656	69
	Rawai	42	2,477	42
	Karon	310	24,379	407
	Total	310	24,379	407
Kathu	Kathu	10	529	6
	Patong	153	19,970	411
	Kamala	35	2,708	46
	Total	198	23,207	463
Thalang	Thepkasattri	12	452	7
	Srisonthorn	1	6	6
	Pa Klok	9	545	16
	Cherng	33	3,841	49
	Talay			
	Maikhow	23	2,782	1
	Sakhoo	32	2,005	45
	Total	110	9,631	124
Grand Total		618	57,217	994

Source: Phuket Provincial Administration Office

In the hotel registration section, Phuket Provincial Administration Office has summarised the number of hotels with a valid license under the Hotel Act 2004; there are 618 hotels and 57,217 rooms in Phuket legal hotel system. Also, there are several hotels currently operating but without a hotel business license. They have submitted a request for 994 hotels as per the orders of the NCPO which are still under inspection. However, from the interview with the hotel registration officer of the Hotel Registrar section and received information, many hotels have not yet applied for a hotel business license under the NCPO order, which we will have to continue to enforce according to the law.

For the number of licensed hotels, the Hotel Registrar Section, Phuket Provincial Administration Office has classified the hotels as of March 27, 2020, by specified under the Ministerial Regulations prescribing categories and rules for hotel operations 2008, with details as shown in Table 2.4

Table 2.4 Statistic of Licensed Hotels in Phuket Classified by Districts and Types

District	Classified by District		Classified by Hotel Type							
	Total		Type 1		Type 2		Type 3		Type 4	
	Hotel	Room	Hotel	Room	Hotel	Room	Hotel	Room	Hotel	Room
Phuket	310	24,349	109	2,693	135	10,054	52	7,860	14	3,772
Kathu	198	23,207	26	474	100	7,765	44	8,036	28	6,932
Thalang	110	9,631	31	550	36	2,451	31	4,095	12	2,535
Total	618	57,217	166	3,717	271	20,270	127	19,991	54	13,239

Source: Hotel Registrar Section, Phuket Provincial Administration Office

Some accommodations are not defined as the hotel in Phuket, which can be operated as a hotel without requiring a hotel business license but must notify the hotel registrar with the hotel's information. The hotel registrar section, Phuket provincial administration office has conducted a recent survey on March 6, 2019. It has found that the accommodations which operated as a hotel in a total of 28 places with 106 rooms consist of; Muang Phuket district has 22 places with a total of 98 rooms, Kathu district has 2 places with a total of 2 rooms, and Thalang district has 4 places with a total of 6 rooms,

2.3 Related Theory

2.3.1 Social Organisation

Social organisation is an extensive process. It is a process that encompasses many social phenomena. It starts from the norm; many regulations allow society members to adhere to the guidelines for dealing with each other. We may talk about organising between husbands and wives, a social organisation of criminal groups, organising the community's society to organise Thailand's society or the world's social order. Every society needs to be organised, more or less. Social order is a necessary condition for the existence of humanity.

Royal Academy (1989) Thai-English Sociological Dictionary, Royal Institute explains that social organisation is a process that classifies societies into parts, which each part has different functions while being connected and responsible for coordinating.

Marvin E. Olsen (1978), a sociologist has given the definition of Social Organization that is defined as a social process organised to control members to have a relationship under the same pattern and rules to create order in the society.

Thaweesak Kanyochai (2002) has stated that Social Organization is a process with an extensive scope. This process covers many social phenomena, starting from establishing rules and various regulations for society members to abide by as a guideline for society's treatment. Every society requires a social organisation more or less; therefore, social order is a fundamental condition necessary for society. Social

order is organised systematically, and it is a form of behaviour and the process of interpersonal and interpersonal relationships.

2.3.1.1 The importance of social order

Samorn Banyong and Piyaporn Siripanumat (2012) have said about the importance of a social organisation that; the social organisation is one method used to reduce the problems of violent behaviour to control members to have a relationship under the same pattern and rules. To achieve orderliness in the society; its objectives are as follows; 1) to cultivate discipline for members in society, 2) to instil the aims of society to honour, 3) for members of society to know their roles and duties in a timely and appropriate manner, and 4) for enabling members in society to become proficient and increase skills in joining activities with others in society.

The reality of society is that we cannot separate individuals and societies from one another. When there are humans, they must have a society. When there are social groups, they must have rules and regulations accepted together among society's class. The orders shall be high or less complicated; it depends on the complexity of the level. However, social order will inevitably prevent a person from doing anything to his satisfaction because if a person acts according to his satisfaction without control, it will inevitably harm human coexistence (Thaweesak Kanyochai, 2002).

2.3.1.2 Form of social order

Broom and Selznick (1977) and Marvin E. Olsen (1978) explained that society and groups have a pattern of relationship of its characteristic. We observe the practice of social ordering from the custom or the essential rules that govern the society which Broom and Selznick (1977) concludes that the design of a social organisation is divided into five categories which are;

1) Type of Kinship is a social organisation that uses norms and status in the family system as a core of relationships, such as the elders of kinship leadership. It used the law of relativity to control the behaviour that is a characteristic of social order in traditional or societal society, village society and ancient Chinese society.

2) Type of servant or devotee (feudality) is a relationship by the affiliation of benefactor and servant or the faithful's servant. For example,

Feudalism in Europe, formerly known as the Lord, was the centre of the land's governing power, which the servant has lived in the property.

3) Type of caste or status is a relationship with a normative relation that permanently fixed positions such as a relation in ancient Japan that divided people into bureaucracies or samurai and the ordinary people. Each party has its own rules of living, and the scope of the relationship is limit.

4) Type of contract is a relationship that results from both party mutual agreements. It is a relationship in the industrial society where most members are related to employers. The government plays a role as a facilitator or intermediary between the various interests that agreed by contract.

5) Type of organisation or system (Bureaucracy) is a characteristic of a modern society where society members often belong to large organisations, such as government agencies and the military. People in large organisations live under the rules of the organisation. The authorised person is professional management (Bureaucrats). Each member is separate to a group according to their specific function and is associated with a beautiful system. Some sociologists perceive that this society has become "Organization Man".

2.3.1.3 Key elements of social organisation

- 1) Norms
- 2) Status
- 3) Role
- 4) Values
- 5) Social Control

The essential elements of the social organisation are Norms and Status; both norms and status are part of a culture created to benefit people living together as a social group. Humans create norms or rules to control and to treat each other in society. It also determines the status or positions of the people in society to let each person know that they are bound to be related to other people. Therefore, Norms and Status must be together to let people know their status and their norms for performing that role (Thaveesak Kanyochai, 2007).

2.3.1.4 Norms

Norms in the Royal Institute Dictionary Meanings (2001) refer to the pattern for adherence to sublime noble practices to set people's guidelines to observe in various situations. The members of society have a smooth relationship because each party adheres to the norms that everyone understands, resulting in certainty and order of life in society.

Social norms are expected behaviour pattern that is a standard that members of society are expected to follow. It is an intellectual culture that humans in each society uphold to determine what activity is right or wrong and should not be, acceptable and unacceptable. Norms are things that are in a person's conscience. We can realise the norms from our knowledge that we feel that there is some power keeping us compelled to do what is right and feel uneasy or afraid of being punished when we do wrong things. Norms, therefore, are one of the symbol systems that people in society define and recognise. Any violation of the norms will always receive a reprisal from someone in one way or another. Therefore, to control people back into society's framework, we may be aware of the existence of the norms from the reaction of people in the community or punishing those who violate the expectations masses. The norm is a social fact that has the power to dominate us consistently, which can organise people to live together in a systematic society that we are automatically instilled in the various norm in our lives if there is no precedent; then the life of the people in society will be extremely chaotic.

2.3.1.5 Norm with Social control

Norms are things that allow society to coexist in a state in which most people continue to abide by customary law and moral law. Society has existed because of norms. The so-called norm is that most people still abide by the rules of morality and social regulation. The society that entirely normless will not exist and so-called Normlessness that is just a comparison with the old social conditions that does not change much. The society that has changed dramatically makes sense that society is disorderly because people do not follow the custom. There is much tragedy from the same pattern. The old-fashioned way of life is also confusing. All of these are a temporary phenomenon. Eventually, society will adapt to the normal procedure as there are rules which are standard practice. Social regulation is possible because

there is a control mechanism for members to follow. Social control can be done in several ways. One of them is to give a sanction by punishing the violator and reward the follower. Punishment is commonly used, ranging from family to the state authorities as they are formal and informal controls. Relatives and villagers make informal control, which is very active compared to the state authorities' control. Informal supervision is available in different ways from gossip and scouting to the abolition of the penalties against those who violate the customary. These methods are external control. Another essential way to allow people to adhere to the norm is to cultivate the person until they become aware of their internal management. There are also the other ways, such as threatening the mysterious power, sin or hell and so on. Those involved in social control are oneself, families, neighbours, religions and state authorities (Ngamphit Satsanguan, 1958; Thaweesak Kanyochai, 2007).

2.3.1.6 Types of social norms

Prasert Yamklinfung (2011) explained that the regulations called social norms have several types. However, sociologists classify relevant social norms into three types, which are;

1) Folkways

It is a guideline for performing duties but not so crucial for human lifestyle. It is often a matter of how a human in society has been treated every day until familiar and becoming customs and traditions. If anyone violates or infringe, they will not be received in any severe penalties. They will only earn comments or gossips about how to behave in a way that is not appropriate, such as etiquette in eating on the table, dress appropriately in various occasions or speak polite language that people in society use.

2) Discipline of Mores

It is a behaviour considered to be more important than the civil way because it is about welfare or good or evil. Those who do not follow will get a reaction from members of society more strongly than civil ways. For example; Thai people have rules of law not to eat dog and cat meat because it is considered as a pet in the house if knowing that any person consumes; that person will receive an adverse reaction, which no one wants to associate.

3) Laws

Due to human society tends to be complex, resulting in problems of arguments about human behavioural patterns. Therefore, the society has to enact written provisions and laws to control the society to have peace and arrange for officials to supervise, inspect, and arrest violators for punishing according to the law's requirements. Therefore, the laws are a matter of the country or government. It is not a matter between individuals and individuals. Besides, the applicable law may be changed, modified or cancelled and will always be re-enforced as appropriate and necessary. Law is often based on the civil way or discipline of ethics. Therefore, fair laws should be consistent or not contrary to the civilian way and control of ethics.

Organising a society also means creating other things to support social norms such as social values, ideologies, social beliefs and symbolic systems. Social norms alone may not be enough to make people comply with social regulations.

The enforcement of sanction in social norms aims to bring about solidarity and the continuation of the group. Compulsion can be done in two ways: 1) Reward, such as commendation and awarding of medals, and 2) Punishment is the penalty for violating or violating the norms which range from gossip, sanction, imprisonment adjustment depending on the offence caused by the violation or violation which is defined in the people's way discipline of ethics or the laws of that society. In that primary group, punishment is often informal, such as gossiping or not associating with those people. As for the secondary group, infliction tends to be formal under the law. (Ngamphisat Sanguansa, 1985).

2.3.2 Concepts and Participation Theory

Participation is a noun, which means common denominator as in the Oxford English-Thai dictionary. Therefore, Participation Theory refers to the theory of involvement from the stakeholders. Many scholars have given meaning and description of the engagement process as follows;

2.3.2.1. Delbecq and Andrew (as cited in Vishnu Yokindinda, 2014) mentioned the participation of people in 5 types of planning;

- (1) Gathering detailed information on the projects.
- (2) Analysing or summarising problems.
- (3) Prioritising problems.
- (4) Problem-solving.
- (5) Monitoring and evaluating the project's success for development and improving the operation to be more productive.

Therefore, the conclusion from Delbecq and Andrew (1971) concept; participation is the gathering, analysing, prioritising, implementing, and monitoring project success, leading to the development and improvement of the project and fulfilling the purpose.

2.3.2.2. PratchayaWessaratch (as cited in Yuthapong Hoaprasong, 2012) defines participation as the people involved by using their efforts or resources on activities that contribute to community development. Participation must include;

- (1) People involved in development activities
- (2) Participants engaged in some personal endeavour like thinking, knowledge, ability, labour, or resources such as money and materials in development activities.

2.3.2.3 Chollakorn Siriwatana (2013) has defined participation as public participation means a person involved in a particular community activity by beginning with the perception of the problematic conditions, sharing ideas, making plans, proposing solutions, and joining in solving community problems. Also, join the benefits and follow up on the evaluation. The nature of participation depends on motivation and other social elements. The benefits of participation will strengthen unity and make people feel ownership of the project and more cooperation.

2.3.2.4 King Prajadhipok's Institute (2020) defines participation as an opportunity for people to participate in all development stages, both in solving problems and preventing problems by allowing the opportunity to participate in initiative jointly formulate policies, plans, decisions and implement strategies. Together inspect the use of state power at all levels. Join, follow, evaluate and be responsible for various matters affecting the people, communities and networks of all forms in the area.

2.3.2.5. Cohen and Uphoff (as cited in Saowanee Duenden et al., 2015) discuss that the framework for considering social participation has the contribution of three-dimensional structures as follows;

1) What kind of participation is under consideration?

It can be called the type or characteristic of involvement. It is created the basic framework for engagement includes the following issues;

(1) Participation in decision making which is the decision to conduct activities from the beginning.

(2) Participation in implementation, which supports the resources, administration and join in the effort.

(3) Participation in receiving benefits that may be material, social or personal.

(4) Participation in evaluation that controls and monitors the activities. It also demonstrates the adaptation to further involvement.

2) Who is participating in it?

In this part, "Popular participation" stated by Cohen and Uphoff has been classified in more specific of 4 groups;

(1) Residents in local community

(2) Local leader

(3) Government officer

(4) Expatriates.

3) How is this participation occurring?

There are four issues to consider in this dimension as follows;

(1) Whether the initiative for participation comes mostly from above or below and from where it comes.

(2) Whether the inducement for participation is come from voluntary or coercive.

(3) The structure and channels of participation consider on an individual or collective basis, with the formal or informal organisation, direct participation or indirect representation.

(4) The scope and duration of participation consider whether it is just one time, intermittent or continuous and whether it extends over a broad or narrow range of activities.

2.3.2.6 Thanongsak Khumkhainam (1997) has given three meanings of participation as follows;

1) Public participation means the process by which people are involved in cooperative development and decided to solve their problems. Use creativity and expertise to share with the appropriate scholar. Support and monitor the performance of the organisation and related staff.

2) Public participation means the process by which the target audience receives the opportunity to express their feelings explicitly what they have. Express what they want and presenting the problem that is facing. Solving the issues and implemented them with the least help from an outside agency.

3) Public participation means promoting and supporting and creating an opportunity for people in the community for the individuals, groups, associations, foundations, voluntary organisations involved in any of these activities.

2.3.2.7. Oratai Kokphon (2003) states that participation is a process in which people or stakeholders can express their views in exchange for the information and the opinion to find alternative ways and make decisions about the Project's right and it can be accepted by all. Therefore, all parties should be involved in this process from the beginning to monitoring and evaluation to understand, recognise, learn, and modify the project. It will be beneficial to all parties.

2.3.2.8. Tawilavadee Burikul (2005) states that participation must be an active process, which means that the person or group involved is an initiator and strives as well as their effort to follow that initiative. Also, participation is suggesting to have managed to take the effort to increase the ability to control resources and

regulations in institutions of the social environment. Also, the group and its movement shall not be governed by the resources and all statutes.

Therefore, in conclusion, the researcher concludes that participation refers to a person, group of persons, or stakeholders who share the idea, joint involvement, practice and share responsibility in every step from the beginning until the end. To reduce conflicts and resolve the problems, develop or change to a better way and achieve the parties' goals.

2.4 Literature Review

In the literature review, the researcher studied and reviewed literature both in Thailand and International. Mostly, it focuses on research on satisfaction, hotel management and human resource management, in the hospitality industry. However, the researcher found that some studies are related and may be supplemented. The researcher will focus on the topics related to this study, including legal, social, economic and environmental aspects that have been adversely affected by the hotel business in Phuket.

2.4.1 Laws, Rules and Regulations Analysis

To analyse laws, rules and regulations related to hotel operations in Phuket from secondary data. This research used a qualitative research methodology. Therefore, this part of the study collects secondary data from laws, rules and regulations according to the first objective. To analyse laws, rules and regulations related to hotel business operation in Phuket from research questions "What are the appropriate laws, rules, and regulations relevant to applying for a hotel business license in Phuket?" to know the correctness of the laws, rules and regulations related to the application for hotel business operation permission and the request for a hotel business license in Phuket. Conducting and analysing the laws, rules, and regulations from relevant government documents from each government department that has the power to enforce the law directly. There are conclusions as follows;

The study on the laws, rules and regulations related to the application for a hotel business operation are as follows (Table 2.5)

Table 2.5 Relevant laws involved in the process and procedures

Relevant law	Organisation
1. Hotel Act, 2004 (B.E. 2547)	Ministry of Interior
2. Building Control Act, 1979 (B.E. 2522)	Ministry of Interior
3. Ministerial Regulations Prescribing Descriptions of Other Types of Buildings Used for Hotel Business Operation, 2016 (B.E. 2559)	Ministry of Interior
4. Ministerial Regulations on Specifying Categories and Regulations for Hotel Business Operations 2008, (B.E. 2551)	Ministry of Interior
5. Notification on Prescribing Rules and Procedures for Consideration of Requesting a License and Issuance a License to Operate Hotel Business, 2009 (B.E. 2552)	Ministry of Interior
6. Promotion and Conservation of National Environmental Quality Act, 1992 (B.E. 2535)	Ministry of Natural Resources and Environment
7. The Public Health Act, 1992 (B.E. 2535)	Ministry of Public Health, Municipality, Sub-district Administrative Organization

Source: Researcher

2.4.2 The analysis result of laws, rules and regulations from the related laws

From the synthesis of the above laws, rules and regulations in applying for a hotel business license in Phuket at present; the content has found the relation as follows;

1) The Building Control Act, 1979 (B.E. 2522)

It is the beginning of the construction of a building that will be used for the hotel business. All operators must apply for a building permit before requesting permission to use the building when the construction is completed, the Building Control Act 1979 contains the essential elements related to the hotel business, including (1) The Building Control Act, 1979 (2) The Building Control Act (Version 2), 1992 (3) The Building Control Act (Version 3), 2000 and (4) The Building Control Act (Version 4), 2017. For the enforcement of the Building Control Act, 1979 (B.E. 2522), there are essential elements as follows;

(1) The building control law is used when buildings are completed and must be in the case of enforcing the law as follows: (a) located in the building control zone (b) in the urban planning zone (b) tall buildings, extra-large buildings, assembly building, theatre house (c) temporary conflagration zone. (d) the construction, demolition, modification, moving, use of the building must be approved by the Local Authority official.

(2) The building control area must be declared by a Royal Decree to use the Building Control Act, 1979 (B.E.2522) in that specific area before the building control law will come into effect.

(3) The Royal Decree announced that the building control areas are in 12 provinces including Bangkok, Nonthaburi, Pathum Thani, Samut Prakan, Samut Sakhon, Chachoengsao, Nakhon Pathom, Chiang Mai, Khon Kaen, Nakhon Ratchasima, Phuket and Songkhla.

(4) "High-Rise Building" means the building where people may live in or use more than twenty-three meters high to measure from building surface level to rooftop.

(5) "Edifice" means the building constructed for the use of the whole or some part of floor areas for residing, or operating one or more categories of

activities, having the entire space area of every floor of the same building of more than ten thousand square meters.

(6) "Public assembly building" means a building or any part of the building where people may enter for assembly, have a space area of ten thousand square meters or more, or assemble more than five hundred people.

(7) The local official and the legal operator are; the Governor of Bangkok Metropolitan in Bangkok, Mayor for the Municipality, President of Subdistrict Administration Organization, Mayor of Pattaya for Pattaya City, Local Administrator Officers of other local administrative organisations as prescribed by the Minister for the specific local administrative organisations. The powers and duties of the local officers are;

- (a) Various permission.
- (b) Proceed on the violation of the laws.
- (c) Notify criminal proceedings.
- (d) Notify the conflagration fire zone.
- (e) In the case of an appeal against the order.
- (f) In the case of disaster to the building.
- (g) In the case of building inspections.

(8) Buildings under the Building Control Act, 1979 (B.E. 2522) including buildings, houses, sheds, shops, rafts, warehouses, offices and other constructions in which people may live or use. Also includes an amphitheatre or other structures for public gatherings, dams, bridges, tunnels or drains, docks, boat beams, rivers, marinas, fences, walls or gates that are built with contact or close to public places or any structures use for the public as well as the structure built to be used as a parking space, U-turn and entrance or exit. For buildings specified under Section 8 (9), other constructions as prescribed in the Ministerial Regulations include (1) an outdoor swimming pool with a capacity of one hundred cubic meters or more (2) a retaining wall or water that accept the pressure of soil or water with a height of 1.50 meters and above (3) other constructions with a height of 10 meters or more from the base level.

(9) Residential buildings or combined residential buildings must have thirty per cent of free space of the building's total area. For buildings that are

constructed or modified near a public road that is less than six meters wide, shorten the building distance at least three meters from the public road's centre. The buildings with more than two storeys or over eight meters high, townhouse, commercial building, factory, public building, signage or structure for signage installation, warehouse constructed or modified near public roads. If the public road is less than ten meters wide, shorten the building distance line at least six meters from the public road's centre. If the public road is 10 meters wide but not more than twenty meters, shorten the building away from the public road area by at least one in ten of the public road's width. If the public road is over twenty meters wide, shorten the building line distance at least two meters from the public road according to the Ministerial Regulation No. 55, Clause 41 and the shortest distance of two meters from the attached line of another person's property. In the case of the building that not higher than nine meters, the wall or balcony must not be less than two meters from the other property area and the building that is higher than nine meters but less than twenty-three meters, the wall or balcony must be at least three meters away from the other property according to the Ministerial Regulation No. 55, Article 50.

(10) Notification of the building construction under Section 39 bis has the following procedures;

(a) Informs the local authority official by submitting the official form prescribed by the Building Control Committee and attaches the document and evidence as specified in such condition. In this case, the architecture and engineer must have a certified license and inform the construction's starting date and completion date.

(b) Pay the fee.

(c) Upon completion of the procedures under (a) and (b), the local officer will issue a notification receipt as evidence of notification by the notification date. Once the building owner has received the permit, the building can be constructed, modified, demolished or moved.

(d) The building under control by the Building Control Act, when construction is completed, the Local Competent Authority must inspect the construction before operating the building.

(11) Local Authority has an authorized in the event of a violation under Section 40 - 49 (bis) are as follows; (1) to suspend or prohibit the use of the building under Section 40 (2) to amend or submit an application under Section 41 (3) to order the demolition under Section 42 (4) request the court to arrest, detain or demolish by itself under Section 4.

(12) In the case of construction or modification in violation of the law, the local authority has the power to proceed as follows;

- (a) Order to suspend the acts under Section 40 (1).
- (b) Order to prohibit the use of buildings under Section 40 (2).
- (c) Order any of the acts within thirty days from the date of order under Article (1) under Section 40 (3)

(13) In case that the building is used in violation of the law, the local authority shall order to suspend the use of the building under Section 44-45.

Therefore, a summary of the Building Control Act, 1979 (B.E. 2522) is relevant to applying for a hotel business operation as follows;

- (1) The Building Control Act, 1979 (B.E. 2522) governs buildings in aesthetic control, tidiness and construction stability.
- (2) Control the stability, safety and security of the building.
- (3) Control fire safety.
- (4) Controlling public health and the environment.
- (5) Control traffic convenience in the area of the building.
- (6) It is a law that is subject to the enforcement power of the local administration organisation under the principle of decentralization
- (7) Local Competent Authority has the power to control; (a) issuance of construction permits, (b) construction control, (c) inspect building conditions in use, (d) inspect building conditions for maintenance.
- (8) Building control laws enforce in the event of;
 - (a) Being in the control area of the building or the integrated city planning area
 - (b) The building is a high-rise building, edifice building, public assembly building, theatre, and a temporary conflagration zone.

(c) Apply with construction, modification or change of building usage.

(9) The Local Competent Authority, according to the law, has the power to consider punishing those who violate the law.

2) The Hotel Act, 2004 (B.E. 2547)

This Act has 65 Sections and has been issued to enforce the hotel business operation by repealing the Hotel Act, 1935 (B.E. 2478); and to enforce the 2004 (B.E. 2547) edition instead. The definition of the word "hotel" to be clear and consistent with the current business conditions stipulates a hotel business promotion and supervision committee. Specify the hotel type and standard criteria regarding location, size, characteristic, facilities, and standard of business operation or prohibited to engage in any other business in the hotel. Also, to specify the areas that prohibit hotel business licenses, improve the system for submitting applications and considering hotel business licenses to be more convenient and faster in the manner of changing the license age from the expiration date within December 31 to be valid for five years from the date of issuance of the license which has the following significant sections as follows;

(1) Section 4 in this Act defines:

"Hotel" means the accommodation that is established for business purposes to provide temporary accommodation for travellers or anyone else with compensation except (1) an accommodation that established for providing temporary stay which operated by government agencies, state enterprises, public organisations or other government agencies or for charitable or educational purposes, not for profit or revenue sharing. (2) an accommodation established to provide a stay with a monthly charge or upward. (3) any other accommodations as prescribed in the Ministerial Regulations.

"Hotel business operator" means the person granted a licence for operating a hotel business under this Act.

"Manager" means the hotel General Manager under this Act.

"Lodger" means a traveller or any other person using the services of temporary accommodation of a hotel.

"License" means the hotel business operation license.

"Registrar" means the person appointed by the Minister to be a Registrar under this Act.

"Competent Authority" means the person appointed from the following persons by the Registrar to take action under this Act; (1) a commissioned police officers or (2) a Civil official from level three ranking and above or (3) a local government official from level three ranking and above.

"Committee" means the committee of the promotion and supervision of hotel business operation.

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

(2) Section 5. The Minister of Interior shall have charge and control of the execution of this Act and shall have the 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.

(3) Section 15. No person shall operate a hotel business unless he has obtained a licence issued by the Registrar. The application for and issuance of a licence shall be under the minister's rules and procedures.

(4) Section 16. An applicant for a hotel business license must have the following qualifications and must not be under any prohibition as follows;

- (a) Not less than twenty years of age.
- (b) Having a domicile or residence in the Kingdom of Thailand.
- (c) Not being bankrupt.
- (d) Not being incompetent or quasi-incompetent.
- (e) Not having been imprisoned by a final judgment except for an offence committed through negligence or a petty offence.
- (f) Not having been sentenced by a final judgment as a sexual offender under the penal code legal offence relating to drugs offences under the law on measures to prevent and suppress trafficking of women and children or offences under the law on prevention and suppression of prostitution.
- (g) Not being a person whose license is suspended.

(h) License have never been revoked or license ever been revoked for any reason other than the cause under (6), but the time has passed for not less than three years. If the applicant is a partnership or a juristic person, managing partners, managers or representatives of such juristic persons must have qualifications and have no prohibited characteristics under paragraph one. And must never be a managing partner, manager or representative of a juristic person that has had a license revoked under (8)

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

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 applicant of the examination results within five business days, from the day of the request submission, and set a period for the applicant to amend the license. If the said period has elapsed, the applicant does not take corrective action. The Registrar shall return the application for a license to the applicant.

In the case where the Registrar considers that the application for a licence under paragraph one is correct and complete, the Registrar shall notify in writing and send the application for a licence under other laws relevant to hotel business operation to the government agency in charge without delay.

Suppose the responsible department considers that the application for a license is incorrect or incomplete under the rules or conditions specified in the law on that matter. In that case, the responsible agency shall notify the applicant of the said inaccuracy or imperfection and set a period for the applicant to amend the license, and the responsible department shall notify the Registrar without delay.

After the expiration of the period under paragraph four, if the applicant does not take corrective action, the Registrar shall return the request to the person requesting the license.

It shall be considered that the application for a license under other laws related to hotel business submitted by the applicant to the Registrar under

paragraph one is an application for a permit under that law. Moreover, this section's provisions shall apply to the case where other documents that are not requested or to apply for a license under other laws relating to the hotel business shall be submitted *mutatis mutandis*. According to other laws on the hotel business to that Registrar, if there is a case, that applicant must comply with the rules, procedures, conditions, or pay any fees specified by the law shall be under the law on that matter.

(6) Section 18. The Registrar may issue a license to the applicant when seeing that the location, size, features, facilities or the standard of business operation of each type of hotel is under the rules prescribed in the Ministerial Regulations issued under Section 13.

The Registrar shall notify the applicant for issuance or refusal of the license with the reason within thirty days from the date of receiving the result of consideration from the government agency under section 17.

(7) Section 30. The hotel business operator shall have a manager to be responsible for managing the hotel. The hotel business operator and the manager of a hotel may be the same person.

(8) Section 33. The manager must have the qualifications and must not be under any prohibition as follows;

- (a) Not being under twenty years of age.
- (b) Possessing a certificate or experience prescribed by the Committee or a certificate of attending hotel administration training course recognised by the Committee.
- (c) Not suffering from chronic alcoholism, addiction to narcotic drugs, or contagious diseases prescribed by the Committee.
- (d) Not being a person of unsound mind or mental disorder or incompetent or quasi-incompetent.
- (e) Not having been imprisoned by a final judgment except for an offence committed through negligence or a petty offence.
- (f) Not having been sentenced by a final judgment of commit a sexual offence under the Criminal Code, an offence under the law relating to narcotic drugs, an offence under the law on measures to prevent and suppress trafficking of

women and children or offence under the law on prevention and suppression of prostitution.

(g) Has never been revoked receipt of notification as a manager or revoked the manager receipt by any other reason which is not the reason under (6) but the time has passed for not less than three years.

(9) Section 47. In the performance of duties under this Act, the member of the Hotel Business Promotion and Regulatory Committee, the Registrar and the Local Competent Official shall be officials under the Penal Code.

Therefore, the summary of critical points of the Hotel Act 2004 (B.E. 2547) are as follows;

(1) Hotel means a place of residence established for business purposes to provide temporary accommodation for travellers or other persons with compensation.

(2) No one is allowed to operate the hotel business without a permit.

(3) The application for hotel business operation and hotel business license shall be under the Notification of the Ministry of Interior on the Rules and Procedures for Considering the Request for a License and the Issuance of a Hotel Business License, 2009 (B.E. 2522).

(4) The applicant for a license must not have prohibited characteristics as specified by law.

(5) The Minister has the power to issue the Ministerial Regulations prescribing hotel categories. For the benefit of establishing and controlling hotel standards, hotel operation promotion and preserve environmental quality, stability, hygiene, or hotel safety and set criteria and conditions regarding the location, size, characteristics of facilities or hotel business standards. The conditions mentioned shall include the prohibition of engaging in any other business in the hotel. The Minister shall prescribe rules and conditions regarding the location, size, characteristics, facilities, and standard of each category of hotel types to be different. The Minister may prescribe rules and conditions regarding location, size, nature, facilities and business standards of each type of hotel to be different, taking into account the locality's characteristics where the hotel is located. Alternatively, the need to supervise each type of hotel or the suitability for each type of hotel.

(6) Each of the licenses is valid for five years.

(7) Hotel business operators are not allowed to change the type of hotel, increase or decrease the number of rooms that affect the hotel's structure, change the hotel name without permission from the Registrar.

(8) The hotel business operator shall arrange to have a hotel manager and must not have prohibited characteristics under Section 33.

(9) Hotel Business Registrar has the authority to revoke the license, in case of the hotel business operator or manager violates the law and shall be fined on administrative penalties.

3) Ministerial regulations prescribing categories and rules for hotel operations, 2008 (B.E. 2551)

By virtue of (4) of the definition of the term "hotel" in Article 4, Section 5 and Section 13 of the Hotel Act 2004, which has specific provisions regarding the restriction of rights and liberties of persons, which section 29 together with Section 33 and Section 43 of the Constitution of the Kingdom of Thailand can be done under the law. The Minister of Interior with the Hotel Business Promotion and Regulatory Commission's recommendation issued the following ministerial regulations.

(1) Providing accommodation with the number of rooms in the same building or many buildings combined up to four rooms and the total number of guests is no more than twenty and established to provide temporary accommodation for travellers or anyone else with compensation; which is characterised as a business operation to find extra income and has notified the Registrar in the form prescribed by the Minister not a hotel under (1) of the definition of "hotel" in Article 4.

(2) The hotel is divided into four categories as follows;

(a) Hotel category 1 means a hotel that provides services for accommodation only.

(b) Hotel category 2 means a hotel that provides accommodation and a restaurant or a place for food service or cooking.

(c) Hotel category 3 means a hotel that provides accommodation and a restaurant or a place for food service or a place for cooking and entertainment under the law on entertainment or meeting rooms.

(d) Hotel category 4 means a hotel that provides accommodation and a restaurant or a place to serve food or a place for cooking and entertainment under the law on entertainment and meeting rooms.

(3) Rules and conditions for all types of hotels are as follows;

(a) Hotel location must be located in a suitable location not harmful to guests' health and hygiene and convenient and safe transportation. The routes in and out of the hotel must not cause traffic problems.

(b) In the event that the hotel area is used as other businesses in the same building, the location must be divided clearly, and other businesses must not affect the hotel business operation.

(c) Not located in or adjacent to ancient sites, religious places or religious respects which will cause inappropriate scenery affecting the stability and existence of the said place or will be contrary to local customs and traditions.

(d) The hotel must provide at least the following services and facilities for guests as follows: (1) Guest registration area. (2) Telephone or communication systems both inside and outside the hotel will be available only outside the room. Still, there must be a sufficient amount to provide services to guests. (3) First Aid and referral patients to a nearby hospital. (4) Twenty-four hours thorough security system.

(e) The hotel must provide toilets and toilets for public services, separate for men and women and must keep clean regularly.

(f) Rooms must not have identical or similar architectural features or intended to be identical or similar to a religious place or place of worship.

(g) Every room must have a room number marked as Arabic numerals, which must be shown in front of the room that can be seen clearly and in case of any hotel has many buildings, room numbers for each building must not be tautological. The door room must provide a channel or other means that can be viewed from inside to outside. Every door room must install bolts or other devices which can be locked from inside.

(h) The hotel parking lot next to the hotel room must not be entirely covered and must be able to see the parked car at all times.

(i) The building for use as a hotel is located in the area where the law on building control is applicable must have evidence showing approval to use the hotel building or have a building inspection certificate according to the Building Control Act.

(j) The building that operates as a hotel which is located in a location that does not govern by Building Control Act, there must be a certificate to inspect the condition of the building to be stable, secure and safe by the person who has obtained a license to control engineering profession or a person who has been licensed to practice architectural supervision in accordance with the law and approved by the Registrar to be in accordance with the rules and conditions set forth.

(k) The building to be used as a hotel according to Article 10 must be kept clean with sufficient lighting and have a drainage system, sewage treatment system and a hygienic ventilation system

(l) The building for use as a hotel in accordance with Article 10 must be installed with a fire extinguisher in accordance with the following criteria: (1) A building that is characterised as a row house, commercial house, a single house or twin house with a height of not more than two floors must install a mobile fire extinguisher in accordance with the type and size that is appropriate for the condition of the building and interior materials, amount of one unit per row, (2) Buildings other than the building under (1) must install a mobile fire extinguisher on each floor one unit per building not over 1,000 square meters in every distance, not over 45 meters but not less than 1 unit on each floor, (3) Installing fire extinguisher must be installed so that the top of the equipment is no more than 1.50 meters high above the ground level and must be installed in a place where visible and easy to read instructions and (4) The fire extinguisher must be in working condition anytime and can be conveniently used.

(m) The building that operates as a hotel must install a fire alarm system in accordance with the following rules: (1) a building that is a row house, commercial house, a single house or twin house that is not more than two floors high must have a fire alarm system installed in the building, at least 1 unit in every building (2) Building in (1) that is higher than two floors must have a fire alarm system installed in the building, at least 1 unit on every floor and every building, (3)

Buildings other than the buildings under (1) and (2) that have a total area of all floors in the same building more than 2,000 square meters must have a fire alarm system on every floor.

(n) The building uses as a hotel must have a walkway of not less than 1.50 meters wide and must have a fire escape or fire escape ladder under the rules and conditions prescribed in the Building Control Act.

(o) The building operates as a hotel with a total area of all floors more than 2,000 square meters in the same building must have a backup power supply system for emergencies such as batteries or generators independent of the current system. And can be operated automatically when the conventional electrical power supply system stops working.

Under paragraph one, the backup power distribution system must supply sufficient electrical power for emergency exit signs, hallways, stairs, fire escapes, and fire alarm systems for at least two hours.

(p) Septic tank and over drain tank of the buildings' lavatory uses as hotels under Article 10 must not be less than 10 meters away from rivers, ditches or public water sources, except the toilet having sanitary sewage disposal systems and have the appropriate size.

(4) Criteria and conditions for each type are as follows;

(a) Hotel category one must comply with the following rules and conditions: (i) Not more than 50 rooms (ii) Every room must have at least 8 square meters of living space, not including bathrooms, toilets and balconies. (iii) There are enough toilets and a bathroom that are hygienic for the guests.

(b) Hotel category two must comply with the following rules and conditions: (i) Every room must have a usable area of not less than 8 square meters, not including toilets, bathroom, and balconies. (ii) There are toilets and a bathroom that is hygienic enough for guests.

(c) Hotel category three and category four must comply with regulations and the following conditions: (i) Every room must have a usable area of not less than 14 square meters, not including bathrooms, toilets and balconies. (ii) There are hygienic toilets and bathroom in every room. (iii) If there are no more than

80 guest rooms, the entertainment service facilities are prohibited according to the law on entertainment facilities.

The provisions of (c) shall not apply to hotels located in the area to set up entertainment service places and hotels located outside the area for the permission to set up entertainment service places or hotels located in the locality. They were prohibiting permission to set up the entertainment service place which has a service place under section 3 (5) of the Entertainment Place Act, 1966 (B.E. 2509) as amended by the Entertainment Place Act (No.4), 2015 (B.E. 2546).

In the meantime, the Ministerial Regulations prescribing the rules for hotel business operations, 2008 (B.E. 2551) also stipulate the rules and conditions of each type of hotels as follows (Table 4.2).

Table 2.6 Rules and Conditions for Each Hotel Category

Rules	Conditions
1. Hotel category 1 must comply with the following conditions.	<ul style="list-style-type: none"> - Hotels that provide room accommodation only. - Not over 50 rooms. - All rooms must have at least 8 square meters of living space, not including bathrooms, toilets, and balconies. - There are enough toilets and bathroom that are hygienic for guests.
2. Type 2 hotels must comply with the following conditions.	<ul style="list-style-type: none"> - Hotels that provide rooms and restaurants or a place for food service or a place for cooking - All rooms must have at least 8 square meters of living space, not including bathrooms, toilets, and balconies. - There are enough toilets and toilets that are hygienic for guests.
3. Type 3 and 4 hotels must comply with the following conditions.	<ul style="list-style-type: none"> - The hotel that provides accommodation, a restaurant or a place for food service or a place for cooking food and an entertainment service place under the law on entertainment place or has a meeting room (3) / and has

Rules	Conditions
	<p>a meeting room (4).</p> <ul style="list-style-type: none"> - Every room must have at least 14 square meters of living space, not including toilets, bathrooms, and balconies. - Hygienic toilets and bathroom in every room. - In the event that there are no more than 80 rooms, the entertainment place is prohibited under the Entertainment Places Act.

Source: Ministerial Regulations prescribing hotel business rules, 2008 (B.E. 2551).

4) Ministerial Regulation prescribing descriptions of other types of buildings used for a hotel Business operation, 2016 (B.E. 2559).

By virtue of Section 5 (3) of the Building Control Act, 1979 (B.E. 2522) and Section 8 (1) (2) (7) and (8) of the Building Control Act 1979, (B.E. 2522) as amended by the Building Control Act (No. 3), 2000 (B.E. 2543), Minister of Interior with the recommendation of the Building Control Committee, issued the Ministerial Regulations as follows;

(1) This Ministerial Regulations shall be in force for five years.

(2) In the case that this Ministerial Regulation does not stipulate any matter, the provisions of that matter under other Ministerial Regulations, the Local ordinances or the announcement of the Minister issued under the Building Control Act, 1979 (B.E. 2522), which is generally applicable to the building under this Ministerial Regulations mutatis mutandis, except the requirements regarding fire escape ladders shall be enforced in accordance with this Ministerial Regulations.

(3) This Ministerial Regulations shall apply to existing buildings prior to the date this Ministerial Regulation comes into force and will change the use of the building to operate hotel business under the hotel law as follows:

(a) Hotels that provide room accommodation only.

(b) Hotels that provides room accommodation and restaurant or places for food service or place for cooking;

(4) The submission of an application for a permit to change buildings' use to operate hotel business under this Ministerial Regulation must be completed as permitted within five years from the date this Ministerial Regulation comes into force.

If a building needs to be modified before requesting a permit to change the use of a building, submit an application for a license or notify and take action under Section 39 bis to modify the building within two years from the date this Ministerial Regulation comes into force.

(5) The building that will be changed to be used as a hotel business in accordance with the hotel law to have a space of not less than 10 in 100 parts of any floor area that is the most area of the building and must have the following characteristics;

(a) Building not more than two floors with less than ten rooms in the same building, corridor in the building not less than 1 meter wide, stairs case of not less than 0.90 meters in width and a distance along the walkway not less than 40 meters from the farthest point on the floor, the average load weight for various parts of the building shall be calculated by an average of not less than 150 kilograms per square meter. Install a mobile fire extinguisher or a portable fire extinguisher according to the type, size and performance as the standard of a mobile fire extinguisher or a portable fire extinguisher and Town & Country Planning, at least one per floor. The installation is that the top of the machine must not more than 1.50 meters above the ground level with visibility, and the user can read the instructions and be able to use them conveniently.

(b) A building that is not a building under (a) with no more than 20 rooms on the same floor, the walkway in the building must not be less than 1.20 meters in width. The average load weight for various parts of the building shall be in accordance with the Ministerial Regulations issued under Section 8 (2) and (3) except the load-bearing units of stairs and walkways that change the usage of the buildings from row houses or tenement buildings; the moving weight unit must not be less than 200 kilograms per square meter.

(c) Columns, beams, floors, stairs, roof structures and walls of the buildings of three floors or more must be made of permanent fire-resistant materials.

(d) Buildings of four floors or more must have a fire escape ladder with the following characteristics: (1) Fire escape ladders that are not vertical stairs which are suitable for the area of each floor of the building in order to be able to transport all persons in the building can be moved out within an hour. (2) The fire escape stairway inside the building must have all the surrounding walls made of fireproof materials for at least 30 minutes. (3) In the case that the main stairs are used as a fire escape, or there is an additional fire escape from the main staircase, the doors that open to the fire escape ladder must be made with refractory material and can stand not less than 30 minutes. It is including the devices that force the door to close manually to prevent smoke and open flames from entering the fire escape ladder. (4) There must be a path to the fire escape ladder without obstruction. (5) The staircase slope must be less than 60 degrees.

(e) Bringing other types of buildings to operate the hotel business in accordance with the Hotel Act, the requirements relating to the vertical building, the vertical of the building, the distance or the level between the building and the building or the land boundary of others or between the building and the alleyway or sidewalks, path walks, or public walkways or places and car parks must be, according to the type of building, required by law while being permitted to construct or modify that building.

However, the Ministry of Interior is still attempting to push the hotel outside the system or not yet receiving a hotel business license to adapt to the system. Therefore, the issued of the amended regulations on Ministerial Regulations prescribing of other types of buildings used for hotel business operation (Version 2), 2016 (B.E. 2561) (Table 4.2), by reducing some of the regulations but has a positive effect only on hotels category 3 and 4, because they use very high standards.

Table 2.7 Attribution of Accommodations as Hotel and Non-Hotel

Considered as not a hotel	Considered as a hotel
1. There are not more than four rooms in total of the same or many buildings.	1. There are more than four rooms in total of the same or many buildings.
2. There is a total of guest in-house no more than twenty people.	2. There is a total of guest in-house more than twenty people.
3. Having compensation in the form of a business operation to find additional income.	3. The accommodation charges are below the monthly rate.
4. The accommodation is established to provide temporary accommodation operated by government agencies, state enterprises, public organisations or other government agencies, or for charity or education.	4. If profits are shared, they will be considered as a hotel.

Source: Ministerial Regulations prescribing hotel business rules, 2016 (B.E. 2559)

In addition, there are still regulatory elements for hotel business operators in this Ministerial Regulations to comply with the conditions for all category of hotels. The local government agency enforced these laws and regulations, which government agencies authorised with direct power such as public health law and environmental law. Hotel operators are required to abide by these laws and regulations under the local administration's authority and discretion, as shown in table 2.8.

Table 2.8 Rules and Conditions for All Types of Hotels

Regulations	Conditions
1. Location	<ul style="list-style-type: none"> - Locate in a suitable location and harmless to health and hygiene. - Have appropriate transportation that does not cause traffic problems. - If other businesses are sharing in the same place, they must be Divided clearly. - Not located in or nearest to historical or religious sites. - Not contrary to respected religious locations or will make i contrary to local customs and traditions.
2. Services and facilities	<ul style="list-style-type: none"> - Must have a place for guest registration. - There are sufficient internal and external contact phones for guests. - There is a first aid room before referring to the hospital. - Provide 24 hours security system. - There are toilet and a bathroom in the public areas, separated for men and women and must always keep clean.
3.Room Accommodation	<ul style="list-style-type: none"> - The rooms must not have architectural forms that resemble or similar to religious sites or religious venues. - Each guest room must have a room number that is marked with an Arabic numeral at the front area of the room, which can be seen clearly. - The room door provides a viewpoint or other means that can be seen from the inside to the outside. A door latch or other devices that can lock the door from the inside of every room must be installed. - The parking lot of the hotel adjacent to the room must not be entirely covered and must be able to see the parked car at all

Regulations	Conditions
4. Buildings used for hotel operations	times. - Must have evidence showing approval to use the hotel building or have a building inspection certificate according to the Building Control Act, and must have a wastewater treatment system, ventilation system and drainage system.

Source: Ministerial Regulations prescribing rules for hotel business operations, 2016 (B.E. 2551)

5) Ministerial Regulations prescribing other types of buildings used in the hotel business (Version 2), 2018 (B.E. 2561)

The government has the policy to make hotels open for service that has not yet been applied for a hotel business license and does not have a hotel business license to have the opportunity to adapt to the legal system. Therefore, the government has relaxed some terms and conditions for those hotels, but when turning into practice, the government found that relaxation and conditions issued in the Ministerial Regulations prescribing other types of buildings used in the hotel business operation (Version 2) 2018, (B.E. 2561) became useful for hotels category one and hotels category two only, with essential details as follows;

(1) This Ministerial Regulation shall apply to existing buildings before the date this Ministerial Regulation comes into force and will change the use of the building to operate hotel business in accordance with the law on hotels as follows:

(a) Hotels that provide room accommodation only.

(b) Hotels that provide room and restaurant services, or a place for food services or a place for cooking.

(2) Submission of an application for a license to change the use of buildings to operate hotel business in accordance with this Ministerial Regulation must be completed as permitted within five years from the date this Ministerial Regulation comes into force. If a building needs to be modified before applying for a

change of building usage permit, the applicant requests to apply for a license or notify and take action under Section 39 bis to modify the building within 2 years from the date this Ministerial Regulation comes into force.

(3) The building that will be changed usage to be used as a hotel business in accordance with the hotel law required to have a free space of not less than 10 in 100 parts of any which floor that provide the most space of that building.

(4) The building with not more than two floors with the number of rooms in the same building, not more than ten rooms with a walkway in the building not less than 1 meter wide and staircase not less than 0.90 meters wide, and the distance must not exceed 40 meters from the distance of the top of the floor and having an average load of not more than 150 kilograms per square meter on average. Also, install a mobile fire extinguisher or a handheld fire extinguisher not less than 1 unit on each floor, provided that the top of the machine is higher than the floor level not more than 1.50 meters in a visibility area.

(5) The building that has over two floors with the number of rooms on the same floor not more than 20 rooms and has a walkway in the building with a width of not less than 1.20 meters, the load of moving weight must not be less than 200 kilograms per square meter.

(6) The building with over two floors with the number of rooms in the same floor more than 20 rooms with a walkway in the building with a width of not less than 1.50 meters, the load of moving weight must not be less than 200 kilograms per square meter.

(7) The three-story building with columns, beams, floors, stairs, roof structures and walls of buildings which not made of permanent fire-resistant materials must install the additional fire safety systems as specified. Also, install lighting system, alarm equipment that includes both automatic systems and manual notification systems. Install one mobile unit of the fire extinguisher per building area not exceeding 200 square meters in every distance, not over 30 meters but not less than two units on each floor.

(8) The buildings of more than four-storey must have columns, beams, floors, stairs, roof structures and walls of the building made with a permanent refractory material. They must have a fire escape ladder that is not vertical and can

transport all building people to leave the building within an hour. Fire escape stairs inside the building must have all the surrounding walls made of refractory materials for at least 30 minutes.

(9) If the main staircase is used as a fire escape ladder or there are additional fire escape stairs from the main staircase, the door to the fire escape ladder must be open and made from fire refractory materials for at least 30 minutes, moreover, including installing devices that force the door to close manually to prevent smoke and flames from entering the fire escape ladder. There must be a path to the fire escape ladder without obstacles and must have a ladder slope less than 60 degrees.

For a summary of requirements stated in the Ministerial Regulations prescribing description of other types of buildings used in the hotel business (Version 2), 2018 (B.E. 2561), which have amended the law to ease the hotel's category one and hotel's category 2, as detailed below. (Figure 2.1)

Buildings to be modified, change the use of buildings in accordance with the Ministerial Regulations prescribing other types of buildings used in the hotel business operation (Version 2), 2018 (B.E. 2561). Only for hotels in category 1 and category 2 according to the Hotel Act, 2004 (B.E. 2547) must have space for at least 10 in 100 parts of the some of the floors that have the most area of the building and must have the following characteristics;			
2 storey building	3 storey building		4 storey upward building
<p>Accommodation in the same building not more than 10 rooms</p> <ol style="list-style-type: none"> 1. Walkway width not less than 1.00 meters 2. Ladders must not less than 0.90 meters in width and the distance of the path not less than 40.00 meters from the farthest point on the floor. 3. Average unit load of moving weight not less than 150 kilograms per sq.m. 4. Install one standard mobile fire extinguisher 1 unit on each floor at least 1.50 meters above the ground level. 	<p>Accommodation in the same building not more than 20 rooms</p> <ol style="list-style-type: none"> 1. Walkway width not less than 1.20 meters 2. Ladders must not less than 0.90 meters in width and the distance of the path not less than 40.00 meters from the farthest point on the floor. 3. Average unit load of moving weight not less than 200 kilograms per sq.m. 4. Install one standard mobile fire extinguisher 1 unit on each floor at least 1.50 meters above the ground level. 	<p>Accommodation in the same building more than 20 rooms</p> <ol style="list-style-type: none"> 1. Walkway width of not less than 1.50 meters 2. Ladders must not less than 0.90 meters in width and the distance of the path not less than 40.00 meters from the farthest point on the floor. 3. Average unit load of moving weight not less than 200 kilograms per sq.m. 4. Install one standard mobile fire extinguisher 1 unit on each floor per space, not over 200 sq.m. at least 1.50 meters above the ground level. 	<ol style="list-style-type: none"> 1. Walkway width of not less than 1.50 meters 2. Ladder not less than 0.90 meters and the distance of the path of not less than 40.00 meters from the farthest point on the floor 3. Average unit load of moving weight not less than 200 kilograms per sq.m. 4. Install one standard mobile fire extinguisher on each floor, at least 1.50 meters above the ground level. 5. There are non-vertical fire escape ladders which able to evacuate people outside the building within 1 hour. 6. There is a wall on all sides and made of refractory material for at least 30 minutes. 7. In bringing the main stairs as a fire exit, the door must be made of refractory materials for at least 30 minutes and installed swing doors for self-opening and closing. 8. There is a slope of the stairs less than 60 degrees. 9. Columns, beams, floors, stairs, roof structures or walls of the building to be made with a permanent refractory material.
<p>3 - story building with columns, beams, floors, stairs, roof structures or walls of buildings made of non-fire resistant materials must install a fire alarm system, both automatic and manual with emergency backup light</p>			

Figure 2.4 Ministerial Regulation prescribing other types of buildings used in the hotel business operation (version 2), 2018 (B.E. 2561)

Source: Researcher

6) Ministry of Interior notification of Rules and Procedures for Considering

the Request for a License and the Issuance of a Hotel Business License, 2009 (B.E. 2522).

For the rules and procedures of applying for hotel business licenses, it is a process that begins at the district office where the hotel is located after obtaining a permit to construct, modify, or change the usage of the building from the local authority. The essence of this Ministry Announcements are as follows;

(1) Anyone wishing to operate the hotel business to apply for a license under hotel form (RR.1) annexed to the Notification of the Ministry of Interior regarding the request form, license renewal request, license transfer request, license request or general request notification and hotel business license according to the Hotel Act 2004; to the Local Registrar where the hotel is located including documents and evidence as required by law.

(2) When the Registrar receives the request for permission from the district governing office, the Registrar may notify the Committee to scrutinise the implementation of the Hotel Act, 2004 to conduct hotel inspections in accordance with the rules prescribed by the hotel law to be completed within twenty days from the date of receipt of the request from the district administration office. Then gather relevant documents and submit comments to the hotel Registrar for further consideration.

(3) The Registrar may consider granting or refusing to operate the hotel business depending on the case as specified by law. Also, there is a reason due to the buildings defined under the Building Control Act has invalid construction according to the Building Control Law, Town Planning Law, Public Health Law and National Environmental Quality Promotion Act.

(4) If the Registrar deems it inappropriate, the Registrar shall explain the reasons to the applicant for argument and present their evidence before issuing the order. After the order has been issued, the Registrar shall notify the applicant and given the right to appeal the order.

7) The Public Health Act, 1992 (B.E. 2535)

Hotel business operation will be related to the enforcement of the law under the Public Health Act 1992 in the following matters;

(1) Collection of sewage and waste must comply with local provisions issued under Article 6 under this Act.

(2) Building hygiene concerning residents of dirty buildings, damaged, deteriorated or disordered, animals that carry disease in the building, occupational sanitary and occupational health in hotel operations.

(3) Occupations that are harmful to health mean businesses that have production process or production procedure and caused pollution or disease which affect the health and sanitary of people in the vicinity whether it is the pollution from air, water, noise, light, heat, vibration, radiation, dust, soot, ash or the hotel business operation is related to food and beverage services. The law stipulates that a harmful business to health must request a license for this purpose from the Local Administrative Authority.

(4) Any proceeding in violation of the Public Health Act is an offence punishable by both a fine and imprisonment.

In the Hotel Act, 2004 (B.E. 2547) Section 34 (7), stated that the hotel business operators and hotel managers should have joint duties and responsibilities in maintaining cleanliness, sanitation and hygiene of the hotel shall be in accordance with the law on Public Health and orders of the local administrative official or the public health official. Therefore, hotel business operations are subject to comply with the Public Health Act's, 1992 (B.E. 2535) enforcement.

8) Promotion and Conservation of the National Environmental Quality Control Act, B.E. 1992 (B.E. 2535).

Enforcement of the Enhancement and Conversation of National Environmental Quality Act, 1992 (B.E. 2535) in requesting to operate hotel business due to Hotel Act, 2004 (B.E. 2547) Chapter 2: Hotel Operations in Section 13 has stipulated that for the benefit of setting and controlling standards for hotel business operations. The entrepreneur must proceed to promote and preserve environmental quality. In Section 34, the hotel business operator and the hotel manager shall have the following duties and responsibilities: (9) To protect the environmental quality

according to the Enhancement and Conservation of National Environmental Quality Act, 1992 (B.E. 2535).

The main principle in section 46, for the benefit of enhancement and conservation of environmental quality, the Minister, with the National Environment Board's approval, shall have the power to publish in the Government Gazette to specify the types and sizes of projects or activities of government agencies, state enterprises, or private entities that have an environmental impact. They must prepare an environmental impact assessment report to propose for approval according to Section 47, Section 48 and Section 49. Section 70, the owner or possessor of the point source of pollution under Section 69, is responsible for constructing, installing, or providing a wastewater treatment or waste disposal system specified by the pollution control official. For this purpose, the pollution control official may require the owner or possessor to have a supervisor for the operation of the wastewater treatment or waste disposal system that specify construction, installation, or to be held.

Therefore, the hotel business operation must be under the law's enforcement under the Enhancement and Conservation of National Environmental Quality Act, regarding the EIA and IEE report and establishing a hotel wastewater treatment system.

In this section, research studies use the qualitative research methodology by collecting secondary data from laws, rules and regulations according to objective 1, to review laws, rules, and regulations related to hotel business in Phuket. From research questions "How are the laws, rules, and regulations relevant in applying for a hotel business license in Phuket at present?". To know the validity of relevant laws, rules and regulations in the process of applying and requesting for hotel business license. Then understand, interpret and analyse the laws and regulations from government documents from government agencies who have the power to enforce laws in accordance with the process for applying for hotel business operations and for applying for hotel business licenses which can be summarised as a mind map in figure 2.2

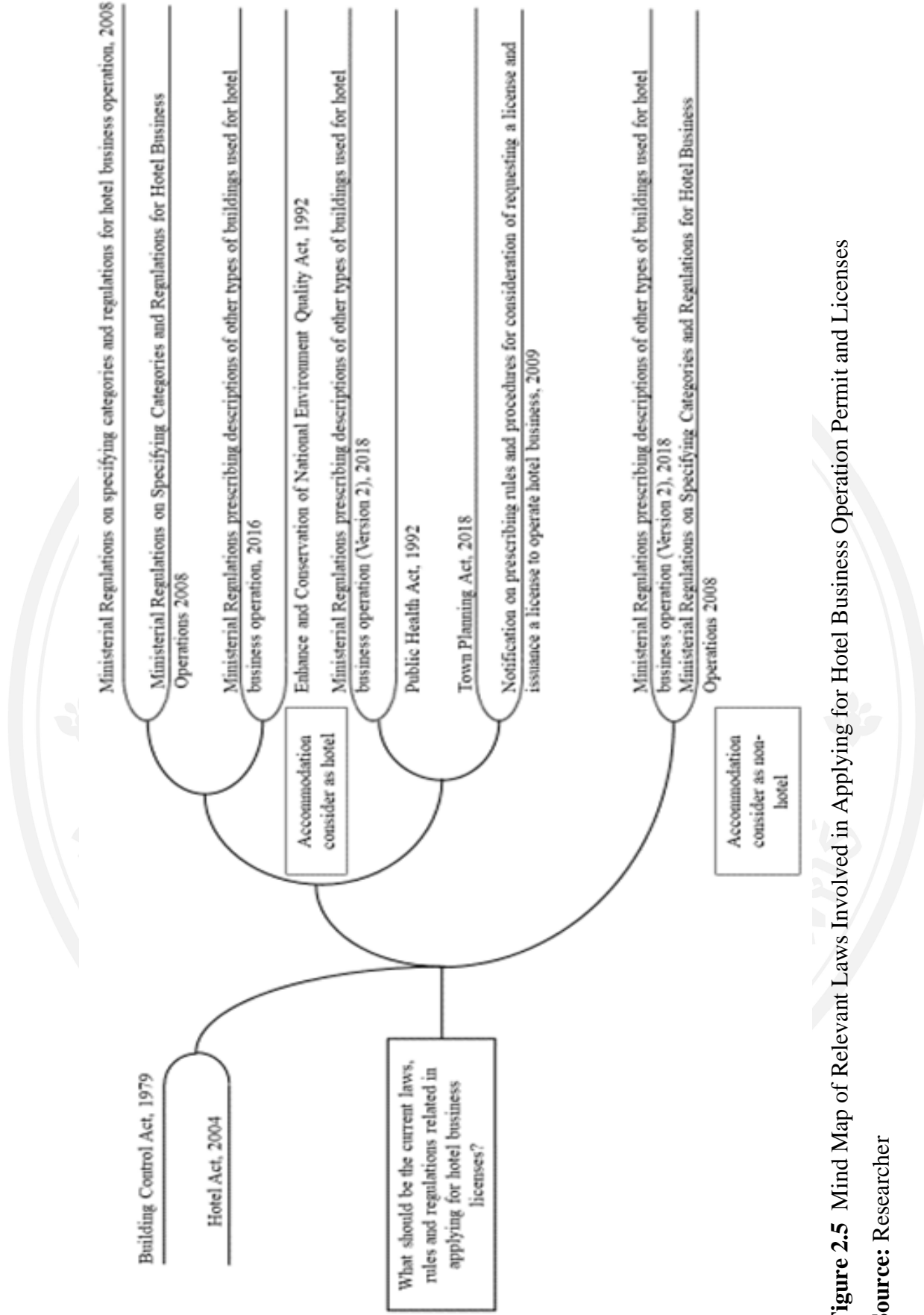


Figure 2.5 Mind Map of Relevant Laws Involved in Applying for Hotel Business Operation Permit and Licenses

Source: Researcher

2.4.3 Relevant Research in the Country

By searching for information related to local research via the Google Scholar online channel and the online library of Higher Education Institutions, the searches terms related to research questions, such as the problem of hotel business in Phuket, found 489 entries. The adjustment of the Phuket hotel business revealed 594 items. The impact of hotel business hotel in Phuket found 626 items. However, the studies that were directly related to the question in this research have seen only 14 entries as follows;

The aspect in economic problems was found in Jiraporn Ruangtawisin (2557) which stated that Phuket hotel business trends show that in 2014, the number of hotels in Phuket is the third largest, followed by Bangkok and Chonburi. Most are mid-range hotels and economy class hotels. These hotels are the network of Hotel Chain Management which is notably affected more in the price competition. The number of hotels has increased without legal registration; therefore, it results in the occupancy rate and room rate competition. Meanwhile, Surapong Techarhuvijitt (2014) has conducted a study on "The solution to solving the illegal hotel operations to the stability of the hotel industry" found that the emergence of hotels that did not ask for permission properly, including apartments and condominiums that are converted into the hotel business in general. It has impacts on the stability of the economy and hotel industry of the country. However, regarding the effect on the hotel business operations' economy, Kom Khampiranon (2012) has studied the subject "The Impact of Economic Crisis and Factors Affecting the Success of Crisis Management: Case Study, Hotels in Phuket". He has revealed that the economic crisis resulted in both domestic and foreign tourists have reduced travel expenses. Notably, the hotel business will be affected by this situation. When tourists reduced their travel expenses, the hotel room rates also reduced to compete with the other. It also caused an economic impact on the hotel business accordingly.

However, Krittin Mahapan (2003) has conducted a study on "Structure and Behavior of Hotel Industry Group 1 in Bangkok". The results of the study showed that most hotel operators had a behaviour of price competition. Hotels with low product differentials will use high price competition behaviour whilst hotels with high product differentials will have moderate price competition. The five-stars hotel or higher will

not use the room rates as a competition tool. The lower category from five-stars will use both room rates and product differentials as competition tools. It has shown that room rate is one of the main factors used in hotel business operation competition.

For environmental issues, Krisda Duangkaew (2013) has conducted a study on "The Current Management Issue of the Thai Hotel Business, by the Study of the Members of the Thai Hotel Association in Bangkok". Based on the study's findings, hotels with different technologies will emphasise management in a different environment. High-efficiency hotels are more aware and more focused on environmental management than hotels with low tech. While Apaphorn Aungampornvilai (2011) has studied on "Environmental Impact Assessment (EIA) Guidelines for Hotels and Resorts in Term of Time Dimension". The study results found that the Environmental Impact Assessment report, which the developers must meet all criteria and quality by adopting the right corporate governance approach. The principal factor is that legislative measures should be enacted to enforce sanctions against projects that do not submit environmental impact reports. According to the measures outlined, local authorities need to be more stringent in monitoring environmental impacts assessment report, which will make EIA effective.

Similarly to Panita Mongkolrudee (2010) which conducted a study on "Environmental Management and Business Performance: A Case Study of Hotels in Thailand". The study found that executives who push their businesses to integrate with the environment can reduce operation costs and create a sustainable enterprise. On the other hand, Wanvisa Wandao (2010) studied the subject "Environmental Management of Hotels in Krabi Province" found that the government should support and assist hotel operators in Krabi to deal with serious environmental issues. Meanwhile, Thanadej Srikram (2012) found that the problems of applying for permission to operate a hotel business were to modify the building's details and the application for a license according to the Hotel Act, 2004 after the activation does not correspond to the use of facilities and building size. There is a delay in the discretion of the authorities to investigate.

Besides, Pimporn Phothipruerk (2011) also studied "Environmental Impact Assessment in the Hotel Business" and found that avoiding environmental impact assessment violates legal purposes and risks to the environment and resources that can

widely damage the hotel business. In the field of law enforcement in the hotel business, this is the essential aspect of this research study, Sompong Kittiprayoon (2004) studied "The operation of hotels in Muang Samutprakarn District, according to the Hotel Act, 2004". The study results found that the request for permission to open 14 hotels in Muang Samutprakarn mostly has no fire escape plan and emergency exit signage. There is no document showing the liability limit under Section 675. There is no document showing accommodation rates in the disclosure and no fire hoses and cabinets. Also, there is no automatic illumination in case of power failure. Audit and Hotel Licensing committee have to apply law enforcement to all hotel operators to correct the defect or fail to meet the Hotel Act's criteria under the Hotel Act, 2004. While Petcharat Wiriyasueppong et al., (2012) conducted a study on "Research and Development of Thai Hotel Industry Opportunities", the results found that one of the problems that are faced by Thai hotel industry today is that the government agencies are trying to convince the operator to comply with the law enforcement.

To solve such problems; government, private sectors and local authorities are necessary to cooperate among themselves. However, the hotel's guest safety is also part of the hotel business's law enforcement, especially security from the standard of buildings construction which requires a fire protection systems, fire escape and evacuation plans, and potential incidents. Phatheera Sripratak (2558: p. 42) states that the hotel business's ethical security principle is that the entrepreneurs must provide reasonable protection. Also, the ensured of safety during their stay is concerned with guests satisfaction on hotel services. Affirming by Sakchai Setthaanawach and Chok Nitsanglaya (2014) researched "Creating Customer Loyalty: Monitoring and Comparing the Quality of Hospitality Services of the Hotel in the Eastern Region". The results found that satisfaction in service quality in products, location and security factors influences customer loyalty.

Table 2.9 Summary of Relevant Research in Thailand

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Jiraporn Ruengsilp (2014)	Hotel Business Trends in Phuket	Phuket is the third-largest hotel chain after Bangkok and Chonburi. Mostly are four stars and three stars. It does affect price competition.	Economic
Surapong Techaruvijit (2014)	Find solutions to solve the problems of illegal hotel operations for the security of the tourism industry.	To operate the hotels without permission, which does impact the economy and tourism industry of Thailand. The law should be amended to be more flexible.	Economic
Surangkana Keawta (2013)	Factors that make Chinese tourists decide to stay in Phuket.	A Chinese tourist can only spend on the room rate at Baht 1,000 to 2,500.	Economic
Khom Kampdha (2012)	Impact of Economic Crisis and Factors Affecting to Success on Crisis Management: Case Study Hotel in Phuket.	The hotel business in Phuket is most affected by the economic crisis.	Economic

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Krissada Daungkaew (2013)	The Current Management of Thai Hotel Business: Study Conducted on a Member of the Thai Hotels Association in Bangkok.	Hotels that use different technologies will have a different focus on environmental management.	Environment
Sakchai Sethanawat and Niti Sanglaor (2014)	Creating Customer Loyalty: Monitoring and Comparing Quality of Hospitality Services of the hotel in the Eastern region.	Satisfaction with service quality in factors of products, location, and security influences loyalty on the hotel's use of accommodation services in the eastern region.	Social Environment
Wanvisa Waldao (2010)	Environmental Management of Hotels in Krabi.	The government should provide support and assistance to hotel operators in environmental management.	Environment

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Aphaporn Eungapornwilai (2011)	Environmental Impact Assessment (EIA) optimization for hotel and resort business in the time dimension	Environmental Impact Assessment report, the Project Manager must comply with the criteria and full quality. Local authorities need to be more stringent in monitoring the EIA report at all hotel and resort construction stages.	Environment
Somphong Kittiprayoon (2004)	Hotel Operations in Mueang Samut Prakan District under Hotel Act 2004	Audit Committee and Hotel Licensing inspector must apply law enforcement to all operators to rectify the defect or not following the criteria under the Hotel Act 2004.	Social - Law
Petcharat Wiriyasuebpong et al. 1. (2012)	Research and development opportunities in the Thai hotel industry.	One of the problems faced by the Thai hotel industry today is the problem of law enforcement by government agencies, to ensure that operators comply with the law	Social – Law
Phattheera Sriprajak (2015)	Legal Measures for Safety, Health and Environment of Accommodation.	Entrepreneurs must provide proper security to guests and manage it according to rules and regulations.	Social - Law

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Thanadej Srikram (2012)	The Application for Hotel Building under the Thai Law; A case study on large size building	Applying for permission to operate a hotel business is to amend the building details and documents of the application under the Hotel Act, 2004 after the activation does not comply with the building usage and building size. The officials' discretion has also caused a delay in the overall documents considerations and no time frame in applying for a hotel business operation license after obtaining a construction permit.	Social - Law
Phimporn Phothipruek (2011)	Problematic in preparation of the Environment Impacts Assessment in Hotel Business.	Avoiding environmental impact assessments is a violation of legal purposes and risks to the environment and resources that damage the hotel business.	Environment - Law

Source:Researcher

Related research, as above mentioned, the researcher concluded that the increase in the number of hotels had created a negative impact on the economy, society and environment, which enforcing the law strictly with the hotel operator is necessary from the beginning of the application to be legal and to minimize the impact.

2.4.4 Relevant research from overseas

For the most relevant research abroad, most of the findings are related to law enforcement and environmental management, which foreign countries are mostly focused on these two subjects in priority. The researcher has used researchgate.net to search in the group of public documents by using the term "hotel regulations" and searching in Google Scholar by using the term "hotel building regulations" which was found 250,000 items. Also, search by using a specific term of "Building and Fire Safety Environment Management" which was found 126,000 items. The researcher has brought 12 topics of the studies which are relevant to this research as follows;

Nor Zafir MdSalleh (2010) found that hotels generally in Malaysia were enforced by government regulations to increase room revenue which is set to require a minimum room rate of \$ 80US for newly opened hotels and those who have been opened for a long time. Simultaneously, the government has added tax incentives to improving old hotels and managing human resources. The key points are: (1) there is a growing demand for green hotels; (2) hotel restaurants are required to obtain Halal certificates and (3) use of technology in management. The researcher suggested that Law Enforcement, Environmental Protection, Technology Management are the government's motivation policy to help the hotel operators for an adaptation and make the hotel business in Malaysia reach the top of the travel industry. Cevat Tosun (2001, p. 295) found that the uncontrolled hotel construction and the development of these tourist facilities in the Aegean and Mediterranean coasts have taken place in entirely different spheres. Although land use was planned and physical development was prepared for these regions by the Ministry of Tourism of Turkey, but the implementation is not applied. Besides, even if their business is operating under the social order's economic system, Turkish businesspeople are also experts in avoiding compliance. If there is no active control mechanism for implementing the land use

planning regulations, private entrepreneurs easily ignore them. The result is that the development of the Aegean and Mediterranean coasts may be neglected due to the lack of overall planning guidelines and integration in tourism development. Furthermore, many hotels and vacation homes are violations of construction regulations and coastal law No. 3621. The construction of hotels and other facilities have not been integrated into a traditional or dominant architectural style. These weird buildings are polluting the resources as well as creating a risk to sustainable tourism development. So, the final result is Architectural pollution and examples of offensive construction sites. Therefore, environmental pollution has become a significant problem for local popular tourist attractions due to the lack of measures to deal with the emerging remnants or the increase of old residues. The drainage system required by the local area residents was installed regardless of tourism development in many areas. It has caused the overload of the sewage disposal system's carrying capacity due to the rapidly increasing number of hotels. There is also no enforcement of strict rules and regulations that prevent hotel operators pollute the environment.

Meijer, FM, Visscher, HJ, & Sheridan, L. (2002) have mentioned the buildings ignoring law enforcement. According to the European's building construction law which has reported in the requirements of European legal building construction in the comparative study of the law construction in 8 countries in Europe, each country may have different needs according to the law. Nevertheless, with the same conditions as enforcing laws and severe penalties to those who violated the building construction provisions in England and Wales; local authority can prosecute building construction cases without notification or work that does not comply with legal building regulations and regulations. The violations are to be punished with a fine of up to £5,000, plus £50 a day after local officials believe that law violations are intended.

Meanwhile, Michael Mycoo (2009) conducted a study tour in the case of tourist attractions in the Barbados archipelago; it was found that the government's lawlessness was causing weakness in maintaining the balance and sustainability of the tourism industry in Barbados. Similarly to Ghana, Stephen Agyeman, Sampson Assimah, and Herbert Abeka (2016) studied the application process for building permits in Ghana's community development area. The results found that the

development area and the building construction without permitted in the area supervised by local Ghanaian authorities are increasing. Real estate developers are not interested in building construction rules and are not satisfied with the bureaucratic delays in obtaining local building permits, and local authorities should resolve the problem of law enforcement that is too strict.

In Saudi Arabia, Megbel Mishary Aleidan (2017) conducted a study on the hotel industry's organisation in line with the franchise business, finding that the hotel industry's regulatory reform by amending the modern law strengthens the hotel industry in Saudi Arabia. Newly revised tourism laws allow the Standing Committee of Tourism and Heritage of Saudi Arabia (SCTH) can identify and offer new land for tourism investment. It may increase the franchiser's importance worldwide interest in investing in Saudi Arabia under the control of local authorities around the area.

For safety and security measures, Margrethe Kobes, Ira Helsloot, Bauke de Varies, Jos G. Post (2009) have conducted a study of "Building Safety and Human Behavior During a Fire" which is essential to comply with building control laws on fire prevention because the preventing facilities in the building will give confidence to the residents to respond the situation during a fire. Meanwhile, Ying-Yueh Chen, Ying-Ji Chaung, Chin-ShingHaung, Ching-Yuan Lin and Shen-Wen Chien (2012) have conducted a study on "Increasing Facilities of Fire Safty Measure in the Buildings". The results found that the rating of fire safety of existing buildings has been decreased over the passing time, which depending on factors such as restrictions on indoor areas and higher construction costs. Affirming by Ruei-Jiun Shiu, Shao-Tsai Cheng, I-Tsen Liu (2014) have conducted a study on "Fire Risk Management in Tourism Hotels" reveals that tourism hotels are part of the hospitality industry. Therefore, fire safety issues are the most important because the complexity of hotel construction has made visitors unfamiliar with the building's environment. In the event of a fire, it is difficult to evacuate from the building. So, compliance with building control laws on fire safety is essential. The problems resulting from risk assessment are; fire escape and fire extinguishers must be inspected in the hotel building.

For the Environmental Management Practices in the Tourism Industry in Malaysia, Zainudin Awang, Yusnita Yusof (2016) found that global economic growth

is part of the tourism industry. In the past, Malaysia is one of the most visited countries in Southeast Asia. The increase of both domestic and foreign tourists, as a result, have made the number of accommodations increasing in each year and made the hotel industry become one of the most popular businesses in the travel industry. The results show that customer satisfaction is the mediator between the green image with customer loyalty and the impact on the size of customer satisfaction. It means that customer satisfaction is essential to keep in mind because those customers satisfied with the facilities and proper environmental management will increase their loyalty to the hotel.

While Wan Yim, King Penny (2007) presents the research on “The Use of Environmental Management as a Tool for Managing Hotel Business in Macau”. The results showed that although customer demand for Macau hotels on the environment is relatively low and knowledge of the environment is minimal. However, if the hotel has a low environmental enhancement and does not comply with the applicable government regulations in environmental practice; these core reasons will hinder Macau's hotel business by organizing environmental activities. The main obstacle is the hotel itself's manager, unaware of the importance of environmental management for the hotel business's efficiency and competitiveness. Therefore, the hotel should be interested in improving the areas that affected the ecological impact management in details for the quality improvement, reflecting an excellent way to manage the hotel business and complying with the framework of laws.

One of the research shows proper compliance with regulations and cooperation for the environment in Cancun; the most famous tourist destination of Mexico, on the Environmental Management, which will benefit the public of Mexico and tourism sectors. The study has conducted by Elva Esther Vargas Martine; Lilia Zizumbo; Felipe Carlos Viesca; Rocio del Carmen Serrano (2011). The study found that hotel controls' impact on the hotel industry's environmental management under regulatory requirements has a positive effect. It shows that the ecological possession of hotels under the law, limiting factors, and the excellent use of benefits are worthwhile, including the sharing responsibility for the government's public policy. It means that to comply with the regulations and consider participating in the environment is encouraged to benefit the hotel business industry.

Table 2.10 Summary of Relevant Research from Overseas

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Nor ZafirMd, Salleh. Abu Bakar, Abdul. Hamid. Noor, Hazarina. Hashim. Siti, Zaleha. Omain. (2010)	Issue and Challenges in Malaysian Hotel Operation	Summary of Issue and Challenges of Hotel in Malaysia is set to comply with government regulations for new hotel and old hotel that established a minimum room rate of \$ US 80.- and added tax incentives to improve the old hotel and human resources management. This study's findings are the increasing demand for green hotels, halal certification in the hotel restaurant, and using technology to meet tourists' needs.	Social - Law
Cevat Tosun (2001)	Challenges of sustainable tourism development in the developing world: the case of Turkey	The construction and expansion of Turkish hotels in the Aegean and Mediterranean tourist areas without strict control caused the law enforcement to not meet the purpose, which has negatively impacted tourism.	Social - Law

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Meijure, F.M. Sheriden, L. Visscher, H.J. (2002)	A comparison of the systems of building control in eight European countries	The comparative study of European construction law in 8 countries found differs according to the law's legal requirements. Still, the enforcement and server penalties to those who violate the building construction law provisions are ordinary.	Social - Law
Michael, Mycoo (2009)	Sustainable Tourism Regulations, Mechanisms and Certification: A Case Study of Barbados	Using Market Green Sustainability of the tourism industry in Barbados. Non-enforcement of public law causing weakness in maintaining the balance and sustainability of the tourism industry in Barbados.	Social Environment -
Stephen, Agyeman. Sampson, Assimah. Herbert, Abeka. (2016)	Are the Challenges in the Processing of Building Permits a Precursor for Development of Illegal Structures in Ghana	The Government of Ghana is facing legal challenges in illegal land development and construction in the community. It is created an impact on society and the economy. The government should strictly enforce the law in organizing these developments.	Social – Economic

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
MegbelMishary, Aleidan. (2017)	Hotel Industry Regulations and Cross-Border Franchising: The Case of Saudi Arabia	The reform of the hotel industry by amending the modern law strengthens the hotel industry in Saudi Arabia.	Law - Economic
Margrethe, Kobes. Ira, Helsloot. Bauke de, Varies. Jos, G. Post. (2009)	Building safety and human behaviour in fire: a literature review	To build fire protection in the buildings should strictly follow the law according to the safety measures.	Law - Social
Ying-Yueh, Chen. Ying-Ji, Chaung. Chin-Shing, Haung. Ching-Yuan, Lin. Shen-Wen, Chien. (2012)	The adoption of fire safety management for upgrading the fire safety level of existing hotel buildings	Fire safety management is an essential part of a risk assessment system. These include fire protection, evacuation strategies, and mitigation.	Social - Law
Ruei-Jiun, Shiu. Shao-Tsai, Cheng. I-Tsen, Liu. (2014)	Case Study of Fire Risk Management of Tourist Hotels	Compliance with the Building Control Laws on fire protection is most important. Fire escape and the fire protection system in the hotel building need to be checked at all times.	Social - Law

Researcher/Year	Topic of Research	Summary of Involvements	Impacts
Zainudin, Awang. Yusnita, Yusof. (2016)	Environment Practices in the Tourism Industry in Malaysia	Customer satisfaction is the intermediary between the green image and customer loyalty. It means that customer satisfaction is essential to take into account. Customers who are satisfied with the facilities and environment of the hotel will also benefit the hotel business.	Law - Environment
Wan, Yim. King, Penny. (2007)	The use of environmental management as a facilities management tool in the Macao hotel sector	Compliance with rules and regulations and ethical collaboration to improve the hotel's environment will benefit the public.	Social - Environment
Elva, Esther. Vargas. Martinez. Lilia, Zizumbo. Felipe Carlos, Viesca. Rocio del Carmen, Serrano. (2011)	Environmental management in the Mexican tourism sector: Effects of regulation on hotel performance	Complying with the regulations and considering the public on the environment will encourage the hotel industry to benefit.	Social Environment

Source: Researcher

As mentioned above, a summary of relevant research from overseas demonstrates law enforcement and compliance, which all parties must consider. If not, it would negatively impact the hotel business and create problems in the community's social, economic, and environmental aspects. Most importantly, the hotel business's security of lives and premises is directly related to guests and staff working in the hotel.

2.5 Analysis of Hotel Business Operations from Various Parties

2.5.1 Comments from the government sectors

Bantoon Narisarakura, Director of Public Security Division 3, Bureau of Investigation and Legal Affairs, Department of Administration, Ministry of Interior, said that the Ministry of Interior had the conventional policy to solve the hotel organization's problem in Thailand. The opinion should be pushed to operators of hotels, homestay, and a small hotel that is not correctly registered to be listed as properly registered. Currently, there are 7,000 non-registered hotel businesses or not in the hotel business system. At the same time, Anawut Buraphachon, Civil Engineer Specialist, Department of Public Works and Town Planning mentioned the same direction that hotel law and building control law are related. Some types of rental properties are not meet the legal requirements to operate as a hotel, such as living space, number of rooms, town plan or parking space. It is because they are converted into a homestay or a small hotel that will have to legalize building control law and be registered as a business operator.

Therefore, the Department of Public Works and Town Planning has issued the Ministerial Regulation to specify other types of buildings used for the hotel business, 2016 to indulge and ease hotel business operators' laws. To adapt into legitimate such as the walkway in the original building is not more than 1.5 meters, but the new Ministerial Regulation indulgent to not less than 1.2 meters, making it possible for the operator to adjust the house to a homestay which can be registered to legalize. The most accessible modification of the building is to transform the apartment into a small hotel. Therefore, the government has allowed private sectors to adapt. (Online Manager, 2017).

Saranyu Meethongkam, District Chief Officer of Chiangmai, has expressed his opinions openly to Prachachat Business News Paper (2016) that Chiang Mai is undergoing on hotel business without a license. It was by command of local Authority organizations to inspect buildings that apply for construction permits. The LAO database found some new hotel buildings and buildings modified to operate as a hotel, which more than 100 places are operating illegally in Chiang Mai. After this, there will be strict inspection, and all must be logged into the application correctly. It is because the new laws are flexible to the hotel business operators than previously. The province allows the entrepreneurs to apply for a hotel business license within 30 days, with the committee to check. If passed the criteria, it will be presented to the provincial committee to issue the hotel business license (Prachachat Business, 2016). While Phakkatorn Theinchai, the Governor of Chonburi said that in Chonburi, there are 1,100 hotels with 130,000 rooms which 200 hotels are valid for permits or considering 20%. After meeting with the Association of Tourism Business and Hotels in Pattaya, all hotel operators are required to enter the system correctly. Still, it was struggling with the law which there was a penalty for violated in the past.

For the past law enforcement, Bantoon Narisarakura, Director of the Division of Peace and Order, Ministry of Interior has stated that the illegal hotels have failed into two groups. The first group cannot apply for licenses because of problems with city planning and building control laws and the second group intentional avoid law enforcement. The trend of illegal hotels has increased from 3,710 hotels in 2011 to over 10,000 hotels and more than legal hotels considered at 10,300 hotels, so the new ministerial regulations have been promulgated to allow operators to enter the system more accurately. (Prachachat Business, 2016)

In Phuket, the Manager Online newspaper dated 29 November 2016 (Manager Online, 2016) has interviewed Chokchai Dechamornthan, Phuket Governor. He said that “After being appointed as the Governor of Phuket, I have received a central policy command to perform the inspection on other types of buildings such as commercial buildings, guest houses, apartments, condominiums that open daily to operate as hotels. It has caused damage to legal hotel operators and enormous government because today many people bring other types of buildings to sell daily as hotels. The survey found that Phuket hotels that are currently open, there are 424

hotels legally registered, a total of 45,740 rooms divided into Mueang Phuket District, 204 hotels, a total of 19,395 rooms, Kathu District 148 hotels, a total 19,939 rooms and Thalang 72 hotels, a total of 7,500 rooms. In this regards, 1,366 hotels operate without permission illegally with unknown room numbers. However, it is estimated that not less than half of the rooms are correctly registered. The province has all the mentioned hotels list, but it can not be released by now. To allow all 1,366 unregistered hotels to log in, Phuket Provincial has announced using other building types to operate as a hotel to let the hotels that operated without a license can be applied and adapted into legitimate as the regulations are indulgent. By virtue of the authority under the Building Control Act, 1997, the Minister of Interior issued the Ministerial Regulations prescribing descriptions of other types of building used for a hotel business operation, 2016, become effective on 19 August 2016. It is understood that by this regulation, the other types of building can be modified to operate as a hotel". As the relationship between the hotel business and the income derived from tourism in Thailand, Pongpanu Svetarun, Permanent Secretary of the Ministry of Tourism and Sports (at that time), stated that the hotel business is an essential part that generating income for Thailand for 30-40 per cent of the tourism sector. Therefore, we have to proceed with legitimate, which is a benefit for tourism. (Prachachart Online Business, 2016)

2.5.2 Comments from the private sector

Regarding the private industries involved in the hotel business in Thailand, Siam Commercial Bank's Economic Forecasting Center, Thailand (2011) on December 20, 2011, by Vidhan Charoenphon wrote an article analyzing the hotel overflow and solving solutions. He stated that the hotel rooms are overflowing with tourists because of their choice of alternative accommodation such as serviced apartments. They can quote the room rate lower than hotels by 40-50%, because of low operating costs and low expenditure such as restaurant size, less staff and located in the city's heart. Therefore, law enforcement should be applied to serviced apartments the same as hotels in complying with the Hotel Act, 2014. From a survey on the hotel price in Bangkok which selling online compared to Singapore, it found that the room rates per night (excluded tax and service charge) of a 5-star hotel in

Thailand selling from 1,699-12,300 baht, while a 5-star hotel in Singapore starts selling from 4,853 to 15,886 baht. This low price structure and very difficulty adjusting will affect the hotel business's revenue, which usually has a high operating cost. As a result, some hotels are intended to invest in serviced apartments, such as the Amari Group or the MINT Group (SCB, 2011).

According to the overview of the hotel market in Phuket in 2016, the Real Estate Investment Trust (REIT), March 29, 2018, also mentioned increasing tourist arrivals since 2015 and the increase in domestic and international flights. It will be good for the hotel business in Phuket. It is predicted that the average rate per night in Phuket will increase, and Phuket supply also increases tremendously. The trend of Phuket hotel development in the future has a direction to the northern part of the island, such as Mai Kao beach, Nai Thon Beach, and Nai Yang beach. It is because those beaches still having a lot more space available. Meanwhile, Patong is quite dense.

Knight Frank Carter Thailand (2016) has forecast that Phuket's 5-star hotel occupancy rate will increase to approximately 75 per cent due to the expansion of tourists in coming to Phuket, support from the tourism industry and the government infrastructure support. These have been made Phuket well-known for its modern facilities, such as the expansion of Phuket International Airport, Patong tunnels, expressways, and yachts marina.

While "Thai Hotel Business Analysis" by Kasikorn Research Center (2015) mentioned that the government policy proposes tourism growth in the main cities, including the tourism stimulation in the secondary cities. As a result, the hotel business in the regional provinces expanded. Still, the hotel business is facing the challenge of increasing occupancy rates and room rates and tourists' distribution. It could result in a decrease in room revenue per unit of the existing hotel business or slower growth overall. Also, the cancellation of booking through the intermediary of hotel reservations through the Internet on free of charge basis will motivate tourists to do the pre-booking in several hotels. Then decide to pay for the most pleasant hotel, which is created an impact on other hotels that have been cancelling the last minutes before the journey. As a result, the hotels that have been pre-booked and cancelled

last minutes are losing the opportunity to gain the income as expected from other travellers.

Also, Kasikorn Research Center predicts that by 2016, the hotel industry will have a net profit of Baht 537,000-544,000 million, at a growth rate of 4.7% -6.0% increases from the previous year. It is driven by a reduction in reliance on internet intermediaries. It is a challenge ahead as small and medium business hotels can create an identity to attract new visitors. Meanwhile, small and medium-sized hotels, which are marketing penetrate in general, give more value at a low price. As a result, the hotel business has become more diversified by reducing reliance on online travel agents (OTA) while still having the most access to the tourist base. The hotel business must prioritize advanced sales such as pre-sales contracts with wholesalers, agents, tour operators, corporate clients, and pre-sales of the tourist festival.

Matichon Online (2017) stated that "Regulating the hotels in Phuket to become registered hotels" will benefit all parties from connecting the country's hotel business and tourism revenue. According to the survey, non-legitimate hotel operators will not receive any support from government agencies. Therefore, it is necessary to take legal steps to obtain a hotel business license. The measure to push hotel operators into the legal system has been set up by the government to various agencies, especially in government. If there is a meeting or seminar, it will be held only at the hotel with a legal business license. Also, the authorization of bureaucrats who travel for government purpose must stay only the hotel with a legal business license. The provincial office will not support sales and public relations for illegal hotels. Any permit approval considered by the government agency, which the hotel operators apply, the hotel business license is required for every request. At the same time, Post Today (2017), "Analyzing hotel business in Phuket" found that there are 2,000 hotels in Phuket today, with almost 200,000 rooms. Even though the economy is not very sluggish, smaller hotels cannot compete with larger hotels.

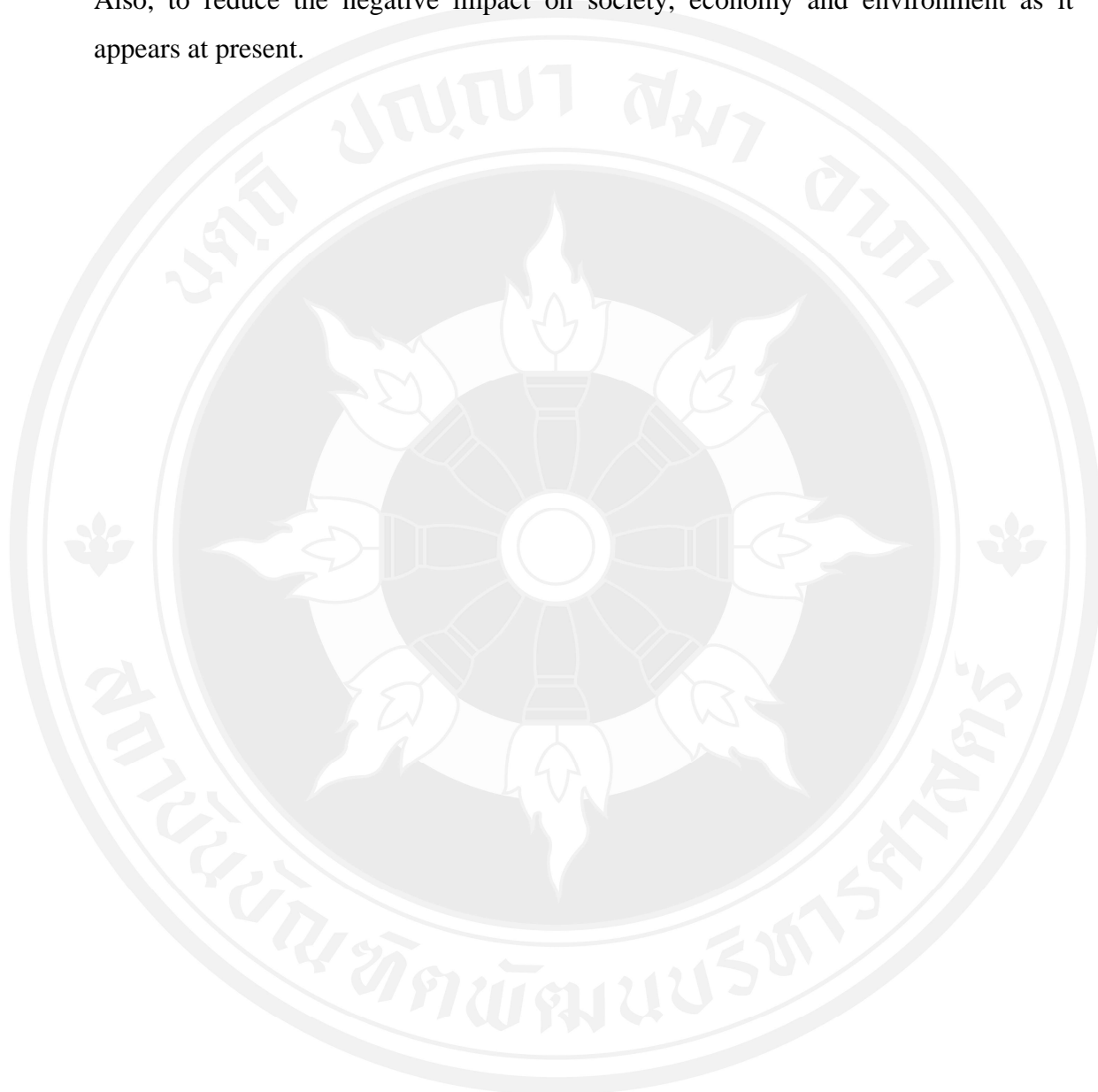
As a result, some hotels have to announce selling their property because of low business income and asking to restructure with the bank's loan. It has also found that the hotel property available for sales by entrepreneurs to change the investment into real estate, which profits more than 30%. In the part of hotel industry marketers, such as Marketia (2017) stated in a journal, "Analyzing a Hotel Business in 2017", It

has seen that from the tourist situation in 2017, both foreign and the Thai tourists are continuing to improve. The revival of the market, organizing events such as conferences, seminars, and weddings may increase the services' better revenue. As a result, the government is stimulating the tourism industry from high-end foreign tourists such as yachting, sports tourism, MICE, health tourism, honeymooners and weddings are likely to boost the use of 4-star hotels in the more significant economic and tourism hub. "Bill Barnet from C9 Hotelworks" stated on analysis of "The Crisis of Hospitality and Tourism Phuket" has found that to apply for a hotel business license legally has complicated rules that delay and the obstacle to the process of licensing. The existence of the hotel business, apartments, and condominiums, which real estate developers have rent a room with the lease agreement and the AIRBNB business.

More than 200 tax treaties with cities worldwide, such as AIRBNB Paris, have to pay tax on reservations and remittances to local governments. The factor that makes the hotel service illegal is that the operator does not want to register as they wish to avoid tax payment. Also, these hotels are not certified through the IEE and EIA. However, there are arguments from Jone Lang Lazard (2015), a consultant and real estate services specialist for JLL, who said that the new hotel in Phuket had grown steadily. The average number of completed rooms is more than 1,700 rooms per year. The demand for tourists is relatively high, and the supply of hotel expansion is sufficient. The international hotel chain like Hyatt, Hilton, and Sheraton continues to run the hotel business in 2018, and the political unrest has been limited only in Bangkok. It does not affect Phuket as it should. So, the hotel business in Phuket continues to operate. Kiat Nakin Co., Ltd. has organized a KK Annual Seminar (2016), which has discussed a new generation tourist who favours backpacker vacation, by searching the information from the internet and book a budget hotel from the hotel website has increased. Including support from the government is tax reduction from travel expenses on long holiday measures and the continuing promotion of Thailand's Tourism Authority.

From the above information, the researchers concluded that both public and private sectors are agreed that there should be an appropriate enforcement approach for those who are going to apply for a hotel business license. Those who are applying

for the hotel business and those operating the hotel business without the hotel business license today may have the opportunity to adapt the company to the legal process. This procedure has required stakeholders to cooperate to operate a hotel business in Phuket and develop in the right direction for stability and sustainability. Also, to reduce the negative impact on society, economy and environment as it appears at present.



2.6 Research Framework

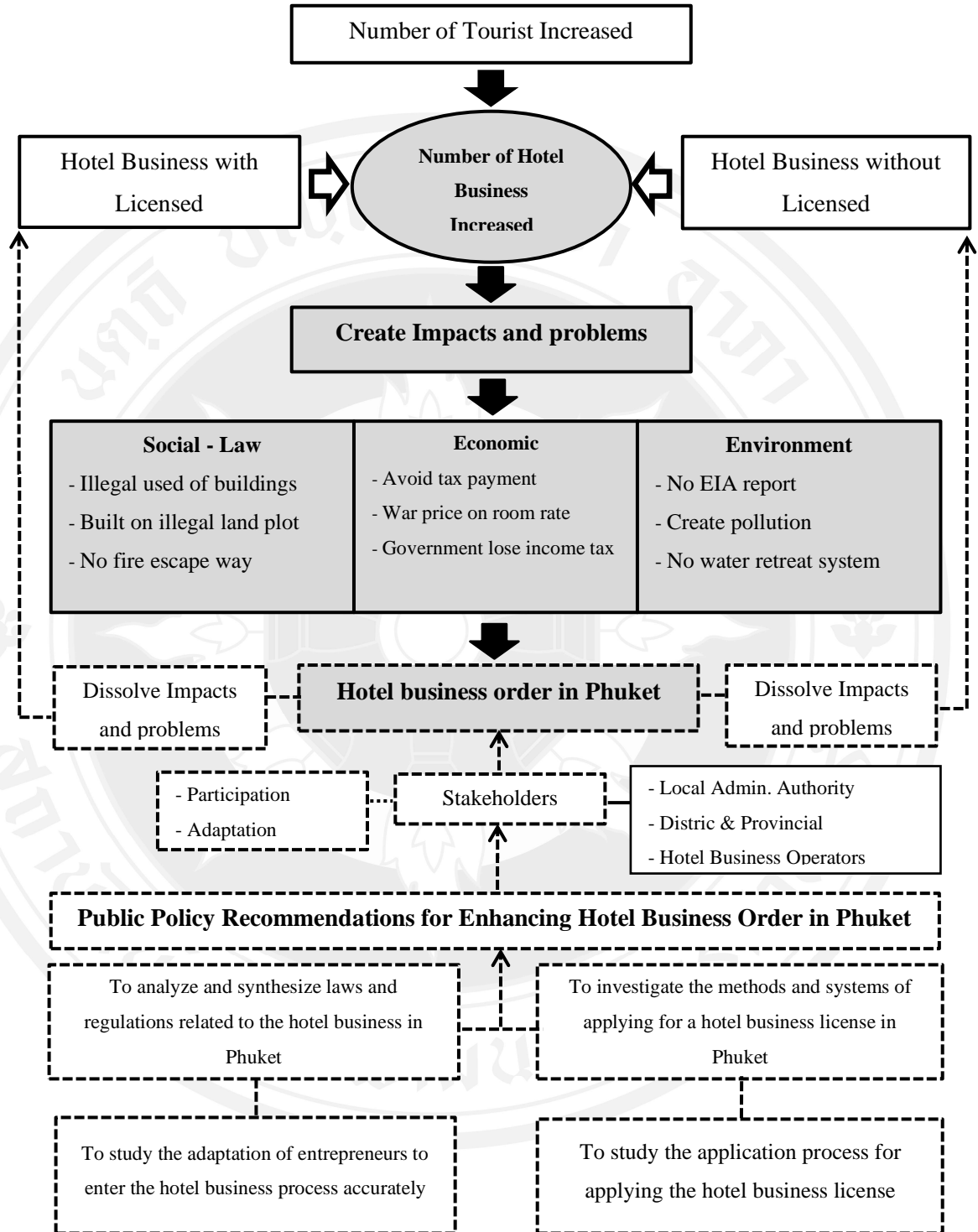


Figure 2.6 Conceptual of Research Framework
Source: Researcher

2.7 Summary of Chapter 2

In this chapter 2; the literature review, related research, the concept of social order, the concept of participation and participation theory include the opinions of the stakeholders in the hotel business both public and private sectors domestic and international which are found that entrepreneurs must comply with the law, rules and regulations. Those involved are required to strictly enforce the law to make the process as accurate as possible. There are three parties involved in the process: (1) Government officials who enforce the relevant regulations: the governor or the deputy governor, the hotel registrar officer, the land officer, the resource and environmental officer, and the district officer. (2) A local authority where the hotel is located. (3) The entrepreneur or hotel business operator applying for a hotel construction permit and a hotel business license. Two of these related parties, the government, and the local authority have their laws and regulations that can be enforced independently by each agency's authority. It has become a complex issue and has affected the third group, the private sector, or the hotel business operator applying for a hotel business license. In addition to the analysis, most of the literature review is concerned about building and fire safety protection, and the environmental protection on wastewater treatment.

Moreover, there are seven laws involved and enforced in the application for hotel business operation in Phuket. Law enforcement on building safety, fire safety, sanitary regulations and environmental conservation are applied in two processes: (1) the hotel construction permit process and (2) the hotel business license applying process. Two parties enforce the laws, rules and regulations: (1) provincial and district office and (2) local authority office. The hotel building construction permit is applied at the local authority office, and the hotel business license is applied at the district under the provincial office's approval.

CHAPTER 3

Research Methodology

3.1 Introduction

This chapter explains the research methods that will be used to conduct the research process of the subject: Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand. In general, the research methodology will present the qualitative research method used in this research study on population groups, data collection from the population and the stakeholders in the hotel business in Phuket to understand hotel operators' practices in applying for a hotel construction permit and hotel business operation license. Including searching for answers from government agencies about the process and procedures for issuing hotel business licenses. Study and analyze the laws, rules, and regulations directly related to applying for hotel building permit and hotel business licenses and find out the problems and obstacles in this process. The conclusions obtained from the research process will be formulated as a model of the policy recommendations for enhancing the hotel business order in Phuket, Thailand.

In this research methodology, the researcher focused on finding relationships among stakeholders in applying for a hotel building permit and hotel business license in Phuket and finding out what some of the problems and obstacles arise in this process. Therefore, in-depth interviews with semi-structured questions with the four stakeholder groups; the district and provincial government officials, local government officials, and hotel business operators with and without licenses and the private sector involved in operating a hotel business in Phuket will make it possible to obtain the required information by these population groups which they come from three districts in Phuket Province, namely Muang Phuket District, Thalang District and Kathu District. Therefore, the selection of qualitative research methods for conducting research studies consists of two parts: (1) documentary research and (2) semi-structured in-depth interview to obtain the necessary information. The research methodology's main framework will start by

analysing the laws, rules, and regulations used to apply for a hotel construction permit and hotel business license and review all relevant literature. However, there has never been a direct research study on this subject or less of the academic journal regarding the hotel business collocation. Most of the journal and research has been conducted in term of Customer's Satisfaction, Human Resources, Hotel Environment Preservation but some of the journal and research has been done in the scope of Hotel Safety and Environmental Preservation for a Hotel. The researcher used the semi-structured in-depth interview, focus group discussion, and small group discussion to the population selected by purposive sampling. It examines the primary and secondary data because the study in the hotel business collocation must rely on the experts, government officials who worked directly with laws and regulations in the process, including the private sectors that are an entrepreneur who has experienced. Notably, the critical issues complex in legislation and practice enable the researcher to obtain qualitative data and methods of action directly from experts. In this regards, the study is also finding out the adaptation of the hotel business operators who want to conduct the business legitimately. Therefore, the synthesis of laws, rules, and regulations will be conducted to allow the illegal hotels to adapt to the hotel business process legitimately.

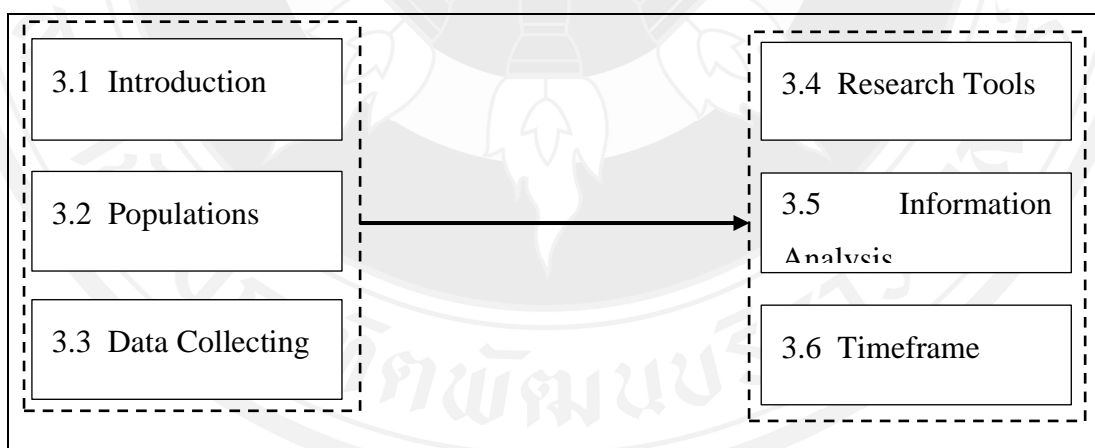


Figure 3.1 Structure of Chapter 3

Source: Researcher

3.2 Populations

The populations involved in this study are the laws, rules, and regulations related to the hotel business licensing application and a group of hotel business operators, and a group of government officials involved in a hotel building permit and hotel licensing issuance in Phuket.

The sampling selection method was chosen by considering the suitability in theory mainly (theoretical oriented) and purposive sampling by using the semi-structured in-depth interview, focus group discussion and small group discussion on obtaining necessary information and detailed analysis as follows;

3.2.1 Population selection on Objective 1

3.2.1.1 Synthesize the laws and regulations relating to the application of the hotel business operation license which are;

- (1) Building Control Act, 1979 (B.E. 2522). Ministry of Interior.
- (2) Hotel Act, 2004 (B.E. 2547). Ministry of Interior.
- (3) The Ministerial Regulation prescribing the types and rules for hotel business operation, 1999 (B.E. 2599). Ministry of Interior.
- (4) Ministerial Regulations prescribing other types of building used for hotel business operation, 2016 (B.E. 2599) and Ministerial Regulations prescribing other types of building used for hotel business operation (Version 2), 2018 (B.E. 2561). Ministry of Interior.
- (5) Ministerial Announcement on rules and procedures for considering requesting a license and issuance of the hotel business licenses, 2009 (B.E. 2522). Ministry of Interior.
- (6) Public Health Act, 1992 (B.E. 2535)
- (7) Promotion and Conservation of the National Environmental Quality Control Act, 1992 (B.E. 2535). Ministry of Natural Resources and Environmental.

3.2.1.2 Conduct the semi-structured in-depth interview with the persons involved in applying for a hotel business license. A total of 15 persons from

government sectors and local authority related to the procedure will be on purposive sampling to categorize the data by coding analysis consist of;

- (1) Phuket Governor.
- (2) Chief of Phuket Provincial Administrative Office.
- (3) Chief of Phuket Provincial Public Prosecutor.
- (4) Chief of Phuket district office or representative.
- (5) Chief of Thalang district office or a representative.
- (6) Chief of Kathu district office or a representative.
- (7) Mayor of Phuket Metropolitan or representative.
- (8) Mayor of Patong Municipality or representative.
- (9) Director of Natural Resources and Environmental or representative.
- (10) Director of TAT, Phuket.
- (11) Director of Tourism and Sports, Phuket office.
- (12) Chief of NPCO Squad, Army 4th Region, Phuket quarters.
- (13) Chief of Kathu Hotel Registrar Section.
- (14) Chief of Hotel Regulations and Laws section, Department of Provincial Administration or representative.
- (15) Chief of Operation, Civil Works and Town Planning, Phuket office or representative.

3.2.2 Population selection on objective 2

Analyze the steps in applying for a hotel business license by interviewing hotel business operators in Phuket and government officials involved in purposive sampling selecting a population of 35 samples, and then using the semi-structured in-depth interview tool interviewing. Keep continuing the interview until the data is repeated or reach the saturation point and then stopped. Data Saturation in an interview is the saturation from the data collection by interview through an in-depth interview. The research will reach the saturation point when the interview does not add any new information. If asking or collecting additional information does not provide any new research results, it means that the data saturation point is reached. In this research, the informants' information data was concerned with the research

question regarding applying for a hotel building permit and hotel business license process and the problems and obstacles from laws, rules, and regulations.

After that bring the information that has obtained to process with the content analysis method to classify the data by the content analysis method, which is consist of;

3.2.2.1 The first group: consists of the government officials and the local administrative organization, which is involved with the process of hotel business operation permits and licensing a total of 15 samplings which are as follows;

- (1) Representative of Phuket Provincial Office.
- (2) Representative of Phuket Provincial Administrative Office.
- (3) Representative of Phuket Provincial Prosecutor Office.
- (4) Representative of Musang Phuket District Office.
- (5) Representative of Thalang District Office.
- (6) Representative of Kathu District Office.
- (7) Representative of Phuket Metropolitan.
- (8) Representative of Patong Municipality.
- (9) Representative of the Natural Resources and Environmental Office.
- (10) Representative of Tourism Authority of Thailand, Phuket Office.
- (11) Representative of Tourism and Sports, Phuket Office.
- (12) Representative of NPOC Squad leader, Army 4th Region, Phuket Quarter.
- (13) Representative of Hotel Registrar Section, Kathu District Office.
- (14) Representative of Hotel Registrar, Phuket Office.
- (15) Representative of Civil Works and Town Planning, Phuket Office.

3.2.2.2 The second group: consists of the hotel business operators that having a legal hotel construction permit and hotel business license, a total of 5 hotels which are as follows;

- 1) AC Resort and Spa

- 2) PRH
- 3) PKMH
- 4) PGL Resort and Spa.
- 5) TFV Resort and Spa.

3.2.2.3 The Third group: consists of hotel business operators that operate the business without a hotel business licensed total of 13 hotels which are as follows;

- 1) 2RBTH
- 2) FPH
- 3) CR
- 4) FNR
- 5) TCH
- 6) BZT Patong
- 7) WWR
- 8) KRP
- 9) TMH
- 10) KB Resort
- 11) FBH
- 12) RSBH
- 13) KWH

3.2.2.4 The fourth group: consists of private sectors involved directly in hotel and tourism business which also has its member operate a hotel business both with and without a license, a total of 2 organizations which are as follows;

- 1) Thai Hotel Association, Southern chapter.
- 2) Phuket Tourist Association.

3.2.3 Population selection on objective 3

To study the guidelines for entrepreneur adaptation to enter the hotel business operations legitimately under the Hotel Act, 2004 (B.E. 2547) and the Ministerial Regulations, Ministry of Interior.

3.2.3.1 Sampling population of 15 officers will be selected by purposive sampling from the officials involved in the process of hotel business

operation permits and licensing (same group as 3.2.2). Semi-structured in-depth interviews tool will be used to get the data until the information is repeated then stop. The content analysis will be carried out.

3.2.3.2 Selecting 18 hotels business operators from the group with licensed and without a license by purposive sampling and conduct the semi-structured in-depth interview. Then use the content analysis to define the data.

3.2.4 Population selection on objective 4

To bring the information obtained from the analysis of the form and method of adjustment of the hotel business operators into the legal process to draft a Public Policy Recommendation to Enhance the Hotel Business Order in Phuket, Thailand

3.2.4.1 Establishing a small group discussion in the hotel business group with a hotel business license and does not have a hotel business license. A total of five hotel business operators will be selected by convenient sampling. Then bring the data from the analysis to present the information that may still be an issue to improve and complete.

3.2.4.2 Establishing a focus group to analyze the adaptation to the legal process of hotel operators in Phuket by government officials who formulate policies from the Ministry of Interior, government officials in Phuket, Local Administrative Authority and the Private Sectors involved in the process of requesting permission to operate hotel business in Phuket, consisting of twelve people, which are;

- 1) A representative of the Audit, Monitoring and Evaluating Committee, Ministry of Interior.
- 2) Phuket Provincial Administration office or representative
- 3) Phuket Public Works and Town Planning, or representative
- 4) Phuket district office or representative
- 5) Kathu district office or representative
- 6) Thalang district office or representative
- 7) Mayor of Patong or representative
- 8) Natural Resource and Environmental, Phuket office or representative
- 9) Thai Hotel Association, Southern chapter or representative

- 10) Phuket Tourist Business Association or representative
- 11) Phuket Provincial Industry Council or representative
- 12) Secretary of the AMEC committee

3.3 Data Collection

In the implementation of this research study plan, the researcher will use the qualitative research method to collect data which will be divided into two parts; 1) Documentary data collecting and 2) Fieldwork data from semi-structured in-depth interviews as follows;

3.3.1 Documentary data collecting

The researcher will research and compile technical documents, research theories, laws, rules and regulations related to the application for a hotel building permit and hotel business license procedures in Phuket from secondary data.

3.3.2 Fieldwork data collecting

1) Data are collected by a semi-structured in-depth interview with the government officials and local authority involved with the hotel operation permission applying procedures at a total of 15 people.

2) Data collecting by conducting semi-structured in-depth interviews; 1) hotel business operator without a hotel building permit and hotel license totalling 13 hotels to find informative data on the hotel operation concerned with laws, rules and regulations, and problems obstacles in adaptation to legitimate hotel business operation. 2) hotel business operator with a hotel building permit and hotel business licence a total of 5 hotels to find informative data on hotel business operation's legal process. 3) private sector related to the hotel and tourism industry a total of 2 organizations.

3) Data collection from small group discussion from 5 hotel business operators both with and without a license by convenience sampling to find

informative data on the hotel operation concerned with laws, rules and regulations, and problems and obstacles in adaptation to legitimate hotel business operation.

4) Presenting the final information in a focus group meeting with hotel business stakeholders consists of the private sectors, government sectors, and local authority involved with the hotel and tourism industry.



Table 3.1 Research Methodology

Objectives	Methodology	Population	Sampling Size	Sampling Technic	Tools	Type of Analysis
1. To analyze the laws, regulations and regulations related to the application for permission to operate a hotel business	Qualitative	Lawyer, Hotel registrar officer, Attorney, Local Authority	15 persons	Purposive sampling	Semi-structured in-depth interview	Content Analysis
2. Analysis of the process of applying for the hotel business license	Qualitative	Hotels with license and without a license, Officers of units involvement and private sectors	32 persons	Purposive sampling	Semi-structured in-depth interview repeatedly until the data was reached the saturation point then stop.	Content Analysis
		Hotels with license and without a license, Officers of units involvement and private sectors	30 persons	Purposive sampling	In-depth Interview repeatedly until the data was reached the saturation point then stop.	Content Analysis

Objectives	Methodology	Population	Sampling Size	Sampling Technic	Tools	Type of Analysis
3. Analysis of the orientation of the operator. Hotel business from the conclusions of 10.1 and 10.2 to draft the procedure for obtaining permission.	Qualitative	Hotels with license and without a license, officers of units involvement and private sectors	3.1 Total of 15 people	Purposive sampling	In-depth interview repeatedly until the data was reached the saturation point then stop.	Content Analysis
<hr/>						
			3.2 Total of 18 people	Purposive sampling	Semi-structured in-depth Interview	Content Analysis
<hr/>						
4. Draft proposal of the public policy recommendations to enhance the hotel order in Phuket	Qualitative	Lawyer, Hotel registrar officer, Attorney, Local Authority	4.1 Total of 5 persons	Convenience sampling	Small group discussion	Coding Analysis
			4.2 Total of 12 persons	Purposive sampling	Focus group	Content Analysis

Source: Researcher

3.4 Research Tools

3.4.1 Semi-structured interview

The interview is divided into four sections.

3.4.1.1 First section is the personal information and business experience of the informant in a hotel operation.

3.4.1.2 Second section is a semi-structured question concerned with applying for hotel business operation licensing from the beginning to the end of the process.

3.4.1.3 Third section is semi-structured questions concerned with problems and obstacles in applying for a hotel building permit and hotel business license.

3.4.1.4 Fourth section is the suggestions or opinions of the informants regarding the process of applying for a hotel building permit and hotel business license.

3.4.2 Operating devices

3.4.2.1 Digital voice recorder with battery backup.

3.4.2.2 Camera, stills and motion pictures during the interview.

3.4.2.3 Paper and pen to note the topics, discussions, and issues.

3.4.2.4 Gifts for interviewees.

3.4.3 Establish small group discussion and focus group.

Conduct small group discussions and focus group discussions on hearing the final suggestion

3.5 Data Analysis

In this research study, the researcher will subtract the data which has been collected from the primary data and secondary data; to do data analysis by analyzing the content with the method of Mile & Huberman (1994). It is to answer research questions from the findings with an analysis and interpretation method from the collection of laws and regulations related to the hotel business permits and the hotel business operation licensing, including the content analysis of the text which has been recorded systematically, recorded from observations from the interview and text data from voice recorders. Then, read it thoroughly to understand, to find the pattern, theme, including the core consistency and the core meaning in the studied phenomena (Supang Janwanitcham, 2010; Amawasi Umphansirirat, 2014) with details as follows;

3.5.1. Organising data

3.5.1.1 Organise biological data with the interview transcript from the digital recorder and compile the interview information.

3.5.1.2 Organise content data by entering the information code and identifying critical issues, find meaningful messages that align with the core issues. Then define the code for each semantic.

3.5.2 Information disclosure

Grouping data that has been encoded based on core issues and secondary issues. Then compile a table to compare each group's meaning to look for ideas to answer research questions. Then link the related concepts.

3.5.3 Data processing

Describe the following sequence of questions in the research as follows;

3.5.3.1 The criteria of laws, rules, and regulations related to applying for a hotel building permit and hotel business license in Phuket legally.

3.5.2.3 The requirements, problems, and obstacles of applying for a hotel building permit and hotel businesses license.

3.5.3.3 The guidelines for adaptation of the hotel business operators in Phuket Province to be legitimated under the Hotel Act, 2004 (B.E. 2547) and the Interior Ministerial Regulations prescribing descriptions of other types of the buildings used for hotel business operation, 2016 (B.E. 2559).

3.5.3.4 Draft the “Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand”.

3.5.4 Trustworthiness

It is essential to verify the reliability of data in qualitative research. Because the qualitative research studies did not focus on statistical data or the use of numbers to confirm the exact study results. However, qualitative research studies focus on observation, interviews and note-taking, making building the credibility of data in qualitative research studies so important. Therefore, the researcher has adopted practical guidelines to build the trustworthiness of the data according to the guidelines of Lincoln and Guba (Lincoln & Guba, 1985, as cited in Nowell et al, 2017) which refined the concept of trustworthiness as follows;

1) Credibility

For informants to believe in providing accurate information, the interview process will begin with the interviewee's introduction by explaining the interview process, objectives and relationships with the interviewee. Moreover, the interview will be in the form of a casual conversation. So that the interviewee can present the information fully without obscuring it.

2) Dependability

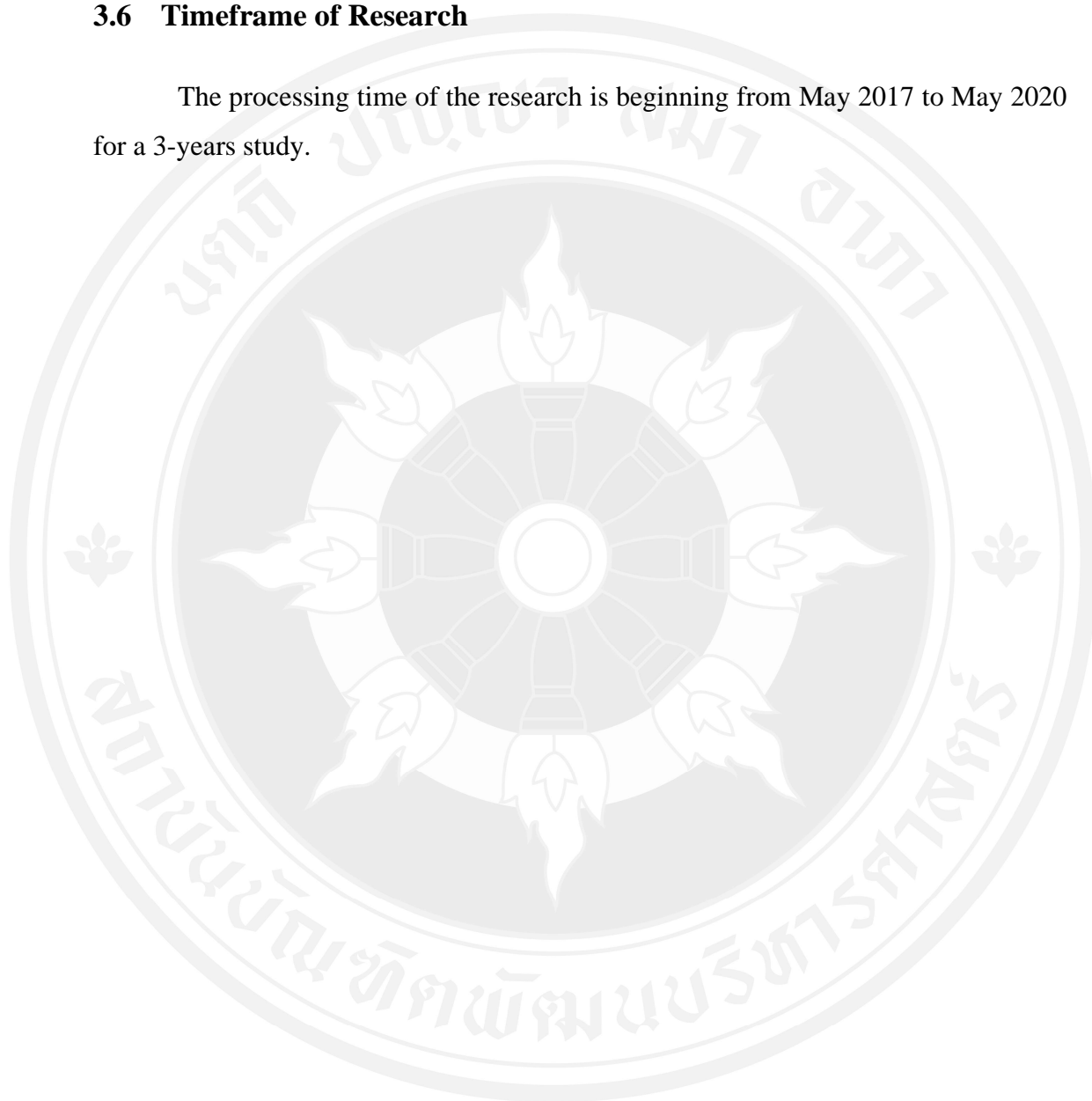
The researcher will use the data triangulation method by allowing Research Assistants to collect the data and compare the obtained data to verify the accuracy. The researcher will also use information obtained from interviews on the same subject from people in the same position with the same authority but in different areas of responsibility, then use the information to compare and find the difference to verify the data's accuracy.

3) Confirmability

Confirmability means that the research result's confirmation must be transparent and verifiable evidence and verification of the informant through the data collection process.

3.6 Timeframe of Research

The processing time of the research is beginning from May 2017 to May 2020 for a 3-years study.



CHAPTER 4

Research results

4.1 Introduction

The purpose of this chapter is to analyse, interpret and summarise the main content of those stakeholders involved in the process of a hotel business operation process by using the qualitative research methodology to collect data from the licensed hotel business operators, non-licensed hotel business operators, government officials, and local administrative authority. Findings from a semi-structured in-depth interview with semi-structured questions are responded to the objective and propose public policy recommendations to enhance the hotel business order in Phuket, Thailand. The data collection was also obtained from a small group discussion with government and private sectors for analyse and summarise by content analysis which describes the qualitative data analysis process consisting of 3 main components which are; (1) Data organising which is management processes using various methods to make the information organised, both physically and in content ready to display and present systematically (2) Data display which is the process of submitting data; most of them are in the form of depictions as a result of linking the organised information together according to the conceptual framework used in the analysis to look at the story of the study according to the meaning that the information has been well organised, and (3) Finding conclusions, interpretations, and verification by checking for correctness which are the process of finding conclusions and the interpretation of the results or findings obtained from the data display, including checking the conclusions obtained are accurate and to the point how reliable the findings and interpretations may be in the form of explanations, conceptual frameworks or theories about the subject being analysed in order to answer research questions from the results by analysis and interpretation from the collection of laws and regulations related to a hotel building permit and hotel business license applying. Including

content analysis of information that has been recorded systematically, such as notes recorded from observations or the interview and note-taking statements from audio recordings. To search for patterns, core consistency and core meanings in the studied phenomena (Mile & Huberman, 1994, as cited in Amawadee Umphansirirat, 2014)

This research is divided into four parts; Part 1: is an introduction that explains the operations in Chapter 4. Part 2: shows the analysis and interpretation results from documents relating to the laws and regulations that hotel business operators need to know and must comply with. Part 3: the descriptive result is obtained from the analysis, interpretation, and summary of content from semi-structured in-depth interviews to understand the problems and obstacles in adapting to the legal hotel business process. Part 4: will be the research discussion based on the objectives.

For research studies on Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand, the research objectives are 1) To synthesise laws, rules and regulations related to hotel operations in Phuket to know the correctness of the procedures and processes. 2) To study and analyse the problems and obstacles in applying for a hotel building permit and hotel business license in Phuket from relevant agencies, including the procedure for applying for a hotel business license under the Hotel Act, 2004 (B.E. 2547). 3) To provide suggestions for hotel business operators on adjusting to enter the hotel business process legitimately under the Hotel Act, 2004 and the Interior Ministerial Regulations prescribing on other types of buildings used for hotel operations, 2016. 4) To create a policy recommendation for enhancing the hotel business order in Phuket, Thailand, to the government use as a guideline for hotel business operators in adapting to a legitimate hotel business operation. The above data has been compiled and presented as follows;

4.2 Research Results

4.2.1 Study results according to Objective 1

To synthesise laws, rules and regulations related to hotel operations in Phuket from secondary data.

This research used qualitative research methodology. Therefore, this part of the study collects secondary data from laws, rules and regulations according to the first objective. To synthesise laws, rules and regulations related to hotel business operation in Phuket from research questions "What are the appropriate laws, rules, and regulations relevant to applying for a hotel business license in Phuket?" in order to know the correctness of the laws, rules and regulations related to the application for a hotel building permit and hotel business license in Phuket by conducting and analysing the laws, rules, and regulations from relevant documents the government agencies that have the power to enforce the law. The conclusions are as follows;

4.2.1.1 The results of analytical studies on the laws and related to the application for hotel business operation (Table 4.1) are as follows;

Table 4.1 Relevant Laws in Applying for Hotel Building Permit and License

Relevant law	Organisation
1. Hotel Act, 2004 (B.E. 2547)	Ministry of Interior
2. Building Control Act, 1979 (B.E. 2522)	Ministry of Interior
3. Ministerial Regulations Prescribing Descriptions of Other Types of Buildings Used for Hotel Business Operation, 2016 (B.E. 2559)	Ministry of Interior
4. Ministerial Regulation Prescribing Descriptions of Other Types of Buildings Used for Hotel Business Operation (Version 2), 2018 (B.E. 2561)	Ministry of Interior
5. Ministerial Regulations on Specifying Categories and Regulations for Hotel Business Operations 2008, (B.E. 2551)	Ministry of Interior

Relevant law	Organisation
6. Notification on Prescribing Rules and Procedures for Consideration of Requesting a License and Issuance a License to Operate Hotel Business, 2009 (B.E. 2552)	Ministry of Interior
7. Promotion and Conservation of National Environmental Quality Act, 1992 (B.E. 2535)	Ministry of Natural Resources and Environment
8. The Public Health Act, 1992 (B.E. 2535)	Ministry of Public Health, Municipality, Sub-district Administrative Organization

Source: Researcher

The study found that the laws related to the hotel business operation and license applying must be started with the Hotel Act, 2004 (B.E. 2547), which has specified all conditions and process of conducting the hotel business. Should the hotel business operator found that the establishment requesting permission does not meet the requirements and rules of the hotel business under (3), Section 4, Hotel Act B.E. 2547, which is specified in the Ministerial Regulation specifying category and regulations for hotel business operations, 2008 (B.E. 2551) as following details;

- (1) Must be an accommodation.
- (2) The accommodation not more than four rooms in the same building or many buildings in total.
- (3) The total number of guests is not more than 20 people.
- (4) Established to provide temporary accommodation for travellers or any other persons.
- (5) Operate with compensation.
- (6) Having characterised as being a business operation in order to find additional income.
- (7) Notifying the Registrar as informed by Minister prescribes.

Moreover, ministerial regulations prescribing other types of buildings used for hotel business, 2018 specified that the hotel business operator notifies the request with the hotel Registrar.

Three types of the building shall comply with the established conditions; (1) buildings that request new construction permits, (2) buildings that have converted an old building or modify the building, and (3) the building requesting permission to change the building's usage. All three types of buildings will be enforced by the Hotel Act, 2004 (B.E. 2547) which requires the following elements;

(1) The building used to apply for a hotel business license must be in accordance with the Building Control Act, 1979 (B.E. 2522)

(2) The hotel location is in accordance with the Town Planning Act, 2018 (B.E. 2561).

(3) The applicant who applies for the hotel business license must have the qualifications and non of any prohibited characteristics under the Hotel Act, 2004 (B.E. 2547)

(4) The applicant who applies for a hotel business license must have an ownership or possessory right in the land and building, which is the hotel's location.

(5) The applicant for a license must proceed under the Ministerial Regulations prescribing categories and rules for hotel business operations, 2008 (B.E. 2551)

(6) Preparation of the environmental impact assessment report according to the conditions regarding the Promotion and Conservation of National Environmental Quality Act, 1992 (B.E. 2535) for the manoeuvre of an Initial Environmental Impact Examination (IEE) or Environmental Impact Assessment (EIA) report.

Also, the hotel business operation must be inspected by the Local Competent Authority according to standards and quality under Public Health Act, 1992 (B.E. 2535) on "Health Hazardous Businesses"; which include service-related activities such as hotels, accommodations, restaurants, spas, traditional massage, places to sell all kinds of food and beverages.

In conclusion, the process of applying for a hotel business operation must be involved with the law, rules and regulations, a total of 7 issues, as shown in figure 4.1.

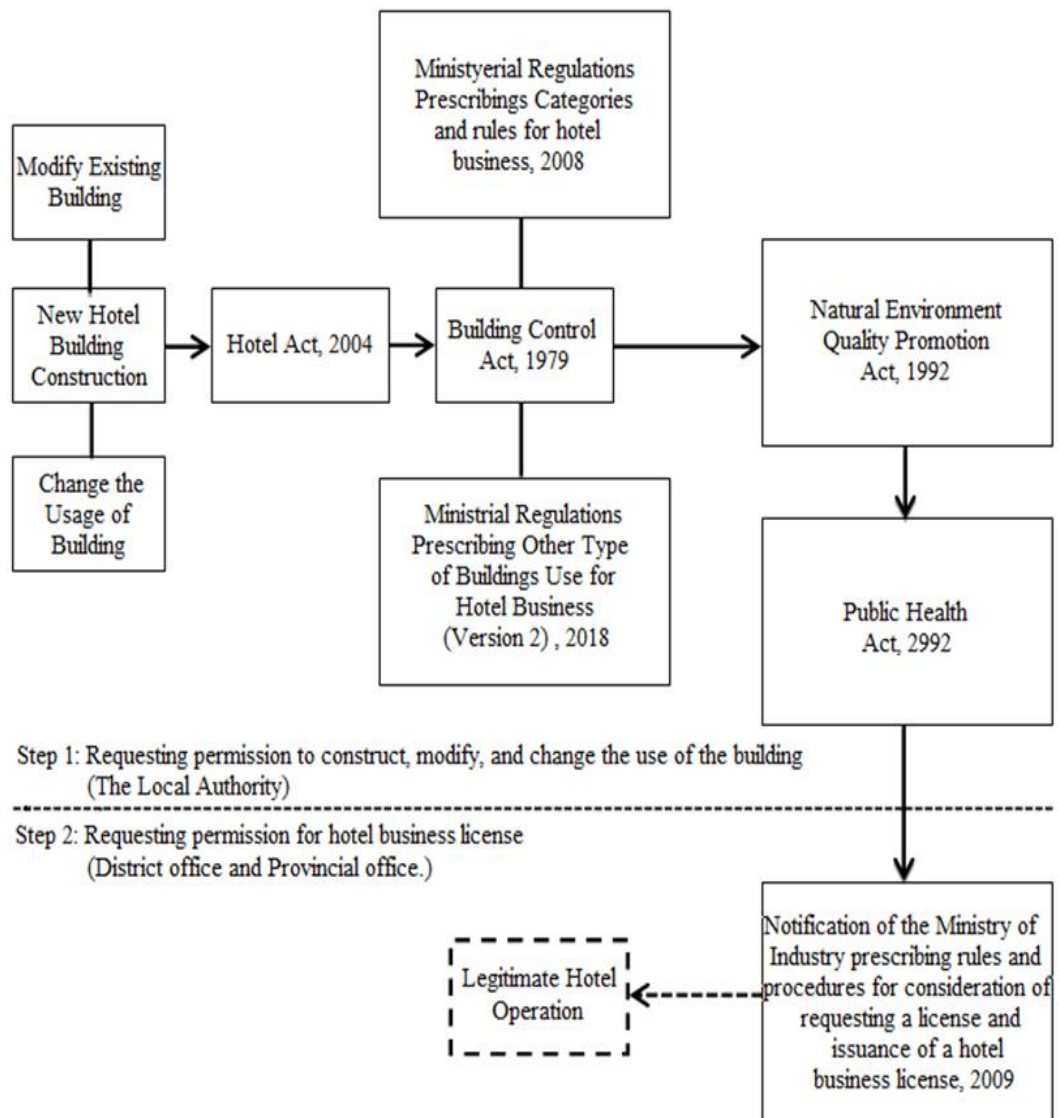


Figure 4.1 Summary of Related Laws and Regulations for Hotel Business Operation

Source: Researcher

4.2.1.2 In figure 4.1 shows that the operating hotel business application will have relevant laws:

(1) The Hotel Act, 2004 applies to all hotel business operation. To operate the hotel business without a license is illegal. The district office and provincial office enforce this law.

(2) Building Control Act, 1979 applies to hotel business operators that building the hotel, modify the building or change the building's use to operate as a hotel. Hotel business operators must have a building construction permit or a building use certificate to apply for a hotel business license. The local administrative authority enforces this law.

(3) Ministerial Regulations prescribing categories and rules for hotel operations, 2008 applies for the hotel business operators to classify and define the hotel category. This law enforces by the district office and local administrative authority.

(4) Ministerial Regulations prescribing other types of buildings used for hotel operations (Version 2), 25018 applies to the hotel business operators who have modified the building or change the building used to operate as a hotel business. This law enforces by the local administrative authority and involved government agencies such as the Public Health Office and Environmental Quality Control Office.

(5) The National Environmental Quality Promotion Act, 1992 applies to hotels subject to environmental law enforcement depending on the hotel's size and the number of rooms. Mostly, this law enforcement will be enforced on wastewater treatment and environmental impact reports. The Environmental Control Office enforces this law.

(6) Public Health Act, 1992 applies to all hotel business operation on Occupation Health Safety and Hazardous Business Establishment. This law enforces by the local administrative authority and Public Health Office.

(7) Notification on Prescribing Rules and Procedures for Consideration of Requesting a License and Issuance a License to Operate Hotel Business, 2009 applies to all hotel business operators. The district office and provincial office have enforced this law.

Law enforcement in the legal process has divided into two procedures. First, is the construction permit for the new building, modification of the existing building or change usage of buildings to be used in the hotel business operation. The second is requesting a hotel business license. Both procedures have different processes and procedures in practice from the officers in charge of each stage. However, it has the same law enforcement from various related agencies. Therefore, hotel business operators must proceed according to the procedures and law enforcement. Failure to follow the procedures would be a violation. It is law enforcement officials' power to file a complaint, accuse and prosecute both civil and criminal law punishment to the hotel business operator.

4.2.2 Study results according to objective 2

To analyse the process and procedures of applying for a hotel business license in Phuket from relevant departments and personnel involved, including applying for a hotel business license under the Hotel Act, 2004 (B.E. 2547) and the Interior Ministerial Regulations.

4.2.2.1 The semi-structured in-depth interview

To get genuinely reliable primary data, the researcher used the semi-structured in-depth interview method by randomly selected from the population related to the hotel business in Phuket utilising purposive sampling from people involved in hotel business approval and those involved in hotel business a total of 35 people as follows;

- 1) Group-1 will use the code as GO, referring to Government officers. GO numbers 1-15 are Government Officials and Local Administrative Authority involved in the process of applying for the hotel construction permit and applying for hotel business licenses which are consisted of; (1) Governor of Phuket or representative (2) representative from Phuket Administrative Office (3) representative from Phuket Public Prosecutor (4) representative from Mueang Phuket District office (5) representative from Muang Thalang District office (6) representative from Kathu District office (7) representative from Phuket Metropolitan office (8) representative from Patong Municipality office (9) representative from Forestry Resources and Environmental, Phuket office (10) representative from Tourism Authority of

Thailand, Phuket office (11) representative from Tourism and Sports, Phuket office (12) representative from the Army 4th Region, Phuket quarters (13) representative from Hotel Registrar, Phuket office (15) representative from Public Works and Town Planning, Phuket office.

2) Group-2 will use the code as HL, referring to the hotel with licensed. These group members are qualified hotel business operators who have done all process and procedure and have obtained the building used certification and hotel business licensed legitimately. HL number 1-5 is five hotel operators with licensed, consisted of; (1) representative of AC Hotels (2) representative of PR Hotel (3) representative of PM Hotel (4) representative of PGL Resort and Spas (5) representative of FV Resort and Spas.

3) Group-3 will use the code as HN, referring to hotel non-licensed. These group members are hotel business operators who operate the hotel business without a license. Most of them are in the stage of applying for the license, but they do not have a building used certificate or building construction permit. HN numbers 1-13 are 13 unlicensed hotel operators consisted of; (1) representative from 2RB House (2) representative from FP Hotel (3) representative from CR Hotel (4) representative from FN Resort (5) representative from TC Hotel (6) representative from BZS Patong (7) representative from WWR Resort (8) representative from KRP Hotel (9) Representative of TTSF Hotel (10) HKBS Resort (11) representative from FTB Hotel (12) representative of RSB Hotel (13) representative of KWR Hotel.

4) Group-4 will use the code as PS, referring to Private Sectors. PS number 1-2 is two private sector organisations: (1) representative from Thai Hotel Association: Southern Chapter (2) Phuket Business Association.

4.2.2.2 The process and procedure of applying for a hotel business license

From the implementation of objective 2, to analyse the process and methods for applying for a hotel business license in Phuket from relevant departments and officials involved, including the process of applying for a hotel business license under the Hotel Act 2004, (B.E. 2547) whereby the researcher uses data collection methods from laws, regulations, and interviews with officials involved in the hotel business operation permit and hotel business operation licensing as follows;

1) To apply for a hotel business operation.

The hotel business operator must first obtain a permit to construct a building, modify a building, or demolish the building in the form "Khor.1" from a local administrative organisation with jurisdiction in the area of hotel location. Upon approval, they will receive a certificate "Aor.1" for construction. Then the operator can construct, modify or demolish the building, and once it has been completed, there will be a process of inspecting the building from a local administrative organisation. If the construction, modification and demolish has been done according to the plan and specifications under; (1) Building Control Act, 1979 (B.E. 2522). (2) Ministerial Regulations prescribing other types of buildings used for hotel business, 2018 (B.E. 2561). (3) Promotion and Conservation of National Environmental Quality Act, 1992 (B.E. 2535) and (4) Public Health Act, 1992 (B.E. 2535) (establishments that are harmful to health). The local administrative organisations in the jurisdiction will issue certificates or "Aor.6" testimonial for the use of buildings, modified the buildings or remove the buildings or to the building owner.

For the hotel business operators who have brought the other types of buildings to request changing the buildings' usage, there will have to pass the building inspection by applying for a permit to change the use of buildings in the form "Khor.3". The local administrative organisation will then have a building inspection committee to inspect the building that will change the building's purpose. If passed the board's examination, the operator will receive the "Aor. 5" or a license to change the building's use. However, the rules and conditions enforced by the Building Control Act, 1979 (B.E. 2522) and the Ministerial Regulations issued under the Building Control Act, 1979 (B.E. 2522) are implemented to set standards for the building that will be used a hotel business operation.

In applying for a permit to construct, modify, or change the building's use, the hotel operators must submit a request at a Local Administrative Organisation such as a Municipality or Sub-district Administrative organisation with jurisdiction the area where the hotel is located or where it will be constructed.

2) To apply for hotel business license.

At this stage, the hotel business operator must apply for a hotel business license (RR. 2) by bringing documents that have been granted permission to use the building (Aor.6) or a permit to change the usage of the building (Aor. 5) with necessary documents in accordance with the requirements of the Hotel Act, 2004 (B.E. 2547) to apply for a hotel business license at the District Office in the area where the hotel is located. When filing a request under the form "RR. 1" with complete documents as specified, the district hotel registrar will issue a receipt (RR. 7) and notify the date of an appointment to check the building's conditions will be operating the hotel business. After that, the preliminary screening committee will study the building's decency and comply with the law conditions. Then, the District Hotel Registrar will present the review's details to the Provincial Hotel Registrar, herein the law has appointed the Governor of Phuket by position. The Phuket Hotel Registrar will then bring the application into the Hotel Business Operation Committee meeting to consider for issuing. If there are no objection or any amendment, the Phuket Hotel Registrar will issue a license (RR. 2) as the process is shown in Figure 4.1 and 4.2.

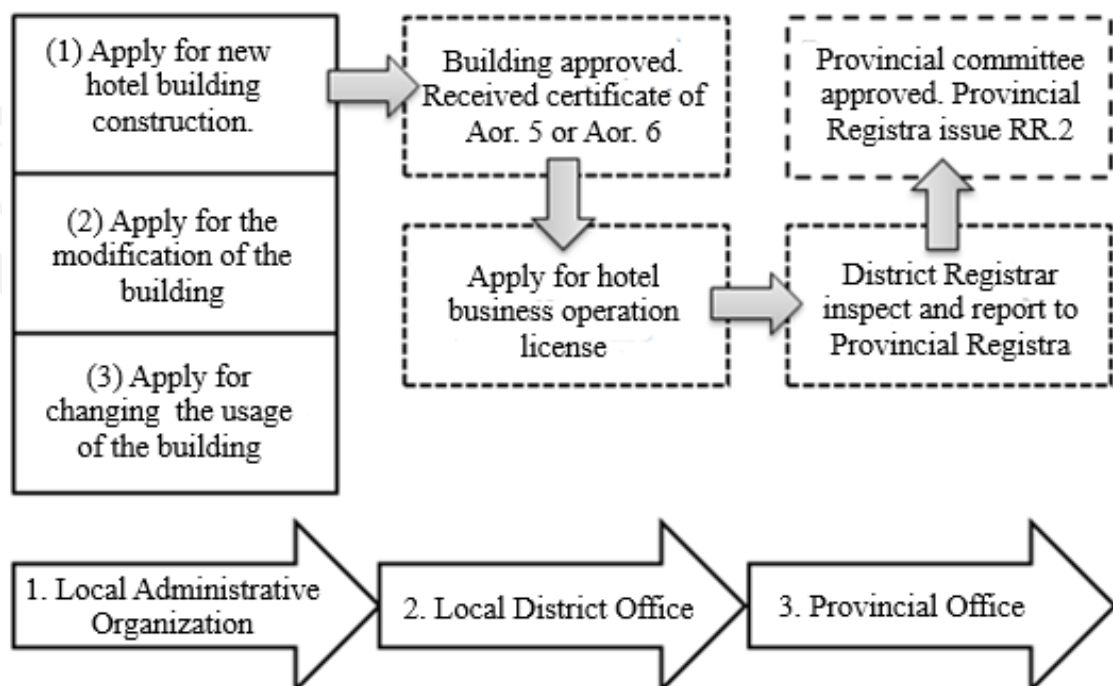


Figure 4.2 The Process of Application for Hotel Business Operation

Source: Researcher

Stage 1 Objectives	Stage 2 Construction / Modify / Change of Usage		Stage 3 Completed Construction	Stage 4 Apply for Hotel License
1. New building construction application	Must be complied with laws and regulations which are concerned in process and procedure.	The building has to design according to the laws, rules and regulations.	Approved after inspection and receive a certificate of building usage.	Apply for a hotel business operation license at the district and provincial office for approval. After approval will receive hotel business license Hotel 2.
2. Bring existing building to modify or improve	<ul style="list-style-type: none"> - Modified or changed to another building to be a hotel. - The building is legal before 19 August 2016. - It is a hotel with only 50 rooms or rooms and restaurants. 	<ul style="list-style-type: none"> Submit supporting documents for construction permission according to form B.1 / with permission no.1 	<ul style="list-style-type: none"> - Submit a request for a building use certificate B.6 or B.3 - Obtain a building utilisation certificate no.6 or a permit to use a building no.5 	<ul style="list-style-type: none"> - Take certificate no.5 or no. 6 to accompany the application according to the form of Hotel 1 - Once approved, will receive a hotel business license Hotel 2
3. Change the usage of the existing building			<ul style="list-style-type: none"> - Submit a license to change the usage of the existing building in form B.3 - Receive a license to change the use of building certificate no.5 	<ul style="list-style-type: none"> - Take certificate no.5 or no. 6 to accompany the application according to the form of Hotel 1 - Once approved, will receive a hotel business license Hotel 2

Figure 4.3 Procedure of Applying for Permission to Build, Modify, or Change the Buildings' Used
Source: Researcher

4.2.2.3 From the second question in the research, "What is an entrepreneur obstacle and need in applying to operate the hotel business?" The researcher has collected data from an in-depth interview with a semi-structured question from Group 1-4 as follows;

1) Problems in applying for hotel business licenses

From a semi-structural in-depth interview, it was found that Government agencies believe that most problems will come from the hotel business operators who do not have a hotel business license or avoid following the laws that are currently in force. These are causing to be an obstacle to obtaining a hotel business license as following details;

"... usually, in the government agencies and local administrative organisations, there are process and procedures enforced by the law, including the regulations that are currently in use, but in some parts may be subject to change according to the Ministerial Regulations or Ministry Announcement that came into force at that time. Therefore it may be created the problems of law enforcement problems in some issues. If entrepreneurs encounter problems and obstacles in any matter, Phuket government is pleased to listen and jointly solve all problems and obstacles - GO1."

"... the number of hotels in Phuket is much higher than demand and most hotels did not comply with regulations as they should be. Resulting in less than 500 hotels with operating licenses, the remaining 1,000 or more have operated without licenses. It is mainly due to legal obstructions - GO2."

"... problems between local officials and hotel operators that are irrational in many issues, such as taxation, inspection according to various procedures within the authority of the local administrative organisation. In the past, it was found that the use of inspection channels and the exercise of discretion in power call for various facilitation fees that entrepreneurs need to contact the administration officials under the procedures. As it comes to the end of the procedure, it was not allowed,

and entrepreneurs continue to run their business accordingly. That is the reason why many illegal hotels are operating at present - GO3."

"... The problem is the condition of the building that will be used for the hotel business. It must go through the process of obtaining a license to construct, modify, or change the building's use from the local administrative organisation before requesting a hotel business license. If the said operation is not completed, there will be a hindrance to the operators themselves unable to apply for a hotel business license or RR. 2 because it does not meet the rules set out in the Hotel Act, 2004 - GO14."

"... Most hotel operators will be stuck with the problems of non-compliance with the conditions and regulations or intend to avoid the enforced law. Doing this causing not obtaining a hotel business license which is the second step - GO5."

While the hotel business operator who has a license given the opinion that the process and procedure of applying for a hotel business license is not a problem or obstacle in the way. However, the hotel operators may find barriers during the process, which are the discretion of the relevant authority and delay in the process.

"... As for the process of applying for a hotel business license, none of the problems or obstacles were found in operation. Because the hotel has followed all legal procedures, but discretion and delay may be an obstacle in the process - HL1."

"... in the operation of that business, we were following the procedures and processes as required by law. Therefore, there are no problems or obstacles. However, when renewing the hotel business license every five years, there are problems in using different discretion of the committee that inspects the hotel as it was a different person. Making it a hindrance so that we have to conduct an accurate understanding with the officials to understand the spirit of the law clearly. Because the use of different discretion has interpreted the law not the same - HL2."

"... In conducting, it was found that local ordinances different from those used in Bangkok. Hence, it is necessary to modify the construction plan and adjust the architectural style, such as attaching the building's height conditions or determining the distance from the beach causing obstacles to budget control due to the different law enforcement in each area and causing delay - HLA."

"... The hotel construction was proceeded according to the laws. We have requested permission to build the hotel from Karon Municipality. When the construction was completed, a building inspection was completed, and a building usage certificate was obtained to apply for a hotel business license. The only problem and obstacle encountered is the screening of licensing at the provincial level, which was found delay. It was caused by making the appointment of a committee that took a long time as they consist of many agencies - HL5."

Meanwhile, the hotels with a hotel business license have commented that the hotels that do not have a legitimate login system will negatively impact the overall hotel business in the economy, social and environment.

"... the hotel did not encounter any problems and obstacles in applying for a hotel business license. We have proceeded with the legal procedures from the beginning of construction, and the inspection was conducted and later was approved, then the hotel business license was granted. However, unlicensed hotels may harm the economy, society, and the environment, such as different taxes collecting between licensed and unlicensed hotels. There are no wastewater treatment practices that some do, but some do not, or room price-cutting as the hotels outside the system have lower costs. Therefore, eliminating the needs to consider the reasonable room rates or buildings' safety that do not meet the legal requirements – HL3. "

Without a license, hotel operators believed that the problem arises from the lack of support from the government to small and medium-sized hotels. It was causing obstacles in implementing processes and procedures that do not

provide clarity in details, making it impossible to obtain a certificate Aor. 5 or certificate Aor. 6.

"... The government sector is not interested in the small hotel business because there are no clear details of the applying process for a small hotel business license. During the period of the beginning to hotel improvement, we have no idea about requesting permission and contacted the officer in charge on the 2nd floor of the district. Information and details about the preparation of documents were given, but when returned to the district, the office reports that the hotel is less than four rooms then do not need to apply for permission. Therefore resulting in unclear information has created wasting of time - HN1."

"... The problem encountered is that the government does not support small hotel operators causing conditions that were not relaxed. The official is unclear about the process and procedures for applying for a hotel business license. It was an obstacle to small hotels that want to log in legally - HN2."

"... found a problem with the officials to check and follow up, which is not well prepared or not enough workforce, while the documents are lost at the officials which are resulted in having to be rearranged the documents that are a waste of time. In the past, entrepreneurs have to follow up or proceed on their own. It wastes time due to the officials' unclear work and the process that is not conducive to hotel licensing - HN12."

"... found that official came and checked the documents two or three times. However, they did not give much clarity because it is a small accommodation. When asked what to do to enter the system legally, did not get a clear answer. The process should start at the District Office first and then return to the Municipality or the Sub-district Administrative Organization because the District Office is enforcing the hotel law.- HN4."

The private sector, they have commented on this matter that problems occur for many reasons. Either from the operators themselves who refuse to

comply with regulations or avoid law enforcement and government officials regarding the use of discretion, use of gaps in the law accepting bribes or without precise details in the process or procedure.

"... Thai Hotel Association Southern-chapter has consensus with the Thai Hotel Association that there are many problems caused by the operators themselves who try to avoid legal regulations. For business benefits, government officials use different discretion according to procedures and processes. The retrospective law enforcement is punishable to entrepreneurs or delay in implementing the concerned government's procedures, and procedures have created hotel operators' obstacles. Nevertheless, suppose the government has the same law enforcement system that will put everyone under the same conditions and carry out the same procedures and processes. In that case, it will also eliminate a hindrance of entering to a legal system of the unlicensed hotel as well. Hence, both the government and the operators must have the same understanding of the applicable law - PS1."

"... it was a problem of law enforcement that has been abated for a long time when allowing a lot of illegal actions making law enforcement difficult at this time, and if enforced, it will have a severe impact on the hotel industry. The way to solve the problem is to set the time frame to reduce the effects of business damage but must be based on the conditions that both hotel business operators and government officials can comply. In contrast, the government should improve the law to be in line with the current situation to reduce the existing problems and obstacles – PS2."

This study Apply a qualitative research methodology by conducting in-depth interviews with semi-structured questions among the hotel business demographics and government officials involved in building and hotel business licenses. It was found that there were issues that the entire population agreed to solve and can be summarised as a mind map, as shown in Figure 4.4.

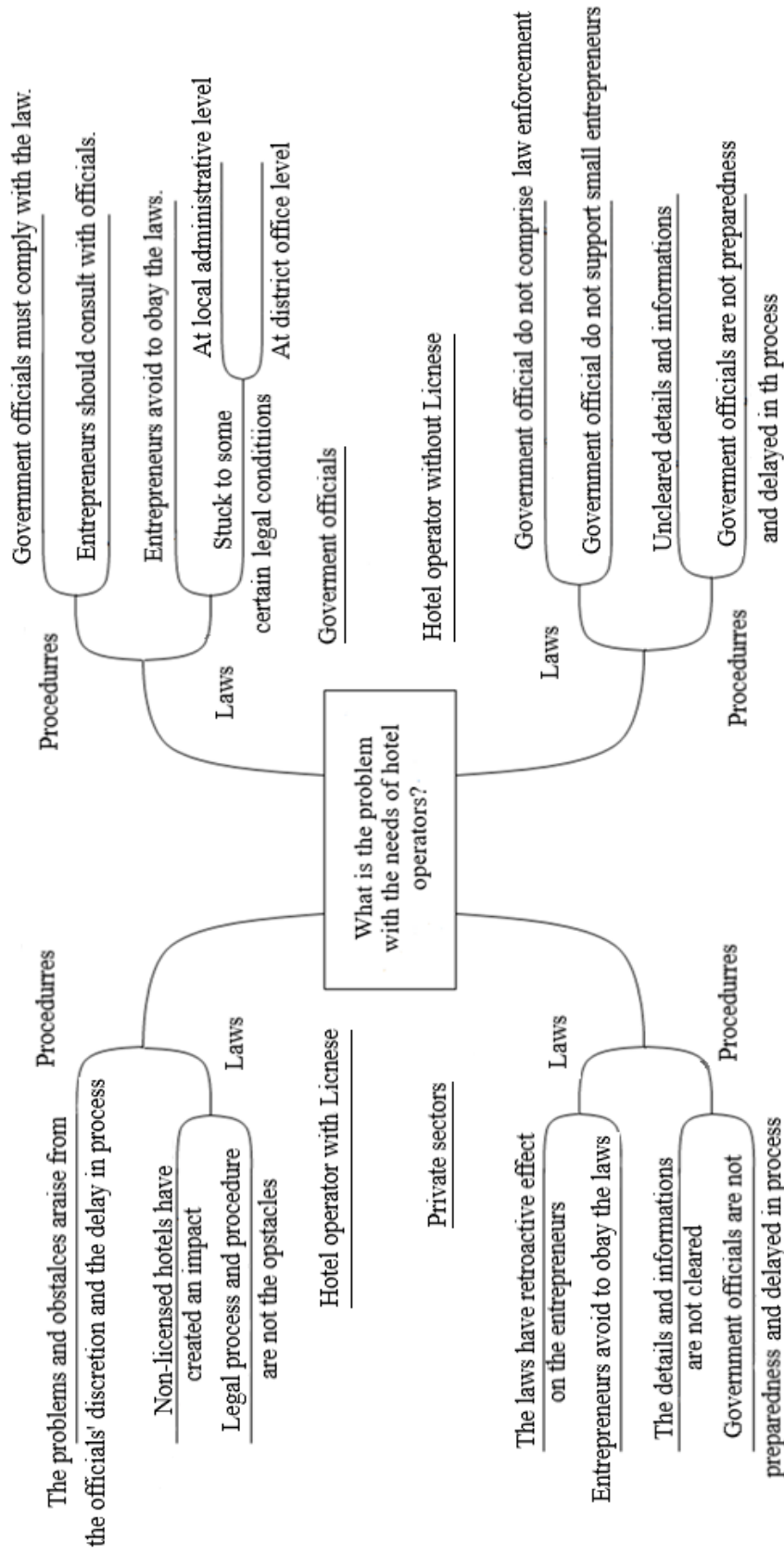


Figure 4.4 Mind Map of the Problems in Applying for Hotel Business License

Source: Researcher

2) Obstacles arising in the process and process of requesting to operate a hotel business.

In this regard, government officials believe that the obstacles arising from non-compliance with the law in the process of construction, modification or change the building's usage. The first step is to ask for permission to build, modify or change the building's use with the local administrative organisation. When the process was not done correctly, the obstacle appears in applying for a hotel business license at the district and provincial levels. It is because the building usage certificate (Aor.6) or the change of building usage certificate (Aor. 5) must be submitted to the Hotel Registrar to issue the hotel certificates (RR. 2). Therefore, in the said process, when the problem occurs in the first step, it will become an obstacle that cannot be implemented in the second step. The results of the semi-structural with the in-depth interview are as follows;

"... the legal process in applying for a hotel business license consists of two steps which are; (1) the process of requesting permission for building construction, building modifications or change of the building usage that is under the supervision of the local administrative organisation, and (2) the process of applying for a hotel business license, which is under the supervision of the District office and the Governor. The same rules and regulations appliance is similarly for all types of hotels as stipulated in the Hotel Act, 2004 (B.E. 2547). However, the conditions or problems that impede entrepreneurs are in local administrative organisations that enforce the law according to the Building Control Act, 1979 (B.E. 2522). In Muang Phuket District, most of the problems have found with building modifications - GO4."

"... Most of the problems encountered are building modifications and changing the usage of the buildings which has building control law to be enforced, including the Ministerial Regulations issued under the Building Control Act, 1979 (BE. 2522) in terms of building stability and fire safety - GO7."

"... as the inspectors have been checking the hotel business in Phuket in all three districts and have found that most unlicensed hotels have problems with building modifications, building extensions and change the usage of the building. Furthermore, there is a construction that

did not follow the plan as it has submitted for the construction permit and was causing obstacles to the hotel business license - GO12."

"... Mostly found that the hotels business operators have been modified and changed the usage of the buildings are coming to apply for a hotel business license. They are confused about the documents that must be submitted, such as requesting permission to modify a building need to present a certificate Aor.5 or Aor.6, together with the construction plan and requesting form and other legal documents. However, in most cases, there will be no certificate Aor.5 and Aor.6 attached, resulting in the inability to be further submitted to the Provincial Screening Committee for further consideration. Entrepreneurs have to take corrective actions to get a certificate Aor.5 or Aor.6 to attach in the application documents; otherwise, it is causing obstacles in implementing procedures and processes.- GO13."

While the hotel operators with unlicensed that affected by obstacles have given comments on this matter, the ambiguity in the data and the details of the procedures received from the local administrative organisation officials were causing delays operations, including discretion from different officials and the unclear in legal conditions. It has caused the mistake and became a hindrance in applying for a hotel business license and the delay in the license screening process at the District and Provincial levels. The hotel operators who do not have a hotel business license believe that the process and procedures were neglected and did not receive much government attention. Importantly, it is unclear about the process and practices in applying for a hotel business license for small-sized accommodation. Besides, the lack of legal conditions that are not lenient to hotel business operators is another major obstacle that hinders the legal system's adjustment.

"... Problems regarding the promulgation of laws forcing operators to take corrective actions to improve buildings to comply with the conditions for applying for a hotel business license. Some operators can not do because the building was constructed before the ministerial

Regulations' announcement prescribes the characteristics of the building used in the hotel business operation become active because it will stick to certain conditions, such as 10 in 100 part of empty spaces or fire escape ladder. Should there be complied with the regulations or conditions of enforcement, the entrepreneurs will have to smash the building and then build it again, which will cause a lot more investment which is the problem of legislative mistakes. Personally, think that the requirements should be useful for entrepreneurs rather than forcing entrepreneurs to act under regulations making it an obstacle to legitimate login - HN6."

"... problems that occur between government agencies and local administrative organisations should have precise details informing the entrepreneur of how to proceed with the correct process and procedures under the type of hotel that applying for business authorisation - HN13."

Besides, hotel operators without a license still found that problems also arise from delays in consideration and discretion of the officers. Furthermore, laws leniency is not implemented, even though the hotel business operators had operated the hotel before the law was promulgated.

"... follow the building modifications procedure to operate the hotel business legally and have received the building usage certificate no.6 already and in the process of requesting a hotel business license but still not being contacted back which is very delayed - HN11."

"... There is a problem with the building that cannot be modified to fit the conditions causing the operation to be complicated and already informed of the limitations in the part that cannot be operated because it requires a relatively high budget. There should be regulations that the operator can be implemented or in practice. Another problem is that we have applied for a hotel business license for a long time but did not get any answers back – HN. "

"... has proceeded according to the construction process and procedures but the municipality has not yet sent officials for inspection

which took a long time to process. There should be a duration of specified time for the inspection and time frame of procedures. When the local administrative official has not done the inspected, so the matter for requesting a hotel business license to the district and provincial will not proceed. The problem of the delay in operation of government officer will, therefore, an obstacle to applying for a hotel business license which should be resolved in this matter - HN5."

"... when applying for a hotel business license found that there are problems and obstacles in the process of requesting permission to construct a building. All issues are caused by the local administrative officer that has given unclear information on the details of the construction of the hotel building permit - HN7. "

"... There are complicated procedures to implement between the Local Administrative Organization, District and Provincial Office. There are many delays in consideration, and there is a high cost in preparing for an IEE and EIA report. Also, it takes a long time to proceed - HN8."

"... proceeded under all legal processes and procedures; no problems or obstacles were found in the building construction process. When receiving the building usage certificate, then proceed to apply for a hotel business license. So far, we never have a problem with the process yet. However, we have found that the obstacles in the consideration process are very delayed. Until now, it has not yet received a building inspection report at the district level - HN9."

3) Other problems and obstacles in the process and procedures for requesting to operate a hotel business.

The hotel business operators who spoke about issues in other areas of processes and procedures, such as local administrative organisations, did not advise the regulations according to the law related to the hotel business operation application.

"... officials should advise about the correct construction details, such as the format of construction that will answer the purpose of the construction and the number of rooms required for construction permit which should give the correct answer and much clearer than this. For example, if there are an extension of modifications, what parts need to be applied for approval? What documents must be prepared? As for the hotel business license application knowing that we must proceed at the District office, but there is no clear explanation of the procedure of how to apply for a hotel business license - HN10."

Nevertheless, from the government's perspective in helping and solving entrepreneurs' problems, the government sectors are happy to advise hotel business operators. However, there are still some issues that obstruct law enforcement conditions which will be given to the highest-ranking officers for consideration.

"... The government is willing to cooperate with entrepreneurs in all aspects. Just have to let the entrepreneurs come to consult to find a solution in terms of the law that there are obstacles, but confirms that government sectors will carry out all the law's process and procedures. The most common problem is because entrepreneurs do not have a certificate Aor.5 or Aor.6 to accompany the application to apply for a license. So there must be returned to look at the first step of the process, which is the local administrative organisation - GO6."

"... for most of the hotel business license applications in Patong will be work in the Engineering Division and Public Health Division. Most of the problems and obstacles are building modification and change the usage of the building. Most entrepreneurs will have issues regarding the terms and conditions in the Ministerial Regulations specifying the characteristics of buildings used for hotel business operations and wastewater treatment making it an obstacle to obtaining a hotel business license - GO8. "

Most obstacles encountered will be a continuous problem resulting from failure to comply with the conditions enforced in the hotel business

operator's relevant laws. Therefore, making it a hindrance to obtaining a hotel business license. Besides, the failure to log in to hotel business operators causing adverse effects on the economy, society and environment, including property safety and security as a whole.

"... Personally, it is imperative that the safety of tourists during their stay in Phuket. Tourism and Sports, Phuket office, has responsibility for tourists' safety of life and property. Therefore, the hotels that are not in the legal system hinder tourists' confidence, and the government can not reach out to manage that much. – GO11."

"... The hotel is outside the system, causing the government not to control and enforce strict laws and causing the government to lose revenue from tax evasion. Also, tourist safety is an important matter that the Tourism Authority of Thailand considers that hotels in the system can do better. Besides, confidence in environmental management is also a matter. The operator must do this part to give tourists confidence – GO10."

"... For the environmental laws that the Natural Resources and Environmental, Phuket Office has overseen, it is the matter of wastewater treatment and the preparation of the environmental impact reports, both IEE and EIA. Hotels that ask for new construction often have to solve this problem since the construction permit. therefore, rarely having obstacles, but in terms of building modifications and building usage changes, will find problems in the matter of establishing a new wastewater treatment system or creating a new EIA report make it a hindrance to entrepreneurial investments – GO9."

For the hotel with licensed operators opinion, the obstacles arise in the hotel business process caused by both the entrepreneurs and government sectors are trying to avoid law enforcement. Also, attempt to use gaps in the law to bribe officials to facilitate the process of circumventing the law. Simultaneously, the government sector has set the hotel standard's criteria to be so high that all operators cannot comply. On hotel standards, another operator agreed that there should be

another hotel standard for hotels operating earlier. However, should focus primarily on building safety and the environmental circumstances to reduce the obstacles for these unlicensed hotels to become legitimate under government control.

"... problems and obstacles in obtaining a permit to construct or modify a building for use in the hotel business, it is found that the problem is caused by both parties, namely entrepreneurs and the government. The first factor is that the government enacted the law by setting the hotel business standards very high. It was causing the operators who operate the hotel business before enforcing the law can not adapt to the legal system, and the second is that entrepreneurs try to use the gaps in the law through the cooperation of local administrative officials to allow oneself to avoid investment costs - HLA."

"... the government sector should create a new standard to support which may not be equivalent to a hotel newly built but at least must be safe and stable with standard quality. To allow them to continue their business which the local administrative official may have to lenient as far as possible. It may be called mild conditions for them to be logged in to the system but having to make it to another hotel standard because the hotel that has been done right from the start is of a better standard - HL5."

However, in an in-depth interview among government officials, some has given different views from other government officials and are quite impressive. The opinion stated the reason that was causing the hotel business operators to be unlicensed caused by legislation that hinders the development of the operators who intend to operate in the legal hotel business. The retrospective law has produced a law that conflicts with the actual situation and made as if having estoppel.

"... Problems and obstacles encountered at this level, mostly found that the buildings used for the hotel business are not following the Building Control Act and the Ministerial Regulations. Therefore, being unable to apply for license permission to operate hotel business at the

district and province level but personally, it is considered the law that came out is an obstacle to entrepreneurs intending to operate the hotel business in good faith which the problem can be resolved by leniency the law enforced to allow the hotel business operator to continue. So that these hotels can be added to the system first, then gradually extend the time to proceed following the rules and applicable law, and there should be a joint committee to have the power to consider the relieve of laws and regulations according to the retrospective, not to let the estoppel - GO15."

Regarding the private sector's opinion related to tourism, they were commented that significant obstacles in applying for a hotel business license as the main point is the delay in government officials' operation. The second point is to avoid the entrepreneurs themselves' laws deliberately, and the government sector should improve the law to be suitable under the current situation.

"... The main point is the delay in the work of government officials. In the process of applying for a hotel business license as well as in the process of requesting for a construction permit such as checking the request, screening documents, submitting construction plans, and the second issue is hotel business operators deliberately avoiding complying with legal regulations - PS1."

"... is a legal duty that the government should carry out for a long time, while the government should improve the law to be in line with the current situation to reduce existing problems and obstacles - PS2."

From the research using Qualitative Research by in-depth interviews with semi-structured questions in the hotel business operators, government officials involved in applying for hotel business operation, and requesting hotel business licenses regarding the obstacles, most of the population have thought it should be resolved. The obstacles mentioned also reflect the crux of the issues related to two main issues: 1) the law currently being enforced and 2) the practice method in the process and procedures that occur both government officials and hotel operators. In summary, the problem can be considered as a mind map as in Figure 4.5.

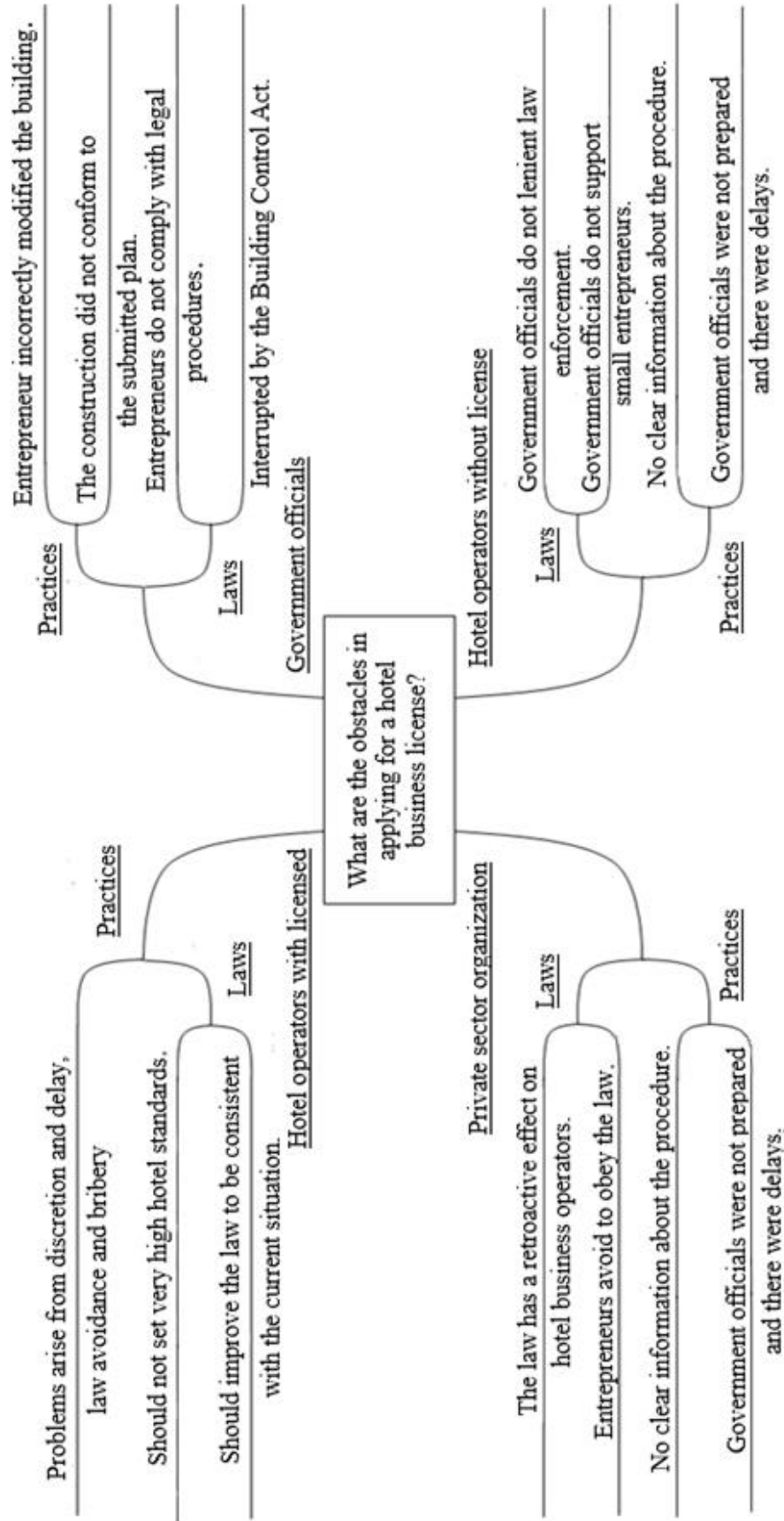


Figure 4.5 Mind Map of the Obstacles in Requesting for Hotel Business Operation
Source: Researcher

4.2.2.4 Summary of the in-depth interview results from research question no. 2, "What are the problems of the needs and obstacles in applying to operate the hotel business of entrepreneurs?", to answer objective 2.

The answers from the interviewee which involved with the process of applying for a hotel business license can be summarised as follows;

There are two government officials involved in the process and procedures in applying for a hotel business license. (1) The local administrative organisation level has the jurisdiction in issue a permit for construction, modification or changes the usage of the buildings to be used in the hotel business. (2) District and Provincial level, responsible for accepting requests for hotel business licenses, is accountable for checking the necessary documents and checking the preliminary hotel business location. In this step, the authority may be abused by official functions at the local administrative level and causing problems for hotel operators before presenting it to the district and provincial levels. Then, there will be a committee to screen and consider the request. The governor is the head of the committee. It has relevant government officials as a committee member to carry out document inspections and site visits to inspect building conditions and usage. If found to be under the laws, rules, and regulations; then the committee will issue a hotel business license to the applicant, but if it needs to be improved, the application will send back to the district level to inform the entrepreneurs to improve. After improved, then sent the matter back to reconsider according to the issuing procedure again.

From the above processes and procedures, the local administrative authority has not found any problems or obstacles regarding the construction permits for new construction operators, but the issues have found in occur with hotel business operators in modifying the building or change building usage and in small or medium hotel business operators as follows;

- 1) In requesting permission to modify the building or change the buildings' used in the hotel business, there are barriers to the law conditions that have made the local administrative authority officer unable to issue the building certificate Aor.5 and Aor.6 to the hotel business operators. It is an obstacle for the hotel business operators can not apply for the hotel business license at the district and province level. However, the hotel business operators have found that the laws should

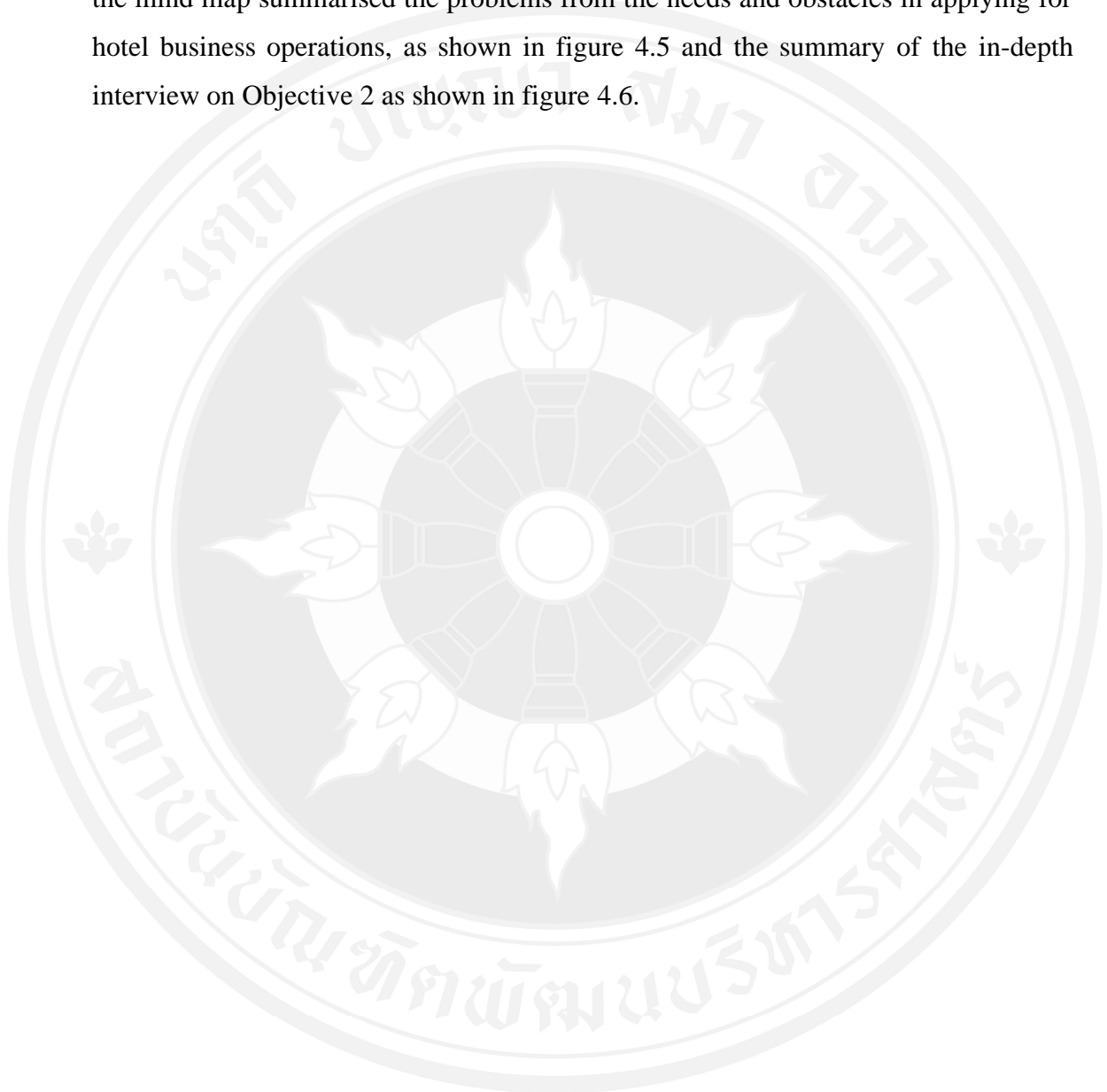
be relieved the enforce on building modification or change building usage. Some hotels have been created and operated as a hotel before the Ministerial Regulation Prescribing Descriptions of Other Types of Building Used for a Hotel Business Operation, 2016 (B.E. 2559) announced to enforced. Therefore, it is not fair to have the hotel business operators legally enacted as retroactive. In terms of changing buildings' use, hotel operators comment that residential buildings that are used to alter that utilisation must have already completed the environmental impact assessment report before starting the construction. Therefore, when the entrepreneur submits the buildings change of usage into a hotel with no different operating conditions, it is not wise to have a whole new environmental impact report that requires a long time and spend much of the budgets. Simultaneously, private-sectors have given a perspective that the following law enforcement process is necessary and essential, making everyone comply under the same conditions.

2) The clarity of processes and procedures can be divided into two steps which are (1) requesting permission to construct, modify or change the use of the building and (2) request for a hotel business license. However, the government sector comments that the rules and regulations have already been explained in each procedure. However, the hotel business operator sees that the clarification of government officials' features is unclear and not in detailed. It was causing misunderstandings in practice. Therefore, it is an obstacle to the implementation of processes and procedures. Government officials should explain the details in each step to the entrepreneurs to know and fully understand. However, officials' discretion that is not in the same direction also hindered the process and procedure. Simultaneously, private sector organisations have the same view direction with hotel business operators regarding clarity and detail under processes and procedures.

3) Concerning delays in operations, the government sectors have acknowledged delays in procedure due to several laws and related agencies enactment. However, the government is trying to proceed as carefully as possible in the specified time frame. In this regards, the government is trying to implement as accurately as possible in the specified time frame. While the hotel business operators commented that Government operations are prolonged both in the matter of action at the local administrative, district and provincial levels. Considering the hotel business

license, it takes a long time to consider which the private sectors have the same opinion for a significant delay and should improve and keep up with the current situation.

Therefore, the summary of the in-depth interview, as shown in the mind map summarised the problems from the needs and obstacles in applying for hotel business operations, as shown in figure 4.5 and the summary of the in-depth interview on Objective 2 as shown in figure 4.6.



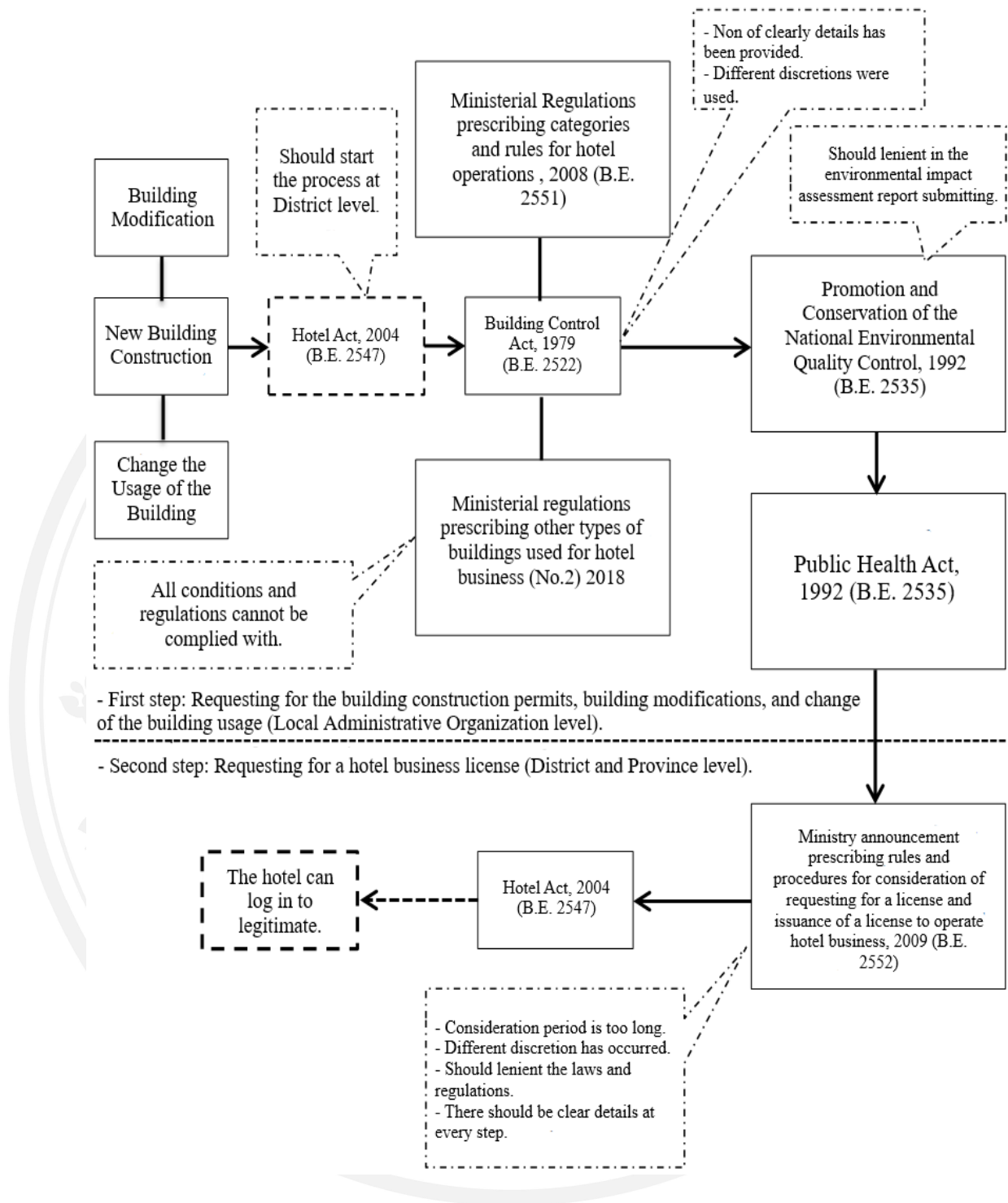


Figure 4.6 Summary of the In-depth Interview on Objective 2

Source: Researcher

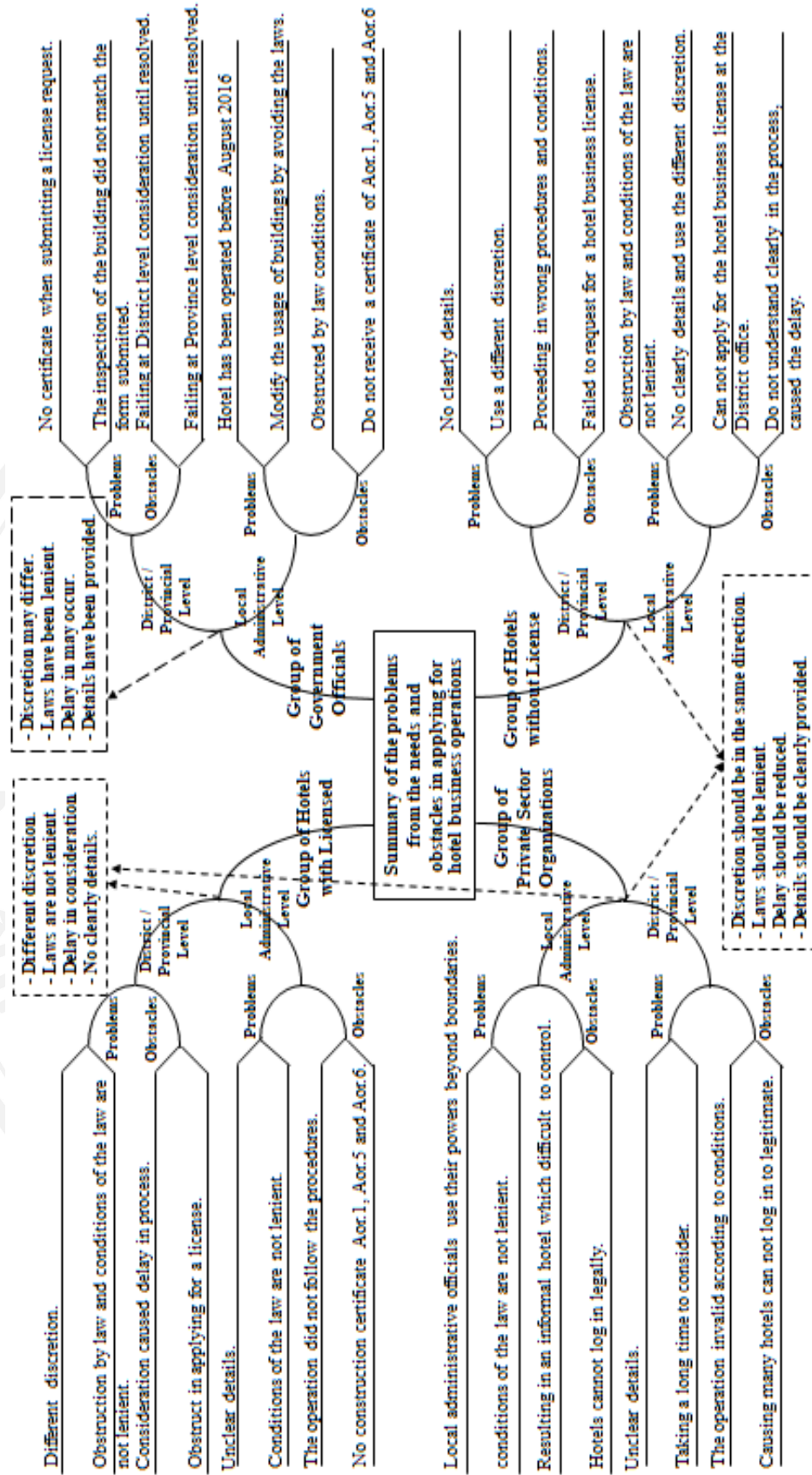


Figure 4.7 Mind Map of the Problems from the Needs and Obstacles

Source: Researcher

4.2.2.5 Discuss the summary of the problems from the needs and obstacles

In applying for hotel business operation as in Figure 4.7. From the study have found that issues and obstacles in requesting to operate a hotel business license which was appeared with the entrepreneurs are;

1) No relief from legal conditions from government officials
Causing the hotel business operator not to be able to apply for a hotel business license

2) Different discretion of government officials causing the hotel business operator to become confused and unsure about how accurate it is
Including giving opinions on inconsistent documents collection

3) Enforcing a law that is punishable by the terms of the retrospective law that came out later caused the entrepreneur not to modify, adjust, or change the building's usage. The law's interference is not lenient to the hotel business operators who had built the building before 19 August 2016 and resulted in the violation of the law's provisions by default. In this article, entrepreneurs' needs suggested that there should be an amnesty for entrepreneurs who operate their business before the regulation comes into force.

4) Delayed performance of government officials at all levels.
As a result, the hotel business entrepreneurs have to lose the opportunity to operate the business and lack income.

5) The hotel business operators commented that the problem arises from not providing precise details on the government officials' process and procedure at both the local administrative and district levels causing obstacles in the process.

6) On the other hand, government officials believed that the problems and obstacles in some cases were caused by the hotel operators who intend to avoid the law. It has hindered a hotel business license because the operators have not received the Aor.5 or Aor.6 certificate from a local administrative organisation.

4.2.2.6 When problems and obstacles are summarised, the researcher brought the issues to a small group discussion to clarify the issues needed by hotel operators that do not have a hotel business license. It consists of four licensed hotels

and five unlicensed hotels in the Patong Beach area, which is the area with the highest number of hotels in Phuket conclusions from small group discussions. In this stage, no new information data is added.

4.2.3 Study results according to objective 3

"To study the guidelines for entrepreneur adjustment to enter the hotel business operations correctly under the Hotel Act, 2004 (b.e. 2547) and the Ministerial Regulations prescribing characteristics of other type building use for hotel business operation 2016, (B.E. 2559)."

4.2.3.1 In-depth interview with semi-structured questions from the research questions no. 3, "What should be the hotel business operators in Phuket? To be under the Hotel Act, 2004 (B.E. 2547) and the Ministerial Regulations prescribing characteristics of other type buildings use for the hotel business, 2016 (B.E. 2559)". The researcher has collected data from various population groups as follows;

1) Group 1: consisting of 13 government officials involved in the process and procedures for applying for hotel business operations (GO 1 - 13), opined that the Ministry of Interior, who enforces the Hotel Act 2004 And the Building Control Act 1979, as well as related ministerial regulations, saw the importance of pushing hotel operators into the legal system. It is to reduce problems and impacts that occur in the economy, society and environment. Nevertheless, relaxation in the various laws and conditions can only be done in the legal framework. Besides, some government officials review that hotel business operators still needed to circumvent law enforcement to reduce operating costs, resulting in the inability to adapt to the legal system.

"... Nowadays, The Ministry of Interior issued an order to lenient the hotel operators who have not received a license come to register with the province, and the entrepreneurs who have registered with the province must consider the safety of tourists or guests as a priority. Especially, the building's stability which gets it organised from the beginning may be a bit of an investment, but it is worth the investment in the long run. However, the government has already relaxed the laws and conditions. So,

we would like the hotel operators that do not have a license to join the process and proceeding along with the government - GO1."

"... The adaptation of the hotel business operator should be based on current laws, rules and regulations. However, now the Ministry of Interior issued the latest Ministerial Regulations which are quite lenient for hotel operators already - GO2."

"... In this matter, it will have to let the hotel unlicensed to improve the conditions of the construction, modify or change the usage of the building under the Ministerial Regulations that has been lenient - GO3."

"... the Ministry of Interior has relaxed the conditions for operators under the Ministerial Regulations prescribing description of other types of buildings for hotel business operation (Version. 2), 2018 (B.E. 2561); therefore hotel business operators should proceed following the rules, regulations and conditions that are lenient. Nevertheless, some of the hotel operators try to avoid not following them. Hence, it should be strictly enforced - GO4."

"... in Phuket municipality rarely encounter problems in the case of operating a hotel business because there are not many hotels in category 3 or 4, but there are quite a lot of hotels in category 1 and 2 which mostly found a problem in construction, building stability and most are under regulations in accordance with Building Control Act, 2009 (B.E. 2522) - GO7."

"... Ministerial Regulations prescribing description of the other types of buildings used in the hotel business (Version.2) 2018 (B.E. 2561), there are already plenty of concessions that are beneficial to hotel business operators. Thus, it should enforce the law accordingly - GO9."

"... Relaxation in the law must comply with the rules and conditions set forth. However, the district itself is trying to allow the hotel business owner to make necessary improvements, such as the building's stability, the fire escape ladder or 10 in 100 empty spaces - GO5. "

"... hotel business operators should comply with laws and regulations which the Ministry of Interior has granted. Should there be any problems or obstacles, hotel operators can be notified by the hotel registrar at the District Office in the area to observe in solving the problem together as the government wants these hotels to take the right action and get back into the system as much as possible. Therefore, the Ministerial Regulations issued some conditions to lenient the adjustment of entrepreneurs. Nevertheless, some operators still do not proceed because they do not want to increase any costs - GO12."

In some comments, the government officials viewed that hotel business operator who would like to log in to the legal system has to consider tourists' safety and security in accommodation, including the staff working at the hotel as a primary point. Most importantly, the hotel business operators should pay the utmost attention to the environment as well.

"... to inspect hotel operations without a license will use political science principles to implement. Suppose it is found that there is a direct illegal practice that is not primary law. In that case, it will be lenient, such as no parking lodge or there is less than 30 per cent green space. The corridor is less than 150 centimetres; however, if the main illegal law, such as no fire escape ladder, insufficient building strength, no sewer pipes are connected to the Municipality system. There will proceed according to the law, and the inspection will be integrated with relevant departments in the area or organised as a working group for joint inspection mainly to consider the safety of life and property - GO6."

"... Building Control law is the main point that the hotel can not apply for hotel business permission. It has designated the hotel building to be a control building and must obtain a building utilisation permit (Aor.6) from the local administrative organisation. However, at present, the Municipality has given a valid waiver on this matter, but those who may

not be able to obtain a hotel business license mostly come from a group that request to modify buildings and avoid not proceeding as required by law or lenient - GO8."

"... TAT is responsible for supporting hotel operators legally or having a hotel business license only. In the present circumstance, hotel business licenses' issuance should be categorised according to current conditions, such as safety and security. Personally, thought that rules should be reviewed so that hotels outside the system can be entered but must consider safety and security as the main point - GO10."

"... the illegal hotel often rejecting tourists including lack of taking care of safety and security for tourists. Therefore, in organising the hotel business, should have legal matters involved. The hotel must comply with the law and avoid illegal acts. However, the mentioned law should be in a manner that is flexible and indulgent so that those who have notified can enter the legal process and should enforce strict laws against those who refuse to go into the process. - GO11."

"... There should be environmental officers involved in the process or consideration at the District level because environmental officials are currently not on the board and not on the committee at the provincial level. The environmental officers must present the problems and define the direction that will lead to the opening of the hotel business legally – GO3."

"... for the enforcement of environmental laws, it is necessary for every hotel business operator to comply with because it is to protect the environment for the entire population to benefit from the sustainability of the ecosystem. If the ecological balance is not maintained and the environment is destroyed. Humans themselves will be directly affected, such as releasing wastewater into public water resources which will destroy the aquatic ecosystems humans need to rely on to survive – GO9."

"... The latest amendment of the law has amended the Ministerial Regulations so that all unregistered hotels can log in which is a relief to

hotel operators in many issues but at some point, still have to think about the safety and security of the building – GO14."

Meanwhile, some government officials have supported the amnesty for hotel business operators that operated before 19 August 2016. The building's construction has been approved before the law, and Ministerial Regulations came out to enforce. Retrospectively is a violation of the spirit of the law. For hotel operators that need to adjust to the legal system, the legislation must be resolved by relieved the conditions of the construction, modification, or change in the building's usage at the local administrative organisation.

"... To organising the hotel business order, the government and related agencies should issue an amnesty order for hotel operators that have been built and operated before 19 August 2016, by having a building inspection and certification committee from the relevant authorities with the local administrative organisation to issue the licenses Aor.5 and Aor.6 for hotel business operators to enter the illegal system correctly. After that, following the Hotel Act, 2004 (B.E. 2547), there will be measures for checking hotels to renew licenses. For hotels built after 19 August 2016, must be complied with legal regulations after the license was granted - GO15."

"... Most hotel business operators that have not received a hotel business license because they do not have a certificate Aor.5 or Aor.6 from the local administrative organisation. Therefore, the problems of not receiving a hotel business license have not caused by the District office. Thus, the adjustment of hotel business operators, therefore, must comply with the building control law in order to receive the certificate Aor.5 or Aor.6 as important evidence in applying for the hotel business license - GO13."

2) Group 2, the hotels' operators with licensed (HL 1 - 5) total of 13 operators, most agreed in the same way that must have a relaxation of legal conditions

which will make the adjustment to the correct system conveniently and should issue the amnesty law for hotel business operators who have been built before August 2016 with the following comments;

"... The government must assist under the legal framework as far as possible to allow for the proceeding by relaxing conditions. To drive as many illegal hotels as possible to adapt to the system by complying with the lenient legal framework. Pushing hotels into the system will positively impact the economy, society, and environment and control the business into sustainability, safety, and security of tourists using the service. This process will benefit Phuket tourism as a whole - HL1."

"... hotel operators should be divided into 3 groups which are; (1) those who have operated before 19 August 2016 should be granted amnesty in the case that there was no building extension or change of the usage. (2) those who wish to log in to the correct system but are obstructed by legal conditions that government sector has to establish a committee at the provincial level to solve the problems concretely and provide a period for observation to be completed within 2-4 years. (3) Strictly proceed with those who avoid and refusing to proceed legally - HL2."

"... would like the illegal hotels to be logged in with the cooperation of the government in the relief of legal and regulatory issues as far as possible. Moreover, government sectors should allow the operators to adjust themselves to the correct login. The process will lead to safety, pollution, the environment, the economy, and society. For hotels that intentionally disobey the laws and avoid the adjustment, must consider strict enforcement of law strengthening - HL5."

A licensed hotel operator also commented that public and private joint committees should be established to consider and screen hotel business authorisation requests. Also, to review the new entrants and push the existing ones to enter the system by legally recognised as a preliminary consideration. The committee will be

set at the district level to initiate the process where the hotel is located to provide accurate information and details on the processes and procedures.

"... As for the consideration to solve the problems in operation, the hotel business operator without a license to adapt to that system deems that a deciding committee should be established within the province with the governor and the relevant law enforcement are the committee by following the existing rules and regulations in order of importance - HL3."

"... would like the government to set up a hotel business license subcommittee With all sectors involved in this sub-committee to consider the initial screening before proposing to the main committee to consider. So that operators can adjust to the system correctly. There should be the relief and legal remedies so that operators can adjust to the system. If most hotels log in, it will allow the government to control the business and reduce the negative impact on society, economy and environment to a sustainable business - HLA."

3) Group 3: the 13 hotel operators that do not have a license (HN 1-13) in a total of 13 hotels, have commented on the case of adjustment to the system of unlicensed hotel business operators that the government should lenient the law enforcement for the hotel business operators. To adapt to the system more conveniently by adhering to safety and security conditions in life and property primarily.

"... The issuance of permits should be supervised by the local administrative authority such as area specification, room size, the number of rooms, type of hotel that needs to apply for permission. Because the local authority is closer to the operators, and the regulation should cover each issue clearly and be as specific as possible. - HN3."

"... The hotel has tried to apply for a hotel business license since 2014 by submitting complete documents and evidence but has not

received the license until now, and the authority did not give any reason. Therefore, to adapt to the system, it should be that the government improves the procedures and laws to be relaxed and should have clear details - HN4."

"... to provide a legitimate log in must allow the government to be more lenient in the law and should be more clear - HN5."

"... Log in to the system is limited by law. Should be lenient in which the operator cannot proceed immediately both in terms of additional investment because the business just started may encounter problems. Some hotels have been operating hotels or guesthouses since 1985. However, when the government has enacted the law under the Ministerial Regulations prescribing categories and rules for hotel operations, 2008 (B.E. 2551) and the Hotel Act, 2004 (B.E. 2547) causing the building that has been built before the law comes into force have to become implicitly illegal. Although the spirit of the law must not be retrospective, it must be a virtue. The government should be clear that hotels that have previously operated business should be lenient to proceed by specifying conditions that are acceptable to both parties without affecting the importance of the building and environment's strength to adjust to the system. New hotel to be built and requesting new operation then proceeds to the law enforcement in the same direction. Another important thing is that hotels that have been in business before 2015 did not do the IEE or EIA report because the conditions and regulations are required to prepare a preliminary report. However, these buildings were built before that and not within the IEE or EIA report requirement scope. It is a problem that can not be solved at the provincial level. - HN6."

".... In this part, the hotel was stuck in the construction design process and file a request to Sakhoo sub-district administrative office, regarding the amendment of the construction plan, to comply with the law. Still, the sub-district administrative office has not been considered, as the file was submitting in 2018. The Sakhoo sub-district administrative office has informed us to wait until now. It resulted in not bringing the form of a

document, Aor.6 to apply for the hotel business license, making it impossible to log in. Recently, we are not able to bring the certificate Aor.6 from the Sakhoosubdistrict administration office to apply for a hotel business license. Makes it impossible to log in - HN7."

"... we would like the government agencies to facilitate the entrepreneurs in requesting construction permits and hotel business licenses. Furthermore, we would like the government sector to invite the entrepreneurs to join the discussion about how to apply for a hotel license to log in correctly - HN8. "

"There should be education for entrepreneurs in details of the processes and procedures that entrepreneurs must comply with the application for a construction permit for the hotel business and requesting for a hotel business license to be clearly understood for both the business operators and the relevant departments. In order to be legally logged in - HN9."

"... Process or procedure should be suggested, including each type of required documents and how to proceed. Make a clear process diagram, and make it easy to understand not to waste time in proceeding. Consideration of licensing takes a long time. There should be a small screening committee of the province that can be inspected weekly then summarize and send a report to the Provincial Committee to consider at least once a month - HN12."

4) Group 4: there are 2 representatives of Private Sector Organizations related to the hotel and tourism business (PS 1 -2) having an opinion as follows;

"... in the adjustment of hotel business operators, (1) the government should improve the timing of the request for hotel business operations for the whole process not to cause any delay in each step. (2) the government should limit the number of hotels and rooms not to exceed the amount of demand to reduce the impact of economic, social and environmental impacts on sustainability. (3) hotel business operators

should proceed according to the processes and procedures Under the legal framework that the government has strictly relaxed - PS1.”

“... In this point of view, we have to divide the hotel outside the system into 3 groups which are; (1) The hotel business that is ready to enter the system but was stuck in the delay of the hotel licensing process. This group can immediately push into the system. (2) Hotel operators to be partially renovated according to the criteria or conditions specified by law. This group may be given time for adaptation to the legal system. Also, it may require joint management between the government and private sectors to support and improve some laws that are obstacles but not the essence of safety and environmental protection, which will enable hotel business operators to comply with relaxation conditions. (3) Groups that unwilling to comply with any rules and conditions, this group must enforce the law and drive out of the hotel business – PS2.”

4.2.3.2 Summary of the results from the in-depth interview with semi-structured questions from research question no. 3, "What should be the hotel business operators in Phuket? In order to be under the Hotel Act, 2004 (B.E. 2547) and the Ministerial Regulations prescribing characteristic of other types of buildings used for hotel business operations 2016, (B.E. 2559)" To answer the objective 3.

From answering in-depth interviews of all those involved in the process of obtaining a hotel business license, can be summarized as follows;

Guidelines in the adjustment of hotel operators in Phuket province, the government officials, viewed that the current law has already been approved and sufficient for the entrepreneurs. Entrepreneurs should proceed under leniency, but if finding any obstacles in any matter, the discussion is welcome with the relevant agencies to find the appropriate solutions.

“... Law enforcement has been relieved to the hotel operators accordingly. Therefore, the government would like to invite the unlicensed hotel operators to apply for the licensing process and drive along together –GO1.”

"... the district office as a Hotel Registrar should regularly inspect the operators. When founding a hotel business that operates without a license, there will use of political science principles to inspect. it will be lenient if found that there is a direct illegal practice as long as it is not a primary law, - GO6."

Nevertheless, some government official commented that some laws do not allow entrepreneurs to adjust. Furthermore, it has blocked the opportunity or estoppel, forcing entrepreneurs to proceed under the legal framework. However, the spirit of the law must not be retroactive with agreeable with the hotel business operators that believe that there should be an amnesty law for hotel operators that have operated before 19 August 2016 to adapt to the system.

"... Should allow the building that used to operate as the hotel before but has proceeded correctly and received a construction permit, modification permit or changes the building certificate usage (Aor.1). The government should be granted amnesty to give certificate Aor.5, especially for buildings built before 19 August 2016. For buildings that are created after, they must comply with current law regulations - GO15. "

"... Some of the hotel operators have been operating the hotels or guesthouses since 1985. However, the government has enacted the law under the Ministerial Regulations prescribing the types and rules of the hotel business operation, 2008 (B.E. 2551) and the Hotel Act, 2004 (B.E. 2547). It had resulted in the hotel that was built before the law come to enforced become implicitly illegal, although the spirit of the law must not be retroactive for punished but in virtue- HN12."

On the other hand, private organizations involved in the hotel business consider that Law enforcement is essential for operators to follow. Moreover, the private sector in tourism commented that the hotel business operators should be divided into 3 groups: (1) Hotel business that is ready to enter the system but was stuck in the hotel licensing process's delay. This group can immediately push into the system. (2) Hotel operator to be renovated in some parts according to the regulations

or conditions specified by law. This group is needed time to change and adapt to the legal system and required cooperation between the government sector and the private sector to support. Also, improvement of law is necessary to dissolve any obstacles but not the essence of building safety and environment concerned. (3) Group of the operators that are unable or unwilling to comply with any rules and conditions. This group must enforce the law and drive out of the hotel business.

"... see that we have to divide the informal hotels into 3 groups to make it easier to push and adapt to the system legally - PS2."

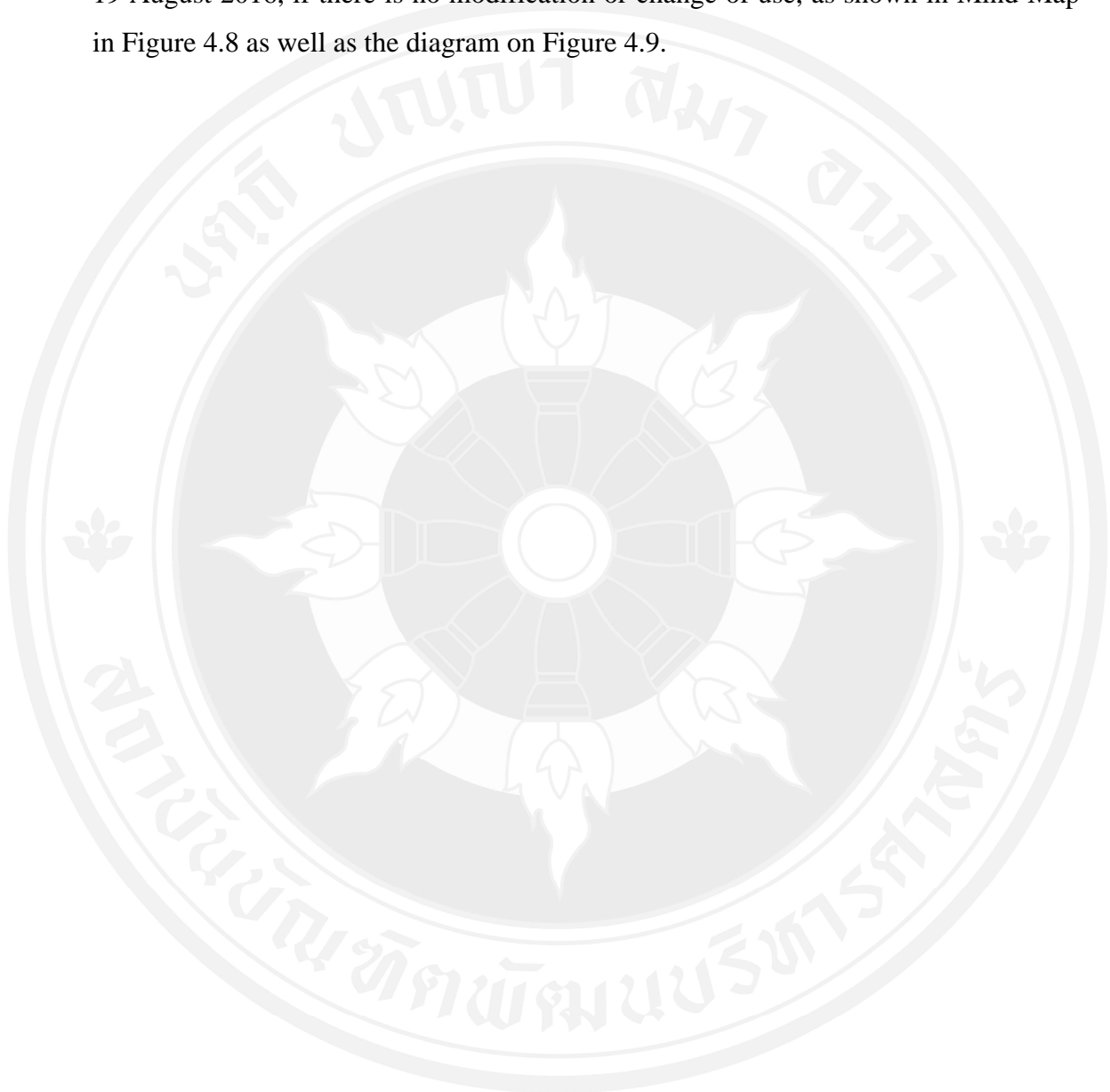
However, there are comments from both government officials and hotel operators that the government should be lenient and allow for environmental law. Officials involved in the hotel business approval process should have explicit knowledge and details regarding the process and procedures. Significantly to push hotel business operators into the system, a sub-committee must be established to consider and screen. It has the authority to ease the conditions of the law as far as possible and act quickly to allow operators that want to log in to have an opportunity to adjust more efficiently and to enforce the law with those who intend to avoid or refuse to enter the correct system.

"... in adaptation to the legal system, there should be the government improved on the procedures and laws to be relieved with more clear details and the bureaucracy should be improved to be faster than this --HN4."

"... implementation of the license approval process Takes too long There should be a small screening committee of the province that can be inspected every week and summarize and send to the committee to consider at least once a month will save much time --HN12."

In conclusion from this in-depth interview of objective 3, it has found that there are issues that all parties are consistent with; 1) Law enforcement should be relaxed concerning the safety, security, and stability of the building. 2) Sub-committee

at the district level should initially be set to consider and resolve the problems and obstacles. 3) Should divide the group of hotel operators into three groups which are; (1) legal group (2) incorrect group but want to log in and (3) groups that circumvent the law, and (4) there should be an amnesty for hotel operators that operating before 19 August 2016, if there is no modification or change of use, as shown in Mind Map in Figure 4.8 as well as the diagram on Figure 4.9.



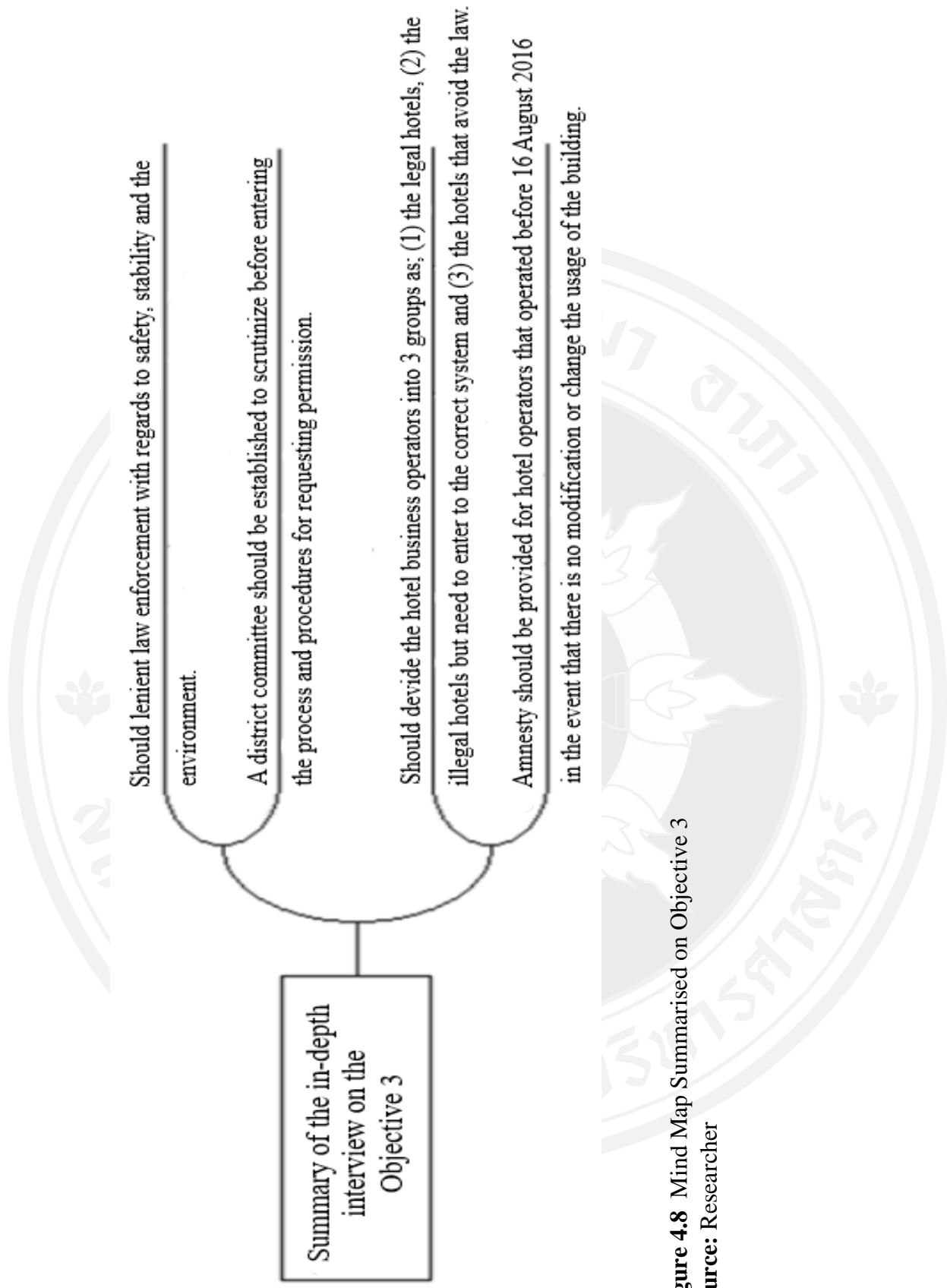


Figure 4.8 Mind Map Summarised on Objective 3

Source: Researcher

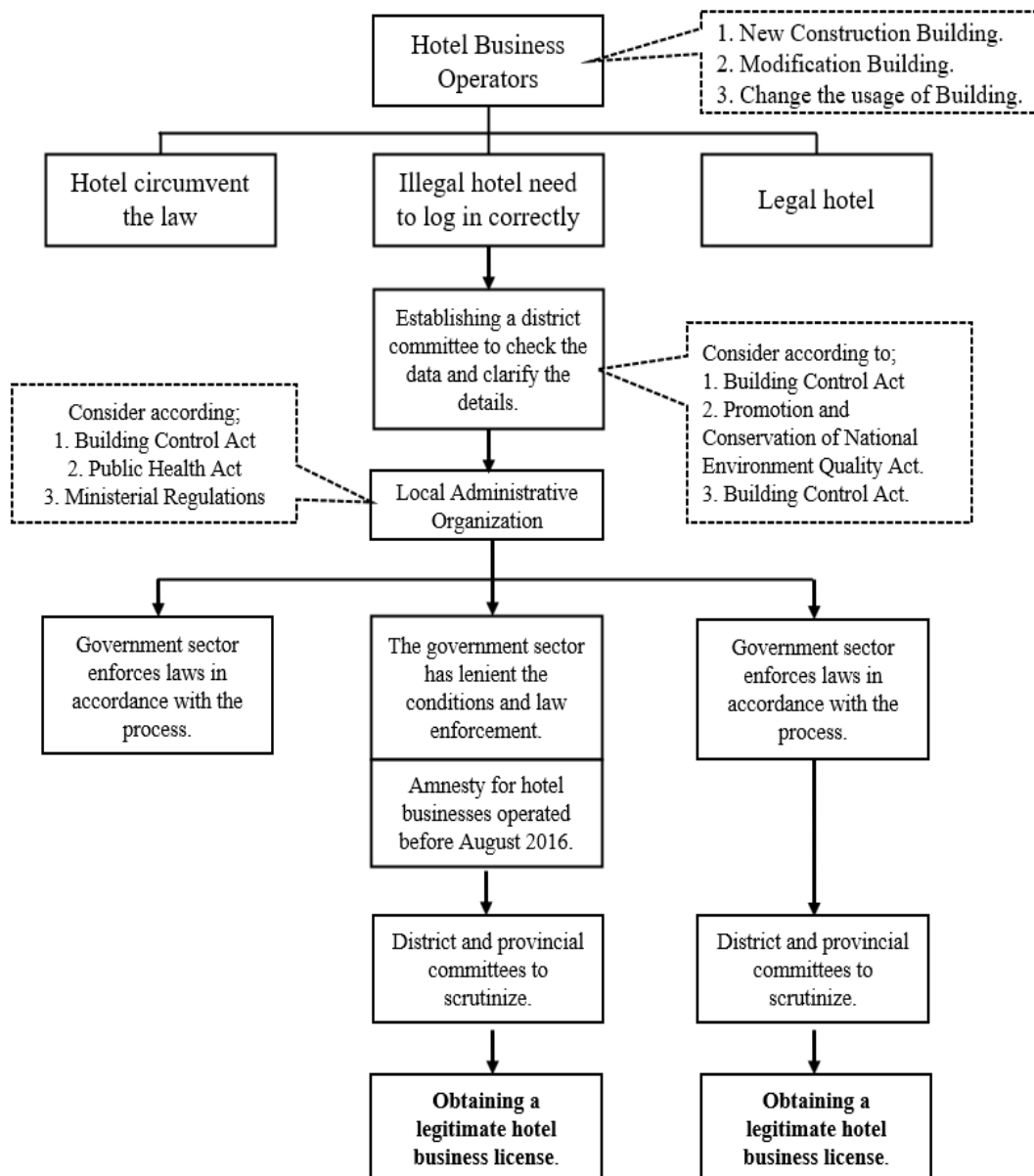


Figure 4.9 Summary of the In-depth Interview on Objective 3

4.2.3.3 After the conclusion of the in-depth interview, the researcher has compiled findings on various issues to present in the focus group, consisting of 13 people, consisting of (1) Representative of the Audit, Monitoring and Evaluation Committee, Ministry of Interior (2) Representative of Phuket Provincial Office (3) Phuket Public Works and Town Planning (4) Representative of Phuket District Officer (5) Representative of Kathu District Officers (6) Representative of Thalang District Officer (7) Representative of Mayor of Patong (8) Representative of Phuket Resources and Environment, Phuket Office (9) President of Thai Hotel Association, Southern

Chapter (10) President of Phuket Tourist Association (11) President of Phuket Industry Council (12) Secretary of the AMEC.

The summary of the focus group meeting is summarized as follows:

1) The chairman of the meeting opening speech;

"... The government and the Ministry of Interior would like to achieve the objective in making hotels without license log in to the legal hotel management system according to the Hotel Act, 2004 (B.E. 2547). In order to gain standardized, quality control and safety for hotel guests and also creating revenue for the state as well as controlling pollution that may occur and creating environmental impact in the community from unlicensed hotel business operations., Therefore, please ask everyone to present their opinions and problems at the meeting. At first, Khun Bhuritt will introduce the basic details."

2) The researcher presents the necessary information;

"... Thank you, Mr President. I would like to present all the problems summarized from an in-depth interview from the three sampling groups which are; (1) the government sector that is directly related to the application for hotel business operation (2) the hotel business operators that have a hotel business license correctly and (3) the hotel business operators that do not have a hotel business license. It was found that the most unresolved issue to date is the private sector operating the hotel without a license. At present, there are more than a thousand places in Phuket. Therefore, an overview of the hotel business in Phuket will be presented."

(1) A part of the licensed hotel will be a hotel that was requested for construction after 2015, which must be done in accordance with the process and procedures of the law. Moreover, some parts have brought the existing building to request to modify the building for use in the hotel business and carried out in full accordance with the conditions. This group will receive the Aor.6 certificate for building

usage, to apply for a hotel business license as they are not obstructing by any laws.

(2) A group without a licensed, group 1: is a hotel that has been in business before 2015 (B.E. 2558), with a construction permit (Aor.1) but when the law came into force in 2016 (B.E. 2559) causing this group to carry out improvements, modifications, alterations to use of buildings or conducting an IEE or EIA report to be completed under all legal conditions in the process and it was under processing. Therefore, resulting in not receiving the certificate Aor.6 for the building's use, causing not to apply for a hotel business license.

(3) A group without a licensed, group 2: is a hotel that uses other types of buildings to improve, modify or change the usage of the building, same as the hotel without licensed group 1, for hotel business operation which the building and components used in the hotel business, violation of the terms and conditions announced in the Ministerial Regulation prescribing other types of buildings used in the hotel business (Version 2), 2018 (B.E. 2561), resulting in being unable to request for the use of building certificate Aor.6 as supporting documents in applying for a hotel business license.

(4) A Group without a licensed, group 3: is a hotel that brings together residential buildings such as apartments or condominiums to operate as hotels. The law requires a license to change building's used as certificate Aor.5 and finding from the data collected in the fieldwork; the main problem is that these buildings did not prepare an environmental impact assessment report for hotel operations. However, the environmental impact assessment report's preparation is for residential buildings that submitted when construction was started. Therefore, it cannot request a certificate Aor.5 to apply for a hotel business license.

Thus, in this focus group meeting, please kindly give the opinion or suggestion regarding the hotel business organizing in Phuket to let the hotel business operators adapt to legitimate. To achieve the

government's objectives and the Ministry of Interior to build a sustainable economy, society and environment for the hotel business in Phuket and Thailand."

3) The representative of the Phuket Provincial Office presents an overview of hotels in Phuket;

"... The number of licensed hotels there are 273 locations in Mueang Phuket District, 91 in Thalang District and 181 in Kathu District, totalling 545 licenses with 53,312 rooms in total. The hotels business operators have divided into two groups. The first group is other types of accommodations that considered to be a hotel business at 1,477 places. The second group is another accommodation type applying for hotel business licenses 951. The Phuket Provincial Office has implemented a policy to push all these unlicensed hotels to adapt to the system. However, problems still have found regarding legal compliance which most entrepreneurs can not comply with.

4) President of Phuket Tourist Business Association suggest that;

"... the government should enforce the law on hotels that intended to violate the law. Moreover, the government must find a way to relax the law for the hotels that operate before and try to adapt to legitimate to have the opportunity in entering the correct system which may have to discuss in the legal issues that must be excluded, with other related agencies."

5) The President of Thai Hotel Association Southern Chapter proposed that;

"The understanding should be made with hotel operators that are still operating the hotel business illegally regarding the adaptation to become an exemplary hotel business operation. It is to make the precise point of view on the exact process and procedures of hotel business licensing to comply with laws and regulation, which all involved sectors will understand in the same direction. The sub-committee at the

district level should be established to help the operators resolve the obstacles and have discretion in one direction. For a speediness of consideration and screening, therefore, would like to propose to the government to set up a sub-screening committee together with the government and private sectors at the district and provincial level to consider and screening the hotel business license to speediness the process."

6) Chairman of Phuket Industry Council was suggested as follows;

(1) Should precede law enforcement strictly with the new hotels and requesting that the number of rooms must be appropriated to the level of market demand. Also, sufficient for the carrying capacity of the infrastructure of Phuket.

(2) Management for existing hotels that not yet have a hotel business license to enter the system under the law. The entrepreneurs' group should be grouped into four groups: (1) The White group; this group can be considered to pass the legal process and procedure. (2) The light grey group; which may have certain conditions that the screening committee can exercise discretion in pushing to receive a hotel business license by focusing on the safety of the building, fire prevention and wastewater treatment. Suppose it changes the usage of the building. In that case, it shall be complied to use the environmental impact report which has been prepared to improve and modify certain items of the previous statement so that it can be used for building changes to operate the hotel business. (3) The dark grey group; must arrange for adjustment and improvements to the building to be safe in fire safety and wastewater treatment. Including the preparation of an environmental impact assessment report by providing time for the operation. If not followed, the law should be strictly enforced with the operators following the process and procedures. (4) The Black group; that are nominees or short term leasing the business should strictly implement the law.

(3) *Hotel business operators that were operating in a conservation area of Phuket old town should be cleared in terms and conditions of taking old buildings converted into accommodations or hotels because, at present, there is still no conclusion to the terms and conditions of conduct."*

7) Represent of the Public Works and Town Planning Phuket Province presented the issue of lenient enforcement of the whole system of law that;

"... In matters relating to the application for a hotel business license to use strict discretion only in building safety and fire protection but please allow relief on the environmental impact by focusing on wastewater treatment according to the condition that operators can easily do. More importantly, if the hotel has over a thousand hotels that have not yet received a hotel business license when they willing to enter the system, we may have to take measures to resolve the law or the introduction of NPCO. So the resolution of the problem will be settled in the operator's level, and the use of discretion in resolving problems will be in the same direction, legally.

8) Hotel registrar of Kathu District presented the opinion that;

"... from issuing, inspecting and supervising the hotel business in Kathu district and found that there is a significant issue to be presented to the meeting, which is that almost every hotel operators need to enter a system legally. The entrepreneurs that are beginning the process of entering into the hotel business are two types: (1) those who understand the process and steps correctly and proceed accordingly and (2) those who know and understand but avoiding practice or ignoring the law because there may have the incorrect information provided from an outsider. Therefore, to bring entrepreneurs into the process correctly, it is difficult for the practitioner to adhere to the law. If we make a mistake, the

process may impact the officers, so making a clear policy will help the correct understanding of both entrepreneurs and the relevant government's process and procedure. Therefore, it is important to enable officers in the area to work efficiently."

4.2.3.4 Summarize the issues from the focus group meeting according to Objective 3, "To find the procedure in adaptation to the legal process of the hotel business operators", which have found that most issues are consistent with the needs of the hotel business operators that have conducted in-depth interviews previously and in accordance with the opinions of private sector organizations and government officials themselves with the summarized that pointed out as follows:

1) A Sub-committee at the District level should be established between government officials involved in applying for hotel business operation licenses and private sector experts in the consideration and examination of the hotel business license. To initially solve problems and obstacles that will efficiently implement the processes and procedures much faster.

2) The number of hotels should be limited to a level of the carrying capacity of the tourism industry in Phuket and allowed hotels that have been in business before can adapt to the system by concerning the safety of the building and fire safety including wastewater treatment systems to suit the size and type of the hotel.

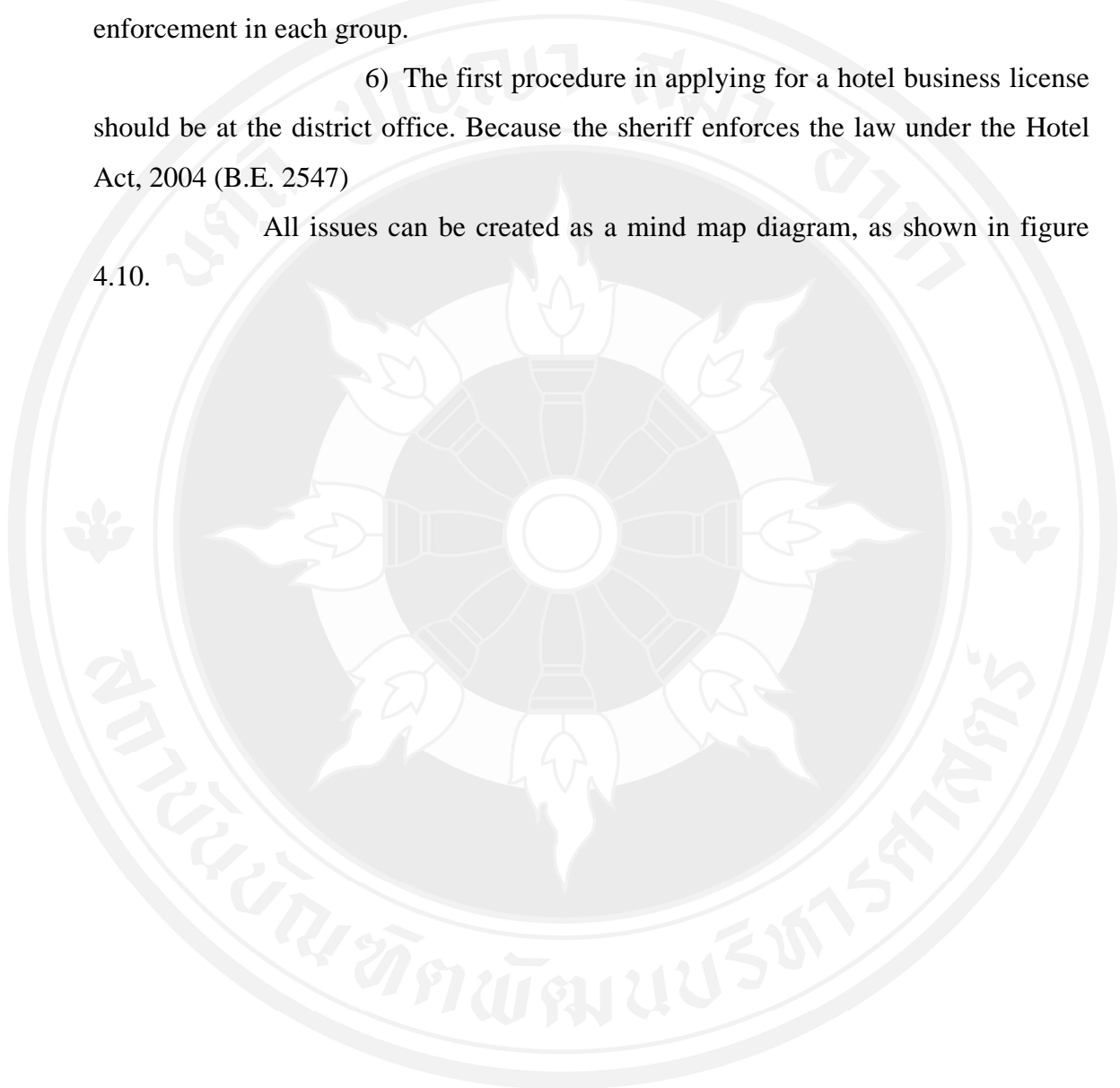
3) Should strictly consider finding measures to control other businesses that use the building to operate the hotel business without permission and to allow those who have run the hotel business before to have the opportunity to log in according to the legal processes and procedures for the benefit of the government in taxation. Furthermore, reduce the impact of economic problems in society and the environment.

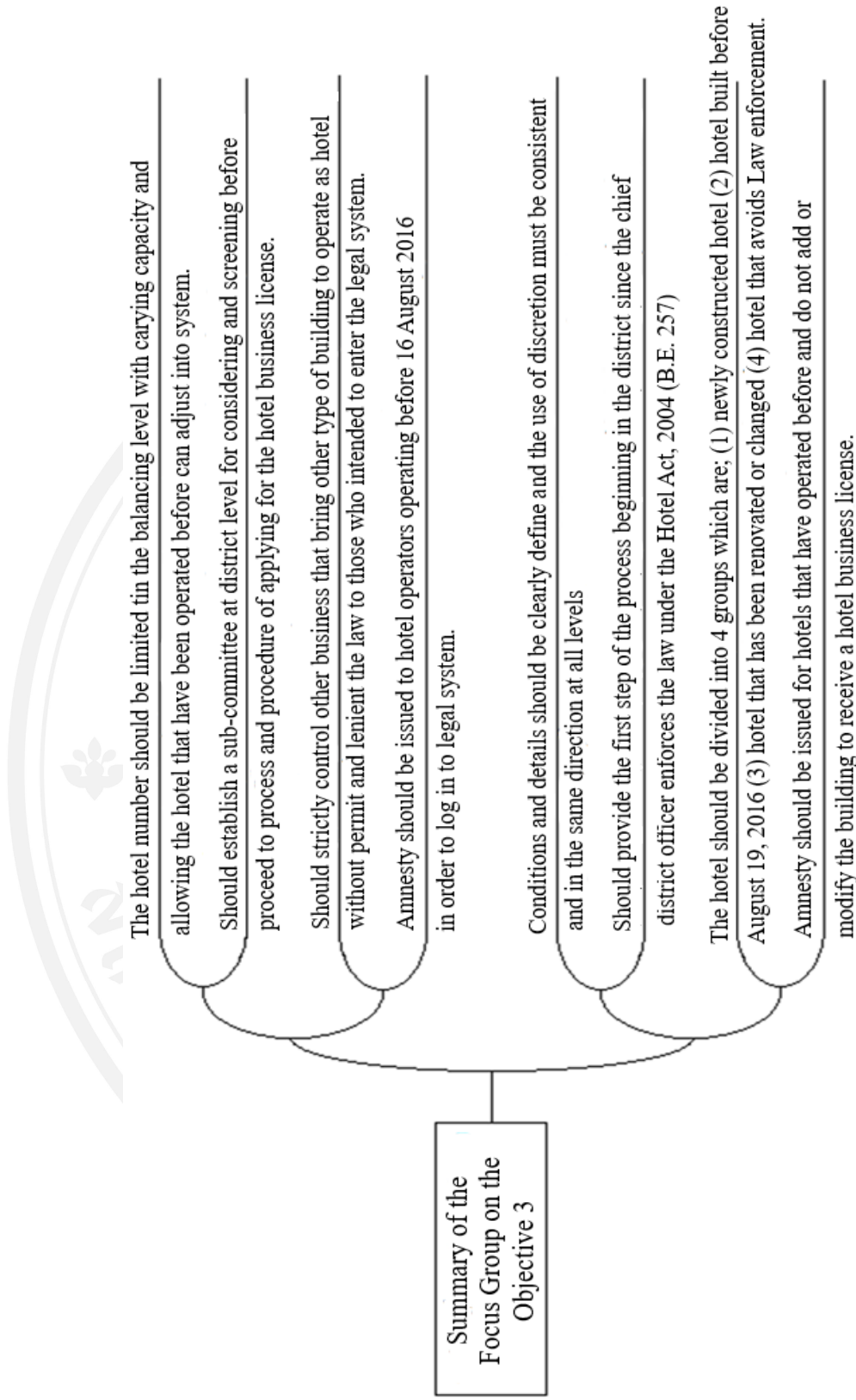
4) Conditions and details should set in the process and procedures of applying for a hotel business license to be precise. In this regard, the relevant agencies in applying for hotel business licenses must use discretion following the same direction at the local administrative, district, and provincial levels.

5) The hotel group should be divided into four groups which are; (1) new construction hotel (2) hotel that built before 19 August 2016 (3) hotels using other types of buildings to modify or change the usage of the building to operate the hotel business and (4) hotels that avoid complying with both new and old law enforcement. In order to make the process easier to either enforce law or ease law enforcement in each group.

6) The first procedure in applying for a hotel business license should be at the district office. Because the sheriff enforces the law under the Hotel Act, 2004 (B.E. 2547)

All issues can be created as a mind map diagram, as shown in figure 4.10.





Picture 4.10 Mind Map of Summary of Focus Group
Source: Researcher

4.2.3.5 Discuss the results; summarize the guidelines for the adjustment of entrepreneurs to enter the hotel business operations correctly, as shown in figure 4.10 From the study has found that;

Hotel business operators should comply with legal conditions. If there are any obstacles, they should be discussed with the relevant authorities to solve problems and obstacles together. At the same time, the government should relax the conditions and law enforcement in some issues. To allow operators to proceed with the next steps and processes, based on the building's stability and the guests' safety as the main And the government sector should be lenient in the enforcement of environmental laws. In terms of wastewater treatment, small business operators can use the wastewater treatment system and local government organizations. Moreover, the preparation of an initial EIA and an EIA report Causing obstacles to entrepreneurs who had conducted business before the law came into effect.

For the entrepreneur who operated the hotel business before 19 August 2016, before the Ministerial Regulations prescribing the characteristics of buildings used in the hotel business were announced and come in force. There should be an amnesty for those entrepreneurs if the structure has not been modified or renovated illegally and granted a hotel business license until there will be the construction and modification of the building, which must be carried out under the law's conditions currently promulgated. The government sector should divide the hotel operators into four groups for a more detailed view, which are (1) hotel hat requesting for new construction (2) hotel that built before 19 August 2016 (3) hotel that use other buildings to modify or change the use of the building to be used in the hotel business, and (4) hotel that is intended to avoid and not comply with the law which strictly law enforcement should attempt.

4.2.4 Study results according to objective 4

"To create government policy recommendations allowing hotel operators to carry out legal processes and procedures and can be used as a guideline to proceed with other areas under the correct processes and procedures. With questions in the research that "Government policy recommendations to enhance the hotel business operators to operate the hotel business legally how it should be?"

By summarizing the issues obtained from the analysis of secondary data synthesis and processing primary data through in-depth interviews and small group discussions of government officials, private sector and hotel operators, in order to show the results of a research of the process and procedures for applying for a hotel business license and recommendations that the government should take to improve in order to achieve the objectives of pushing hotel operators that are outside the system have adapt by summarizing the issues obtained from the analysis of secondary data synthesis and processing primary data through in-depth interviews and small group discussions of government officials, private sector and hotel operators in order to show the results of a research of the process and procedures for applying for a hotel business license and recommendations that the government should take to improve in order to achieve the objectives of pushing hotel operators that are outside the system have adapted to log in legally to reduce the impact on society, economy and the environment of hotel business in Phuket Province can be summarized as follows;

4.2.4.1 Legal issues

Seven laws concerned with applying for a hotel business license. Two primary laws are directly related: the Hotel Act, 2004 (B.E. 2547) and the Building Control Act, 1979 (B.E. 2522). The issues caused by the problems and obstacles in the request for hotel business operation in the first step are the construction, modification or change of the building usage under the supervision of a local administrative organization. Those entrepreneurs who are requesting to operate a hotel business must obtain permission from the sub-district administrative organization before proceeding. Once the process has been completed and inspected by the local administrative official then will receive a certificate of use of the building certificate Aor.6. Therefore, those who change the usage of the buildings will receive a certificate of Aor.5. Then the issues that arise in this step include building used in the hotel business operation before Ministerial Regulations prescribing description of other types of buildings used for hotel business, 2016 (B.E. 2559) has been announced which has retroactive effects to be harmful to entrepreneurs. Therefore, the entrepreneurs cannot obtain a certificate Aor.5 or building usage certificate from a local administrative organization due to the obstruction to the conditions specified in the Ministerial Regulations that came into force as a punishment. In some case, the building may

have an extension of the construction for the hotel business's additives. However, the conditions do not match with the Ministerial Regulations which come into force as a punishment and causing the entrepreneur not to be able to apply for a hotel business license at the District Office in the area where the building is located—and resulting in these hotels to become outside of system immediately. Despite being adequately licensed before 19 August 2016, the Ministerial Regulations prescribing descriptions of other types of buildings used for hotel business, 2016 will come into force. Suppose there is a relief from law enforcement in this matter or an amnesty announcement. In that case, hotel operators that have operated before can log in for building modifications to be used in the hotel business. Likewise, in enforcing this, Ministerial Regulation has created conditions that cause obstacles in some areas for hotel business operators, such as fire escapes, free space of 10 per 100 parts, the floor's strength per the second-floor load. All parties agreed that it should be relaxed and reduced in some areas by taking into account the building and security principles. As for the use of the building, the study found that to change a residential, apartment or condominium into a hotel will be subject to the terms of the environmental impact assessment report. There are different types of environmental impact report which causing entrepreneurs wasting a lot of time and budget. According to the data, entrepreneurs and government officials believed that enforcing the Promotion and Conservation of the National Environmental Quality Control Act, 1979 (B.E. 2522) should have the leniency for entrepreneurs to use the IEE or EIA report to update the content without having to do the whole new story again.

Simultaneously, some government agencies believe that many different agencies have enforced the law and may conflict among themselves because each person holds different laws; there should be the integration of legal processes to minimize the legally obstructed conditions, especially the environmental law.

4.2.4.2 Process and procedure issues

Both public and private sectors all agreed that a sub-committee should be established at the district level. To scrutinize hotel business license requests by following the conditions of the law enforced in the Hotel Act, 2004 (B.E. 2547), which will allow hotel business operators to understand the details of the process and

procedures rightly and clearly. The process should begin at the District level by clearly specifying the information, including answering questions on all issues without the officials' discretion in each process that may reduce problems from not understanding or misunderstanding in essence. It also specifies all types of necessary documents when applying for the hotel business operation and applying for a hotel business license from the beginning at the district level.

Also, all parties agreed on the implementation of procedures that do not have a set time constraint. That was causing a delay in the process. So, determining the exact time in each course is necessary for the entrepreneurs to know. Although there may be a delay due to force majeure, hotel operators still need a definite time frame for all processes and procedures.

4.2.4.3 Issues of adaptation of hotel business operators on Objective 3

On this point, most government agencies consider compliance with legal procedures as they should be. Because many legal conditions have already been relaxed, if the hotel business operator that operated before has any difficulty in any conditions, it should be discussed with the sub-committee or relevant government officials to find a solution together. However, there are still some entrepreneurs who have the intention to avoid following the law and causing it impossible to adjust itself into the system

About this matter, both the private sector, hotel operators and some government sectors offered the same opinion that the entrepreneurs should be divided into four groups in order to be able to identify the issues in each group that are problems and obstacles. By organizing the group of hotel operators into groups as follows;

- 1) Hotel groups requesting new construction permission. This group must strictly abide by the law and follow the process and procedures according to the conditions specified.

- 2) Hotel groups that have been built before 19 August 2016. This group will receive an amnesty and continue to run the business as long as there is no alteration to the building's image to deviate from the conditions enforced by the law or a partial renovation to meet the legal requirements as far as leniency is permissible.

3) Hotel chains use other buildings to modify or change the building to be used in the hotel business. This group will have to go through the scrutiny process of the sub-committee at the district level in order to consider how restrictive the conditions can be and how much they will need to be improved; to be able to enter the process.

4) Hotel group that avoid and not comply with the law. This group will be strictly enforcing the law.

4.2.4.4 Drafting of the Policy Recommendations to Enhance the Hotel Business Order in Phuket, Thailand, on Objective 4

In this regard, it is a compilation of data obtained from research studies according to the Qualitative Research Methodology; the data is analysed by content analysis method. Then, the data can be analysed for each purpose to create a conceptual diagram of the information as per the mind map diagram in Figure 4.11 and then use it to draft a government policy recommendation for enhancing the hotel business order in Phuket, Thailand.

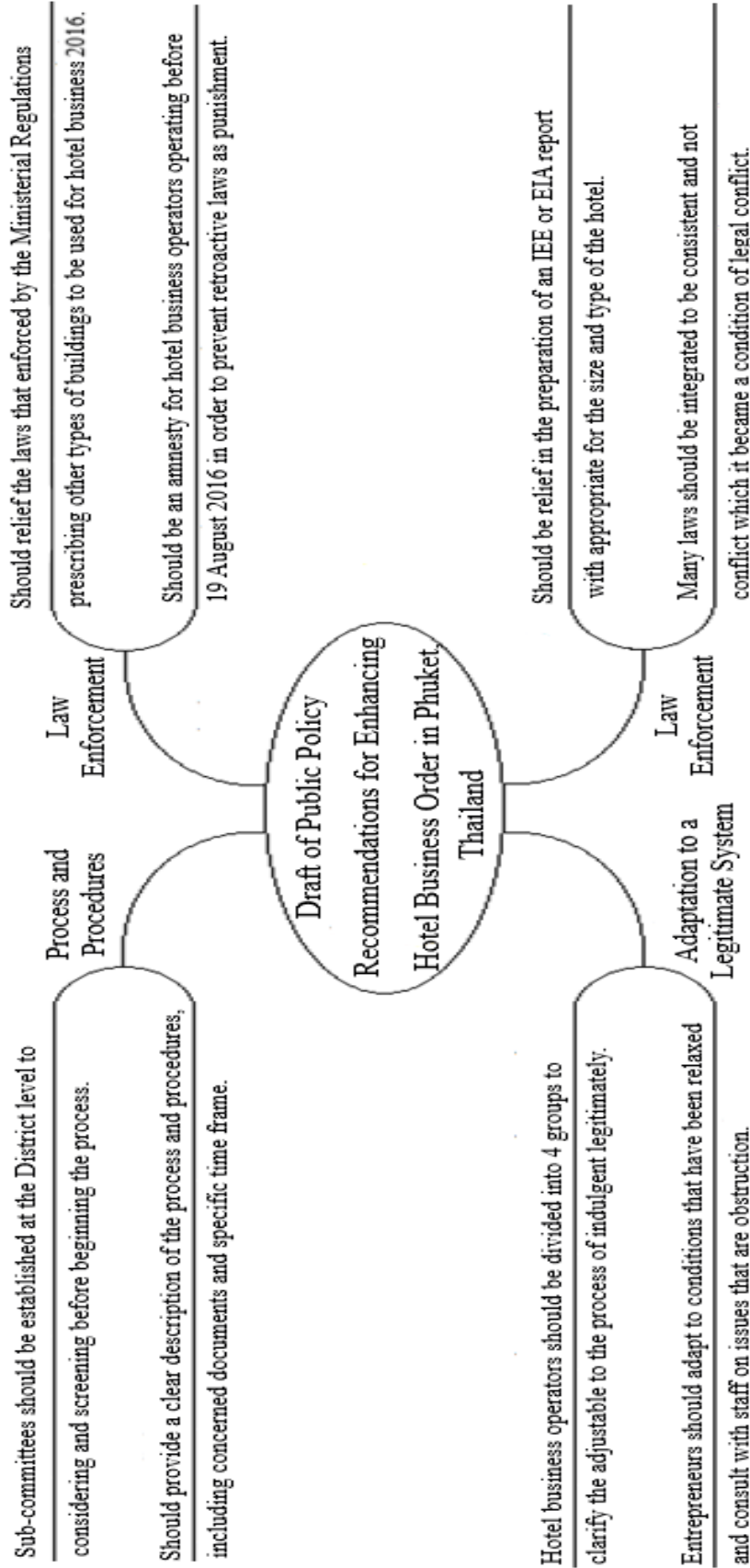


Figure 4.11 Mind Map of the Draft of Public Policy Recommendations
Source: Researcher

4.2.5 Summarise the discussion from figure 4.11

From the mind mapping diagram in figure 4.11, primary and secondary data have been collecting to analyse and synthesise the key points that will lead to the formulation of a Public Policy Recommendation for Enhancing the Hotel Business Order in Phuket, Thailand. The researchers found that In most cases, problems and obstacles arose from conflicts. Legal issues are an essential issue and government officials' different discretion at both the local governing level, the district level and the provincial level, which is the subject of an individual's understanding of preference or may use legal interpretation with different knowledge. Therefore, causing the hotel business operator to be confused and to understand the real missteps and procedures. Besides, the intention to avoid the regulations of the law's rules and regulations creates problems with the government's law enforcement procedures that try to ease restrictions and conditions for operators to adjust to a legal system. Still, the entrepreneur himself cannot do it because the intention of circumventing the previously carried outlaws returned as a hindrance to the hotel business itself.

Therefore, to clearly understand the issues of research studies The presentation of the empirical data in the study results is mainly the presentation of the legal problems and regulations that the hotel business operators must implement, and use the information from in-depth interviews to support or disagree with creating guidelines for making government policy recommendations for organizing the hotel business in Phuket Providing an observation for hotel operators to adjust to the following legal systems as follows;

4.2.5.1 Issues on laws, rules and regulations

Laws, rules and regulations used in the process and procedures for the hotel business license and the application for the hotel business license It is the law enforcement in the same process but in different steps which can be divided into two stages which can be summarized as follows;

1) Procedure for requesting to operate a hotel business

At this stage, it is enforcing with the Hotel Act, 2004 (B.E. 2547) under Section 15 stipulates that it is prohibited to conduct hotel business without a permit except receiving permission from the Registrar. To requesting and issuing for a license shall be under the rules and procedures prescribed by the

Minister. Also, in Section 18, the Registrar may issue a permit to the applicant when considers that the location, size, characteristic, facilitation or the standard of business operations of each type of hotel is under the rules prescribed in the Ministerial Regulations issued under Section 13. Any violation of this matter shall be penalties as stated in Section 59 that "whoever violated Section 15, paragraph one, shall be punished with imprisonment not exceeding one year or a fine not exceeding twenty thousand baht or both. Furthermore, regardless of this, there will be a fine of not more than ten thousand baht per day throughout the violation duration.

It can be seen that the application for requesting for hotel operation and the issuance of a hotel business license must proceed under the law has prescribed. If whoever violated, will be punished. However, some hotels have been in business before the Hotel Act, 2004 (B.E. 2547) be enforced. Therefore, Article 63 has issued in supporting this matter stated that "Any person operating a hotel business without obtaining a license before or on the date this Act comes into force. If wanted to continue to operate the hotel business, must submit the application that applies for a license to the Registrar within one year from the date the Ministerial Regulation which has issued under Section 13 comes into force". After applying for a license, the Registrar shall accept the said request for further processing under this Act. Moreover, that person can continue to operate the hotel business until receiving a notification of disapproval from the Registrar. Therefore, two types of hotel business operators shall be operating: the hotels running before and the hotels running after the Hotel Act, 2004, come into force.

From this point, the in-depth interview shows that entrepreneurs who previously had run their business and did not receive that license were obstructed by the conditions under Section 13 of the Hotel Act, 2004 (B.E. 2547) which stipulates that Article 13 is for the benefit of establishing and controlling hotel standards. To promote hotel operations, promotion and conservation of the environmental quality, stability, hygiene, or hotel safety. With the Committee's advice, the minister has the power to issue Ministerial Regulations prescribing hotel types and set criteria and conditions regarding the location, size, characteristics of facilities or hotel business standards. The above terms and conditions shall include the prohibition of engaging in any other business in the hotel. Under paragraph one, the

Minister will specify the criteria and requirements regarding location, size, and type of facilities. Moreover, standards of business operations of each hotel category to be different. By considering the characteristics of the locality where the hotel is located or the need to supervise each type of hotel or suitable for the features of each category of hotel, in which the said conditions it appears in the Ministerial Regulations prescribing categories and rules for hotel business, 2551 B.E., which specify four types of the hotel as follows;

(1) Hotel type 1 means a hotel that provides only 50 rooms, not less than 8 square meters of living space, not including bathrooms, toilets, and balconies. There are enough toilets and toilets that are hygienic for guests.

(2) Hotel type 2 means a hotel that provides rooms and restaurants or places for food service or cooking areas. All rooms must have at least 8 square meters of living space, not including bathrooms, toilets, and balconies. There are enough toilets and toilets that are hygienic for guests.

(3) Hotel type 3 means a hotel that provides accommodation, restaurant or place for food service or area for cooking, and service places according to the law on service places or meeting rooms. All rooms must have at least 14 square meters of living space, not including bathrooms, toilets, and balconies. There are hygienic toilets and toilets in every room. If there are no more than 80 guest rooms, the service place is not permitted under the law on entertainment facilities.

(4) Hotel type 4 means a hotel that provides accommodation, restaurant or place for food service or area for cooking, entertainment place under the law on entertainment place, and meeting rooms. All rooms must have at least 14 square meters of living space, not including bathrooms, toilets, and balconies. There are hygienic toilets and toilets in every room. If there are no more than 80 guest rooms, the service place is not permitted under the law on entertainment facilities.

Also, the Ministerial Regulations prescribing categories and rules for hotel business operations, 2551 B.E. for all types of hotels have been stipulated by referring to operating a 4-5 star hotel business; the hotel building must provide, such as requiring visible parking spaces, a wastewater treatment system, a

fire system, a warning system, a backup power system, fire escalators. They were causing most unlicensed hotel business operators commented that the government should ease some legal issues and conditions that can be done. Instead, if wanting to comply with all laws, it will be like building a new hotel that will require much investment. Therefore, the entrepreneur would like the government and related agencies to consider this issue.

However, there are still hotel business operators that build after the announcement of the Ministerial Regulations prescribing categories and rules for hotel business, 2551 (B.E. 2008) which the construction of the hotel building was not in accordance with terms and conditions which may be due to not understanding the details or intentionally avoiding in order to save the budget which making hotels in this section was not able to apply for a hotel business license as well.

Regarding this, hotel operators with licensed have commented that they have followed and improved according to the rules prescribed law. They were, therefore, able to apply for a hotel business license. However, in order to resolve the issue of issuing hotel business licenses, the Ministry of Interior has issued the Ministerial Regulations prescribing other types of buildings used for hotel business, 2016 (B.E. 2559), which were published under Building Control Act, 1979 (B.E. 2522) came out into enforce. The essence of the Ministerial Regulation is to specify the conditions for using other types of buildings to operate in the hotel business, such as using commercial buildings, commercial house, apartment, residential buildings and condominium, modified or changed to usage to use as a hotel in which the conditions have been conferred as follows;

(1) This Ministerial Regulation shall be in force for five years.

(2) In case of the Ministerial Regulation does not specify any matter, the provision shall be issued under the Building Control Act, 1979 (B.E. 2522) that generally enforced, under other Ministerial Regulations or Local ordinances or the Minister's announcement that is under this Ministerial Regulation *mutatis mutandis*. Except for the regulations on fire escape ladders shall be executed as prescribed in this Ministerial Regulation.

(3) This Ministerial Regulation shall apply to the existing buildings before the date this Ministerial Regulation comes into force and will change the use of buildings to operate hotel business under the law as follows; (1) hotels category 1: for room service only and (2) hotels category 2: hotels that provide rooms and restaurants or a place for food service or a place to cook food.

(4) Submission of an application to change the use of buildings to operate hotel business in accordance with this Ministerial Regulation must be completed as permitted within five years from the date this Ministerial Regulation comes into force. If a building needs to be modified before applying for a license to use the building, submit a request for a license or notify and take action under Section 39 bis to modify the building within two years from the date this Ministerial Regulation comes into force.

(5) A minor specification regarding changing the building's usage to operate the hotel business that unlicensed operators consider that although the government has relaxed conditions to make modifications or changes to the building more accessible. However, the terms and conditions stipulated in the Ministerial Regulations will benefit only category 1 and 2 with no more than 50 rooms only. At the same time, both types of hotels are not able to comply with lenient conditions.

In this case, hotels that do not have hotel business licenses and some government officials commented that the government should issue an amnesty law for hotel operators that do not have a hotel business license. Nevertheless, the hotel business operator wishing to log in legally should be adhering to the building safety guidelines and fire safety which is a significant issue. However, other conditions should be relaxing under the Building Control Act, 1979 (B.E. 2522) according to the building's operating condition since the beginning.

Moreover, the Hotel Act 2004 (B.E. 2547); Section 13, also stipulates that other laws shall be applied according to local area conditions for the benefit of standard hotel control, hotel business promotion and conservation of the environmental quality, stability, hygiene or hotel safety. That means the buildings used in the hotel business must be under the enforcement of other laws, including the Promotion and Conservation of the National Environment Quality Control Act, 1992

(B.E. 2535) and the Public Health Act, 1992 (B.E. 2535). That means the buildings used in the hotel business must be under the enforcement of other laws, including the Promotion and Conservation of the National Environment Quality Control Act, 1992 (B.E. 2535) and the Public Health Act, 1992 (B.E. 2535). It is understood that many hotel business operators that built before or after August 19, 2016, and together with the hotel business that modified buildings and changed the use of facilities to operate as the hotel business, unable to apply for a hotel business license. It is because of the buildings that were operated the hotel business has not passed the local authority audits and have not received the building usage certificate (Or. 5) or (Or. 6), which is an essential document for applying for a hotel business license at both district and province level. As prescribed by the Ministry of Interior, two copies are;

(1) Ministerial Regulations prescribing categories and rules for hotel business 2551 B.E. 2551. 9 The building for use is a hotel located in the area where the law on building control is in force. Must have evidence showing that the building is licensed as a hotel or has a building inspection certificate. Under the law governing buildings (Phuket Province has declared a building control area and the environmental control as a whole province)

(2) Notification on rules and procedures for considering the request for a license and the issuance of a hotel business license Article (1) stated that whoever wants to operate the hotel business must apply for a permit in form RR.1. In conjunction with Article 1 (4), the applicant must be declared the evidence of the building certificate according to the Building Control Act, (Section 21, Building Control Act 2522). Alternatively, a certificate for a building inspection done by an engineer who has obtained a license for professional engineering practice according to the Engineering Act, 1999 (B.E. 2542). In the case of being outside the building control area (according to Section 39, bis of the Building Control Act, 1979 (B.E. 2522)). The main issue causing problems and obstacles is establishing a wastewater treatment system and preparing the environmental impact assessment report. According to the Promotion and Conservation of the National Environmental Quality Control Act, 1992 (B.E. 2535), entrepreneurs must prepare an environmental impact assessment report and install a wastewater treatment system.

In this case, all interviewees agreed that a sub-committee should be established at the District level. The sub-committee consisted of the principal agencies involved at the district level, including districts, local government organisations, environmental, public health, public works and town planning and the private sector related to the hotel or tourism business selected as a sub-committee to consider screening requests for hotel business operations at the district level. The Chief District Officer shall become the president by position. The documents concerning the process and regulation should prepare correctly to reduce problems and obstacles in using discretion from the different officials, including the delays in considering processes and procedures in an appropriate time frame. The preparation of the hotel's water treatment system and the EIA and IEE report should allow using the original version of the construction permission by improving some parts to reduce obstacles in time and cost. The department of resources and environmental should lenient for hotels that were built before 19 August 2016.

4.2.5.2 Procedures for requesting to issue hotel business licenses

As announced by the Ministry of Interior Subject: Rules and procedures for consideration of requesting a permit and issuance of a hotel business license Issued under the Hotel Act 2004, there are vital points;

1) Any person wishing to operate the hotel business shall apply for a license in the form hotel.1, together with the following documents:

- (1) Copy of the ID card and copy of house registration.
- (2) Plan layout with plan assembly list.
- (3) Map showing the area and location of the hotel and nearby.
- (4) Evidence showing that the building used in the hotel business is licensed to use the building under the law on building control Or a building inspection certificate by a person who has obtained a license to control engineering profession under the law on engineers In the case of being outside the building control area.

(5) Evidence of ownership of the building or place used for the hotel business or a letter of consent to use the building or place requesting to operate a commercial business if the building or site belongs to someone else

(6) Certificate of preparation of the environmental impact assessment report Siege of the Ministry of Natural Resources and Environment (If an environmental impact assessment report is required under the law on promoting and conserving national environmental quality).

(7) A copy of documents showing ownership or possessory right in the land to be used as the hotel location.

(8) A copy of the juristic person registration certificate purpose, name of partner, manager, manager or juristic person representative along with a copy of identification card and a copy of house registration of that person.

(9) Letter of appointment of a juristic person representative must be a director or a person authorized to sign to bind the juristic person.

2) In case of the Registrar considers an inappropriate reason to grant permission, the Registrar shall state the said incident to the applicant for argument and present his or her evidence before issuing the order. After giving the order, the statement and the right to appeal the ruling to the applicant should be informed.

From the main point of obtaining a hotel business license, it is found that the agency responsible for this issue in Phuket is the local district office where the hotel is located. But the hotel registrar is the provincial governor by position. There will be a screening committee at the provincial level with the provincial governor as the president consisting of relevant government agencies which are under the Ministry of Interior's Order No. 463/2545 published in the Government Gazette on March 17, 2008 (Government Gazette, 2008), when the district receives the request as submitted by the hotel business operator according to RR. 1 form with the required documents. The local registrar will inspect the place according to the conditions specified in the announcement of the Ministry of Interior clause 4, namely, in the following cases, the registrar shall consider not allowing the hotel to operate.

(1) In the case that the applicant for a hotel business license lacks the qualifications Or having prohibited characteristics under Section 16.

(2) In the case that the applicant for a hotel business license is a foreigner without qualifications or having prohibited characteristics under the law governing foreign business.

(3) The building or location is not under the rules prescribed in the Ministerial Regulations prescribing categories and rules for hotel operations.

(4) The land and building used to be the hotel location. The applicant does not own the ownership or possessive or possessive right to use the said land and building, such as leasehold rights consent to operate the land and buildings hotel business.

(5) Buildings under the law on building control Construction are not valid following the rules prescribed under the law governing buildings. Town Planning Law Law on disaster prevention and mitigation Public Health Law And the law on promotion and conservation of national environmental quality

(6) Other significant events that appear to be inappropriate to operate a hotel business. In this case, the data obtained from small group meetings and in-depth interviews have found that there are many reasons that the local registrar does not allow or does not submit the application to the provincial hotel registrar for consideration. The reasons are including (3) being obstructed by conditions for laws, rules and regulations, (4) the rights to use the land or land ownership is unclear, or there are some public encroachment and item (5) is hampered by environmental conditions regarding wastewater treatment and the preparation of the environmental impact assessment report.

4.2.5.3 Issues of legalization of adaptation

1) Opinions from hotel business operators.

Hotel operators that are not licensed and want to adjust to a legitimate system Commented that The government should have as much relief as possible. Regarding the conditions under the ministerial regulations And establishing a wastewater treatment system As for the government's opinion, it is considered that the government has been relaxed. Regarding the conditions under the latest Ministerial Regulations prescribing other types of buildings used in the hotel business (No.2) B.E. 2561, the essence of this Ministerial Regulation is to reduce the condition regulations of the building but still maintaining the safety of the building and fire safety (Ratchakitcha, 2018). However, the private sector and hotel operators

commented that the process should begin at the first step at the district level. Establishing a district sub-committee to be considered before proceeding with the construction will reduce obstacles from using the discretion of different officials, including reducing corruption. There must be detailed information on the process and procedures, including an exact time frame, for hotel business operators to follow to minimise problems and obstacles.

2) Opinion from Government and Local Administration Authority

The government officials in most cases have commented that entrepreneurs should proceed as permitted by law. However, if there are obstacles, it should be consulted directly with the relevant parties. While some government officials have commented that there should be an amnesty for those operating or operating hotel buildings before 19 August 2016, only government officials should seize safety principles in terms of the stability of the building and fire safety. Including the use of wastewater treatment systems with local government organizations New entrepreneurs and those to circumvent the law should proceed with the law's enforcement. All parties should also agree to establish a district sub-committee to consider refining the request for hotel business operations. To be clear and explain to all hotel business operators can genuinely understand the correct process and procedures.

4.3 Summary of draft government policy recommendations for organizing the hotel business in Phuket, Thailand

4.3.1 Legal issues

1) The government should have lenient conditions in the law. According to the ministerial regulations prescribing other types of buildings used for hotel business (No.2) B.E. 2018, with emphasis on the stability of the building and fire safety primarily

2) The government sector should have relief and adjust the EIA report conditions to be suitable for the hotel's size and type.

3) There should be an integration of many laws that enforce the same direction. Do not conflict to reduce problems and obstacles in the operation of government officials themselves.

4) The government should have an amnesty for entrepreneurs who operate before 19 August 2016 to have the opportunity to adjust to a legal system and do not allow retroactive law enforcement as a punishment.

4.3.2 Issues of processes and procedures for applying for hotel business licenses

1) The process of requesting a hotel business license in the district should be started as the first step since it is the person who enforces the Hotel Act 2004 directly.

A sub-committee should be organized at the district level to consider and screen initial requests for hotel operation permission. Also, detailed information of process and procedure should present to entrepreneurs who wish to operate the hotel business in detail, including clarifying conditions for building construction, building modification, or changing the use of building to operate the hotel business.

4.3.3 Issues of adaptation into the system

1) The hotel business operator should be divided into four groups for ease of management and screening, which can be divided as follows.

(1) Hotel groups requesting new construction permission This group must strictly abide by the law by proceeding under the process and procedure according to the conditions specified.

(2) Hotel groups built before 19 August 2016 will receive an amnesty And able to continue to run the business As long as there is no alteration to the building's image to deviate from the conditions enforced by the law, or there may be a partial renovation to meet the legal requirements as far as the rules can be relaxed.

(3) Hotel that modified the building or changed the usage of the building to use in the hotel business will have to go through the scrutiny process of the sub-committee at the district level to determine how restrictive the condition can be and how much it will need to be improved to enter the process.

(4) Groups with the intent to avoid and not comply with the law. This group will be a group that must strictly enforce the law.

2) Entrepreneurs who wish and are ready to adjust to the legal system have been lenient in normal conditions. The government should advise on issues that interfere with operational requirements to work together between the public and private sectors to solve problems and obstacles.

4.3.4 Conclusion of Policy Recommendations

The qualitative research methodology's findings by adopted the In-depth interview with semi-structured questions have pointed out that hotel business operators in the majority would like to adapt to the hotel business operation process's legitimate operation. However, there are problems and obstacles which have obstructed the adaptation of those intended hotels to legitimate. The problems and obstacles were consisted of; (1) the retroactive laws have affected the hotels that have been built and operated before 19 August 2016 where the amnesty should be granted, (2) the different discretion of the officials, (3) the delay of the hotel business licensing process at the provincial level, (4) the other laws enforcement involved in the process

such as environmental impact report and wastewater treatment installation, and (5) the enforcement of laws, rules and regulations should be leniently in some conditions.

The hotel business operators have been affected by those problems and obstacles mentioned and found it challenging to adapt to legitimate business operation. In contrast, the government sectors mentioned that the problems and obstacles should be solved if consulting was applied among the stakeholders. However, private sectors believe that the hotel business operators who have intended to adapt to the legitimate hotel operation should be received an amnesty in consideration of the hotel building's safety and security, and those who have intended to disobey the laws should be punished.

Thus, the public policy recommendations for enhancing the hotel business order should comply with the leading term of the conclusion from the problems and obstacles and opinion from stakeholders that summarise from the primary data as follows;

- 1) Amnesty should be applied to those affected by retroactive laws.
- 2) Law enforcement should be relieved in some conditions.
- 3) Reduce the burden of complying with duplicate laws.
- 4) Correct information should be provided in each procedure.
- 5) Different discretion should be eliminated.
- 6) The process of approval at the provincial level should be conducted without any delay.

4.4 Draft of the model of public policy recommendations for enhancing the hotel business order in Phuket, Thailand

The researcher concludes all the points in 4.3 and writes them into a diagram in order to draft the government policy recommendations for organizing the hotel business in Phuket, Thailand, as shown in Figure 4.11.

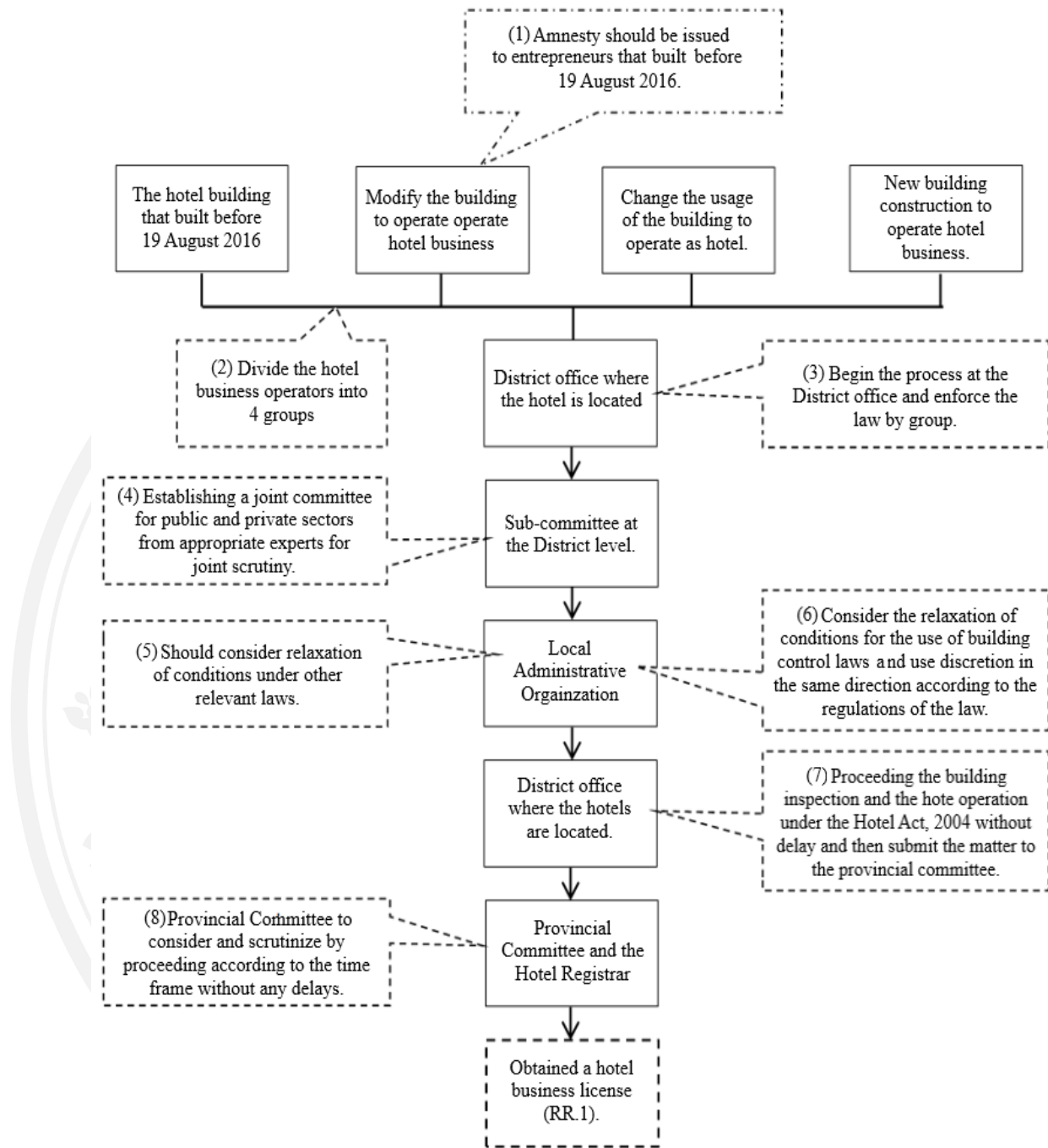


Figure 4.12 Draft of the Model of Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand

Source: Researcher

CHAPTER 5

Conclusion and Recommendations

5.1 Introduction

The following chapter summarises the dissertation titled "*Public Policy Recommendations for Enhancing Hotel Business Order in Phuket, Thailand*". The research consists of five chapters, and the content is described as; 1) The first chapter illustrates the overview of tourism and hotel business in Phuket province, research objectives, research questions, and theoretical frameworks. 2) The second chapter presents the literature reviews and related documents based on the hotel business. 3) The third chapter indicates the research methodology and the way the data is investigated. 4) The fourth chapter comprises data analysis and findings, and 5) The fifth chapter points out the conclusion regarding the limitations, obstacles and recommendations discovered from the study.

The primary objective of this research is to identify the recommendations for enhancing hotel business order in Phuket in order to be applied in public policy and to urge the government sector to distinctly understand the holistic views of problems and obstacles of hotel business operators in Phuket, both licensed hotels and non-licensed hotels. The qualitative method was conducted from four key informants to determine the data, and primary data collection has relied on in-depth interviews. In contrast, secondary data collection relied on the studies from other related documents such as laws, rules and regulations involved in the applying process for hotel building permit and hotel business license that will be further applied to create a model of "*Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand*".

5.2 Conclusion

The research of "Public Policy Recommendations for Enhancing Hotel Business Order in Phuket, Thailand" clearly demonstrated the development of the tourism sector in Thailand along with Phuket province, known as the world's popular tourist destinations. Phuket tourism has rapidly grown up for the past decades. The rapid growth of tourism in Phuket had created the demand for hotel accommodations and convinced the investors to build hotels and accommodations, which led to the surplus of licensed and unlicensed hotels. The hotel business operators have been operated the hotel business in more than 2,000 hotels in Phuket and generated income to Phuket and the country over 400 billion baht per year. However, most of these hotels are illegally operated and negatively impact the economic, social, and environment in Phuket. The government is trying to dissolve the problems by asking for cooperation from the hotel business stakeholders, consisting of the Government sector, Local Administrative Authority and Entrepreneurs but did not reach the aims and policy.

In this research study on the related theory, as mentioned in Chapter 2, social organisation is essential to enhance the hotel business order in Phuket. In this regards, every society requires a social organisation (Thaweesak Kanyochai, 2002). Therefore, a social organisation process must enhance the hotel business order by establishing rules and regulations for stakeholders to abide as a guideline for hotel business operation society's treatment. Thus, Government sectors, Local Administrative Authority and Entrepreneurs should pay more attention in collaboration to establish a practical procedure that stakeholders can comply with the laws, rules and regulations in the same direction. Meanwhile, Chollakorn Siriwatana (2013) has defined participation as public participation means a person involved in a particular community activity by beginning with the perception of the problematic conditions, sharing ideas, making plans, proposing solutions, and joining in solving community problems. Therefore, the committee at the district level should be established and consist of each stakeholder agency's leaders to discuss the problematic conditions, share the idea that concerned with laws and regulations, and propose solutions to

dissolve the problems and obstacles in the hotel business operation process and procedures.

Consequently, the public policy recommendations will play a significant role in supporting the government to enforce the laws and regulations equally and legitimately and prevent the adverse effects on the economic, social and environmental impact generated from the hotel business.

To obtain data to create a model for Public Policy Recommendations for Enhancing Hotel Business Order, this study was undertaken with the following objectives:

- 1) To synthesise laws, rules, and regulations related to hotel business operations in Phuket to understand the accuracy procedures and hotel business registration processes in Phuket.

- 2) To investigate the process and procedures of applying for a hotel business license in Phuket from both government agencies and personnel involved, including applying for a hotel business license under the Hotel Act, 2004 and the Ministerial Regulations.

- 3) To study the guidelines of hotel business operators' adaptation to legitimate enter to process and procedures of applying for a hotel business license under the Hotel Act, 2004 and the Ministerial Regulations.

- 4) To create a public policy recommendation for enhancing the hotel business operators to carry out legal procedures to be used as a guideline to other areas.

The study of "*Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand*" has expected results to be used as a model for hotel business organisations to enter the legal process in Phuket. Therefore, the qualitative research methodology was used in this study. Firstly, the conceptual framework has set. It has involved a literature review, especially in primary laws, rules, and regulations relating to the processes and procedures of applying for the hotel business licenses and requesting the hotel business operation license. Secondly, bring important and relevant key points from the literature review into a framework for in-depth interviews by creating semi-structured questions under the qualitative research methodology. After that, the format of the question has been sent to 5 experts

to examine and confirm the accuracy and suitability. The main points are as follows; 1) laws and regulations related to the hotel building permit use for hotel business and the hotel business operations license. 2) the problems and obstacles in the process and procedures for applying the hotel building permit method for the hotel business and applying for a hotel business operations license. 3) guideline of the adaptation to the system legally and 4) government policy recommendations for enhancing the hotel business order in Phuket. To get accurate information, therefore the focusing on the population groups that are directly involved are stakeholders who have divided into four groups, which are 1) government officials and local authority involved in applying for hotel business authorization 2) hotel operators with licenses, 3) hotel operators without a license, and 4) related private sector organizations involved with the hotel business. The conclusions of the research are presented in accordance with the research objectives.

5.2.1 Results of research objective 1: To synthesize laws, rules and regulations related to hotel business operations in Phuket to Understand the accuracy of the process and procedures of the hotel Business registration in Phuket.

A literature review is conducted on the laws, rules, and regulations related to hotel business operation and the business conditions in Phuket with the enforcement of the current law to understand the process and procedures of hotel operation with the research question 1, "What are the correct laws, rules and regulations in applying for a hotel business operation in Phuket?". The study is divided into two parts: (1) general conditions of the hotel business operation in Phuket under law enforcement, (2) laws, rules and regulations concerning the application to operate a hotel business and the conditions of implementation in legal circumstances. The results of research question no.1 as follows;

5.2.1.1 Question 1: What are the correct laws, rules and regulations in applying for a hotel business operation in Phuket?

Part 1: General conditions of the hotel business in Phuket under law enforcement;

1) General conditions of the hotel business in Phuket

The hotel business in Phuket province is highly competitive due to the rapid growth of tourism. Therefore, higher demand for hotel accommodations has increased rapidly as well. With a high demand for accommodations, the hotels were built to support the high demand and become over carrying capacity. It has also caused entrepreneurs and investors to expand the investment in the hotel and accommodation business. Currently, Phuket has 2,000 hotels, but only 545 hotels are operated with licensed 53,312 rooms operate as a legal hotel. The hotel business operators consisted of the licensed hotel and non-license hotel, including those entrepreneurs who have changed the building used to a hotel.

2) The positive and negative effects of the hotel business in Phuket

The positive impact is that the hotel business can create value-added for real estate business in Phuket.

The hotel business's negative impacts have created several issues as follows; 1) On the economy, the government lacks income revenue from taxation in hotels that illegally operated. The hotel room rates undercut have caused the lack of revenue of government income from both legal and illegal hotel operators. 2) On social, there has been a conflict between the legal and illegal hotel operators as government policy has insisted on supporting the legal hotel. Hence, the hotel business that has been built and operated before 19 August 2016 also being pushed into the illegal hotel business operators. Even though the government has issued a Ministerial Regulation prescribing descriptions of other types of building used in the hotel business operation, 2016, it was reflected to help only small hotel businesses lower than 80 rooms. As such, the hotel business operators who have operated hotel with more than 80 rooms still have to comply with the environmental laws control on IEE and EIA reports and the water treatment installation at the hotel. 3) On safety and security, and the environment, the dramatic growth in the numbers of hotel accommodations in Phuket has made intense competition in the business. There are modified, changed the usage of the building or bringing the other type of building to operate as a hotel business without considering the safety and security issues. It has also included the intention to avoid environmental preservation in wastewater retreatment, which has reduced tourists' confidence in the destination.

5.2.1.2 Question 1/1: What should be the correct laws, rules and regulation for applying for hotel business operations in Phuket?

Part 2 : How many laws and regulations are relating to the application for hotel business operations? Furthermore, what are the conditions of enforcement and legal conditions and regulations?

1) Law enforcement of hotel business in Phuket province

Law enforcement in applying for hotel business licenses has consisted of the primary laws such as the Hotel Act 2004, which the Ministry of Interior has the direct authority to enforce. In regional provinces, will be under the power and supervision of the governor as a Hotel Registrar. Today, the government has tried to enforce laws against illegal hotel operators or hotels that do not have a hotel business license. However, it has hampered by legal conditions in many areas that make the hotel business outside the system unable to cooperate. The government has tried to indulge in legal regulations by issuing the Ministerial Regulations prescribing descriptions of other types of buildings used in the hotel business (version 2), 2018, to enforce the law on modifying other types of buildings used for the hotel business. However, it can be done only with hotel category 1 and 2 but unable to allow hotels category 3 and 4 to benefit from the Ministerial Regulation issuance. It has caused medium-sized entrepreneurs to lose the opportunity to become legitimate because of the criteria for the construction of hotels and rooms used the 5-star hotel standards brought to apply with all categories of hotel business operation.

2) Laws that enforced in requesting to operate a hotel business

In the process of requesting permission to operate a hotel business, it is divided into two stages which are; (1) requesting permission to construct, modify, or change the usage of buildings to operate the hotel business and (2) requesting to issue a hotel business license. There are seven relevant laws enforced in each step as follows;

(1) To request permission to construct, modify, or change buildings' usage to operate the hotel business. There are laws enforcement in each step at the Local Administrative Authority level which consisted of;

(a) Building Control Act, 1979 (B.E. 2522).

(b) Hotel Act, 2004 (B.E. 2547).

(c) Ministerial Regulations on Specifying Categories and Regulations for Hotel Business Operations 2008, (B.E. 2551)

(d) Ministerial Regulations Prescribing Descriptions of Other Types of Buildings Used for Hotel Business Operation, 2016 (B.E. 2559)

(e) Promotion and Conservation of National Environmental Quality Act, 1992 (B.E. 2535)

(f) The Public Health Act, 1992 (B.E. 2535)

(2) Requesting a hotel business license Is a process at the district and provincial level consisting of

(a) Hotel Act, 2004 (B.E. 2547).

(b) Notification on Prescribing Rules and Procedures for Consideration of Requesting a License and Issuance a License to Operate Hotel Business, 2009 (B.E. 2552).

3) Differences between licensed and unlicensed hotels

The apparent differences are the support of government agencies. The revenue department has certified the hotel business operators with a license for their hotel guests to use the receipt of stays or other expenses in the hotel for their income tax reclaim. According to the Ministry of Tourism and Sports announcement, the government agency that utilized the accommodations and other facilities from the legal hotel business operators can reclaim their tax and expenses from the revenue department.

4) The law enforcement situation in each type of hotel business criteria

Government and related agencies enforce the same laws and regulations, but there are differences in government officials' discretion and details with discrepancies. It caused the hotel business operators to be confused due to the officers' lack of details and incorrect discretion, including process and procedure that took a long time. Three groups of hotel business operators have been applied for the hotel business operation license: (1) The hotels built and operated before 19 August 2016. This group affected by retroactive legal processes. These hotels can not apply

for a hotel business license because there is no building permit to accompany the request for a hotel business license at the district office, (2) The hotels that have started the process from the beginning of the hotel building construction. This group mostly followed the legal process and granted the building certificate and the hotel business license except some of the hotels that might not get the building certificate with the obstacles of land use or wrong building construction layout plan. For those hotels that have made a mistake, the local administrative authority will ask them to improve and correct it, but the instruction follows some, and some are intended to avoid the legal steps, and (3) The hotels that modified or changed the use of the building. This group consists of; (1) The hotels that modified the building whether to extended their rooms or renovated the building for upgrading and must be applied for a building permit from the local administrative authority before proceeding. Some hotel operators are not followed by the legal process and can not get the building permit to accompany the hotel business license application, and (2) The hotel business operators who have changed the building's use from the condominium to hotel accommodation. The law enforcement obstructed them because the IEE and EIA reports need to be done again when changing the former objective to another is necessary as the law has enforced. The other issue is that the hotel business operators who have changed the building's usage from apartments or commercial house to become hotel accommodation and did not apply for a building construction permit or failed to build inspection because of the retroactive law enforcement affected them not to receive the building certificate.

5) Problems and obstacles related to law enforcement.

In the problems and obstacles related to the law enforcement from this research study, it was found that hotels that are unable to apply for a hotel business license were obstructed by the legal conditions as follows;

(1) Most hotel business operators that do not receive a hotel business license have brought other types of buildings that are not permitted to be used as hotels under the Building Control Act, 1979. Nevertheless, the existing building's characteristics and structure do not comply with legal conditions to bring the existing building to operate the hotel business under the rules prescribed by law. Therefore, hotel business operators can not apply for a hotel business license.

Although the government later relieved the conditions by issuing the Ministerial Regulations prescribing on other types of buildings used in the hotel business, 2016, but still unable to allow all hotel business operators to adapt to the system as some law conditions are still obstacles because the high standard of 5-stars hotel was implemented to all categories.

Therefore, the Ministry of Interior has issued another Ministerial Regulations prescribing on characteristics of other types of buildings used for hotel business (Version 2), 2018 with some improvements to the conditions of the interior elements of the building, but purposely remain the building safety and fire safety as an essential issue. The key to the issuance of Ministerial Regulations is to relieve the existing building before 19 August 2016, the date of this law is promulgated in the Government Gazette. As a result, the Ministerial Regulations that have been issued have minimal effect on the change to push the hotel business into the legal system. Those assigning buildings to be modified or changed usage of the buildings must have space for not less than 10 in 100 parts of any of the floor area at most of the building. Moreover, the said space legal conditions stipulate that it must be free from a roof or a covered structure. Therefore, causing obstacles to remain in the case where the hotel business entrepreneurs bring commercial buildings, commercial houses, or other buildings to be used as hotels, these buildings are constructed in full space of buildings area. Thus, it was a condition of the law that the government tried to relieve but did not study the facts that appeared.

Besides, the law conflicts are still a barrier to enforcing or lenient, and retroactive legislation enforcement is still a significant obstacle preventing most operators from obtaining a hotel business license despite these hoteliers operating the hotel business before the law came into effect.

(2) Notification of the Ministry of Interior prescribing rules and procedures for consideration of requesting a license and issuance of a license to operate hotel business has stipulated that hotel operators have to show the land's rights to construct the hotel building whether owning the ownership or renting it. However, some operators can not show evidence documents, including public encroachment, or building construction that does not follow the plan submitted to the local administrative organisation.

(3) The conditions have obstructed hotel type 1 and type 2 under the National Environmental Quality Promotion Act, 2018 due to not preparing the Initial Environment Examination Report (IEE) or not establishing a wastewater treatment system. These hotels were built before the law came to enforced, and the government did not try to find a way to compromise for them.

(4) Entrepreneurs who have changed the usage of buildings were obstructed according to the conditions under the Building Control Act, 1979 and the Ministerial Regulations prescribing other types of buildings used in the hotel business (Version 2), 2018 due to the inability to change because no building use certificate or can not cancel the condominium juristic person and turn into a hotel business. Furthermore, the environmental control law also forced the entrepreneurs to make the new EIA report as the objective was changed.

5.2.2 Results of research according to objective 2 : To investigate the process and procedures of applying for a hotel business license in Phuket from both government agencies and personnel involved, including applying for a hotel business license under the Hotel Act, 2004, and the Ministerial Regulations.

For this purpose, the researcher has studied and collected data from government officials and entrepreneurs, both licensed hotel operators and without a hotel business license operators, including private organizations related to the hotel business from the main part question in the research, "What is the problem of the need and obstacles in applying to operate the hotel business of entrepreneurs?" The conclusions from the study are as follows;

5.2.2.1 What is the problem of the needs and obstacles in applying for hotel business licenses for entrepreneurs?

1) Understanding of procedures.

All four groups have a good understanding of the application to operate the hotel business, but not cover all of them. In which the process is divided into two processes, which are;

(1) The process of requesting permission to build, modify or change the building's usage. In this process, a local administrative authority such as a municipality or sub-district administration organisation was the one who took

responsibility. These organisations are a law enforcer under the Building Control Act, 1979 and the Ministerial Regulation prescribing other types of buildings used for hotel business (Version 2), 2018.

(2) In the process of applying for a hotel business license, the person who took responsibility for this process is the Chief of District Officer and Deputy Chief of District who will act as the primary inspector. They are responsible for collecting all the necessary documents required to apply for a hotel business license and site inspection of the hotel buildings. After the primary approval, all documents with recommendations will be forwarded to the Provincial Committee to examine and screen which the Phuket governor is a chairperson as the Phuket Hotel Registrar. After approval by the committee, the entrepreneurs will then have the license issued.

2) Understanding of process.

The research results have shown that steps in each process still have misunderstandings and conflicting opinions among government officials and local administrative authority to proceed with the regulations.

(1) In the process of applying for a construction permit, building modification and changing the building's use, it was found that the staff had different discretion in the documents for applying for permission to operate a hotel business. Simultaneously, the provision of information related to the implementation of the process is not explicit in details of each type of permission application due to the enforcement of other laws along the way, according to the Hotel Act 2004.

(2) In applying for a hotel business license, hotel business operators found that the process of considering approval at the provincial level took a very long time. There will be a provincial governor as a hotel registrar and chairman in the meeting and other relevant government agencies as a committee member.

3) Compliance with processes and procedures.

The study results indicated that all four groups complied with the procedures stipulated by law, regulations and followed each step. However, the officials' different discretion and the delayed processing time is an obstacle to the entrepreneurs.

4) Problem and obstacle in the implementation of processes and procedures.

The research results have shown that consideration in many steps hinders the process; it could cause delays. Thus, the procedures should be shortened. Moreover, the responsible person should clearly explain the procedure's details, including the need to lay down the rules for discretion to be the same basis every time in practice. Furthermore, to prevent the discrepancy of discretion in granting permission, the hotel business operators sector believed that the initial stage of the process should start at the district level to help the hotel business license process be faster and increase a better knowledge and understanding for operators.

5.2.3 The research results according to objective 3: to study the adaptation of entrepreneurs to enter the hotel business operations process accurately under the Hotel Act, 2004 and the Ministerial Regulations prescribing specify other types of buildings use for hotel business operations, 2016.

The findings of objective 3 are diverse, depending on each group's view and opinion. Due to the cause of the problems in every issue are different sources and components. Nevertheless, when conducting in-depth interview research in detail, the problems and obstacles in adapting to the legitimate legal system are primarily related to law enforcement. There is a small part due to the delay in the process, and the officer's discretion provides the unclear information. The guidelines for adjusting the hotel business operators into the legitimate legal system can be divided into four issues: (1) It should alleviate law enforcement but still considering the building's safety and security. Also, the differentiation of environmental control following the hotel category is required. (2) A sub-committee consisting of all relevant agencies, both public and private sectors, should be established to consider, screen, and solve the obstacles at the district level before constructing, modifying, or changing the building's use. When the process has been done, it will be sent to the provincial committee for approval. (3) The hotel business group should be divided into four groups which are; 1) the group that has started the new hotel construction, 2) the group that operated the hotel before 19 August 2016, 3) the group that bring old buildings to modify or change the buildings' use to operate the hotel business, and 4)

the group to avoid and not comply with the law; and (4) it should be an amnesty for hotel operators operating before 19 August 2016 if no modifications or changes to the use of the building have been done.

5.2.4 The research results on objective 4: To create a government policy recommendation for hotel business operators to proceed under the legal process and procedures and be used as a guideline to proceed with other areas under the correct processes and procedures.

Throughout this empirical study, the researcher views that Phuket as one of the world's most famous tourist destinations. There is an increasing number of tourists each year. Therefore, the hotel business has expanded rapidly. Additionally, if there is no control over the expansion of the hotel business growth, as mentioned in chapter one, the apparent negative effect that could occur is on the density of business areas. As a result, this will harm the beauty of the environment as a natural tourist attraction. For more clarification, if the usage of natural resources increases, ecological losses also will be expanded. The process of sustainability will eventually be destroyed, which means that the adverse effects of economic and social conditions in the recession will occur. Consequently, this research studies on "Government Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand" will help the Phuket sustainability system effectively continue. Furthermore, the government sector should consider and apply as a management model for other regions for the sustainable hotel industry in Thailand.

Therefore, a summary of the draft model of "Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand" is shown in figure 5.1.

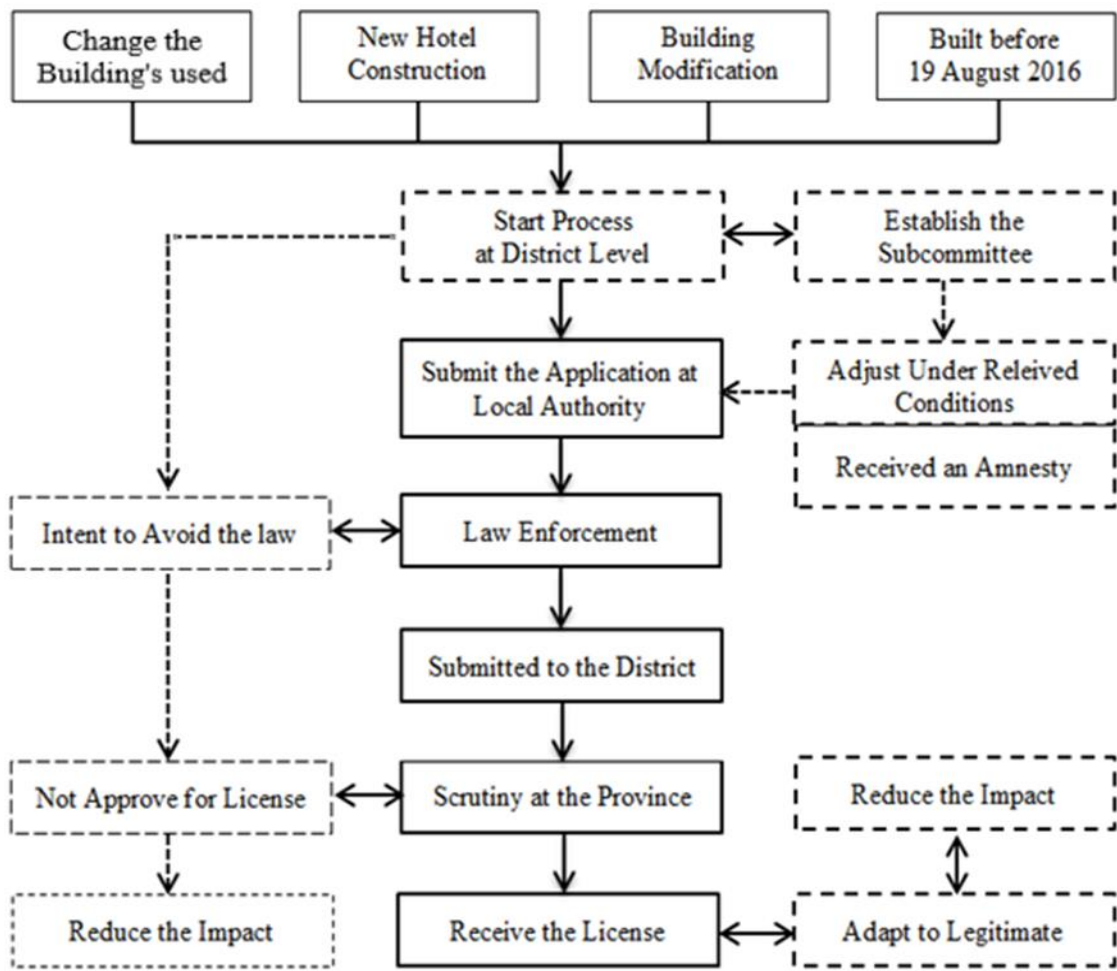


Figure 5.1 Summary of Draft Model of “Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand.”

Source: Researcher

5.3 Model of “Public Policy Recommendations for Enhancing the Hotel Business

Order in Phuket, Thailand”

A "Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand" synthesized from the research mentioned above are as follows;

5.3.1 Legal aspects

5.4.1.1 The government should have relief conditions in the law, according to the Ministerial Regulations prescribing other types of buildings used for hotel business (Version 2), 2018, emphasising the building's stability and fire safety.

5.4.1.2 The government sector should have ease and adjust conditions regarding the IEE and EIA report to be suitable for the hotel's size and type.

5.4.1.3 There should be an integration of various laws that enforce the same direction. Avoid the conflict of the discretion to reduce problems and obstacles in the operation of government officials themselves.

5.4.1.4 The government should have an amnesty for hotel business operators who have operated the hotel business before 19 August 2016 to have the opportunity to adjust to a legal system and do not allow retroactive law enforcement as a punishment.

5.3.2. Process and procedure for applying for hotel business license.

5.3.2.1 The process of requesting a hotel business license in the district office should be established as the first step due to being a person who enforces the Hotel Act 2004 directly.

5.3.2.2 The subcommittee should be organized at the district level to consider and screen initial requests for permission, and they must have presented details to the entrepreneurs who wish to operate the hotel business. Moreover, the other factors that must be included are clarifying conditions for building construction, building modification, or changing building usage to operate the hotel business.

5.3.3. The adaptation to the legitimate legal aspect

5.3.3.1 The hotel business operator should be divided into four groups for convenient management and screening, which can be divided as follows;

(1) Group of hotels that requesting permission for new construction. According to the specific conditions, this group must strictly abide by the law by proceeding under the process and procedure.

(2) Group of hotels that have been built before 19 August 2016 would receive amnesty and be able to continue to run the business, as long as there is no alteration to the building's image to deviate from the conditions enforced by the law. Also, it might be a partial renovation in order to meet the legal conditions as far as the law can be eased.

(3) Group of hotels that modified the building or changed the building's usage in hotel business operation. This group will have to go through the scrutiny process of the subcommittee at the district level to consider how restrictive the condition can be and how much it will need to be improved to enter the process.

(4) Group of hotels intended to avoid and not comply with the law; this group will have to enforce the law strictly.

5.4.3.2 Hotel business operators who have desired and ready to adjust to the legal system should have also been lenient in legal conditions. The government should advise on issues that might be an obstacle to cooperating between the government and private sectors to solve problems and obstacles.

5.3.4 Model of the Public Policy Recommendation for Enhancing the Hotel Business Order in Phuket, Thailand.

Figure 5.2 shows that should the government proceed with recommendations from the research study findings that have been summarised, it will reduce the actual impact from the hotel business operators that illegally operated outside the system and adapt to the system. Simultaneously, the government sectors should enforce legal action against hotel business operators intended to circumvent the law.

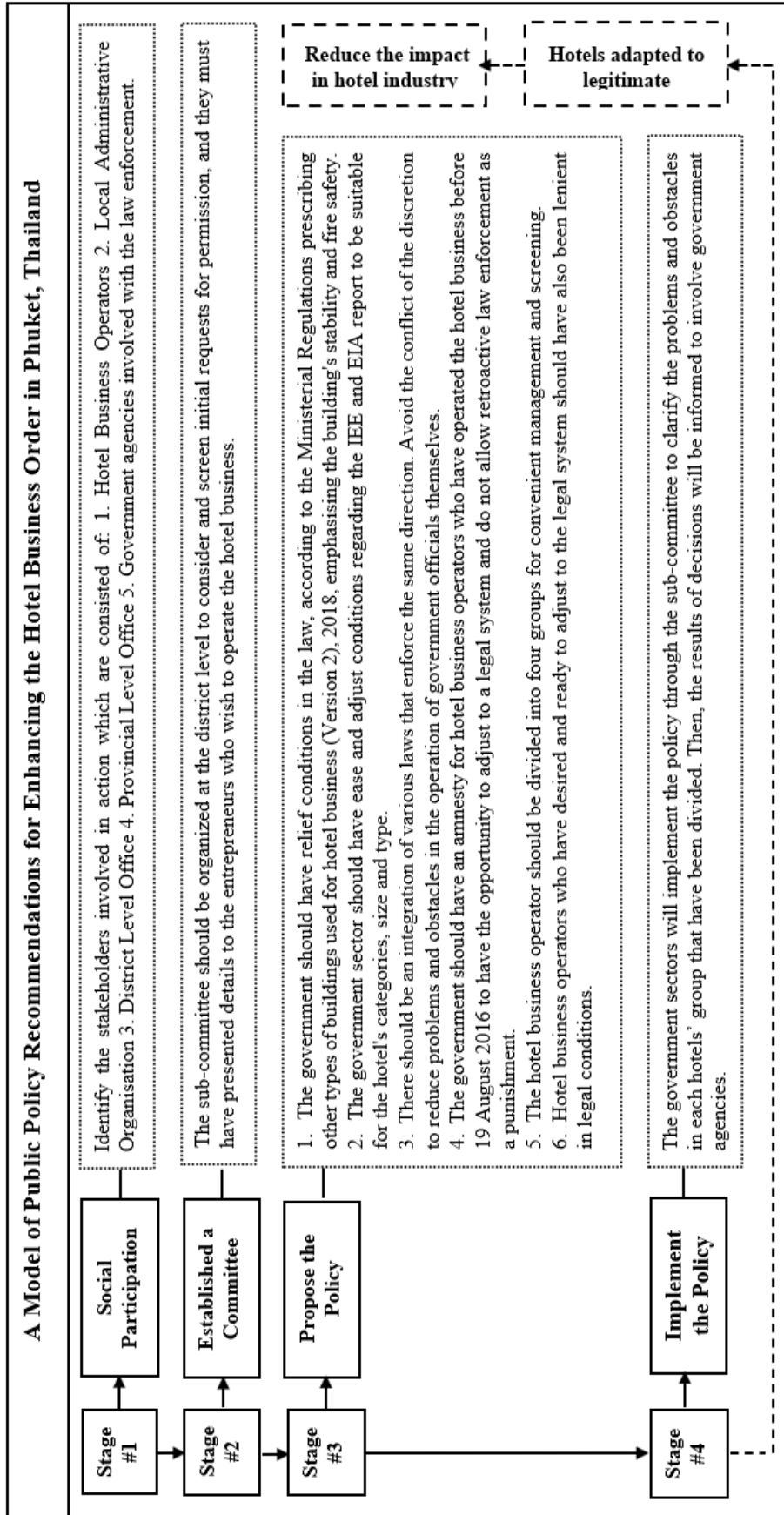


Figure 5.2 Model of Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket, Thailand

Source: Researcher

5.4 Scope of the Study

This research aims to study the rules and regulations, laws, and regulations relating to applying for a hotel business license in Phuket. Many divisions enforce different laws to gather information to determine the characteristics of the process and apply a hotel business license to cooperate in the same direction. As a result, for reducing the problems and impacts on the economy, society, environment, and entrepreneurs, preparing the outcome to propose to the government regarding policy recommendations, and apply to be used as a model for organizing hotel business order for other provinces.

1) Area of the study.

As it has been discussed in Article 1.6 regarding the problems of entrepreneurs and the request for hotel business licenses, the researcher has determined and considered Phuket to be the research area. Since it is a significant tourist destination and has many hotels and hotel operators, including legal and illegal, it included officials in 3 districts, namely Muang Phuket District, Thalang District and Kathu District, to conduct research studies that specific area.

2) Population

Secondary data will be compiled from laws, rules and regulations related to the process and procedures for applying for hotel business licenses and requesting hotel business licenses. As a result, to obtain valid and accurate information from primary data, therefore, the researcher will divide the population into three groups which are; (1) a licensed hotel business group (2) a non-licensed hotel business group and (3) Group of competent officers involved in the legal process. Purposive sampling has been conducted in the first and second groups to study performance concepts, the result of implementation and the obstacles of applying for the hotel business license. For the third group, the researcher also used a purposive sampling that studied the legal procedures, the orders of rules and regulation, problems and solving issues to get the accurate framework for practical orders

5.5 Suggestions for Further Research

The researcher believed that this research study is just the beginning of organising the hotel business order, one of the tourism industry branches to stay in order and under the legitimate. The law that everyone must live together regardless of the different context of their lives. Consequently, if we were to start at a certain point in how broadly the process can be extended, it could be like we have distributed the discipline that everyone can live together under the sustainable use of natural resources in the future. Therefore, the researcher shall recommend for further research as follows;

5.5.1 This research is a study that took place in a specific area of Phuket province. Therefore, in other areas, the context might be different according to the region and tourism environment.

5.5.2 This research can be used as a form of research studying in the same way as other types of businesses related to law enforcement and government officials' performance.

5.5.3 For further research, should study more about the growth of the hotel business in the future.

5.6 Limitations

From the beginning of the research methodology process to the end, at the initial stage, the researcher believed that being a person who has been in the hotel business for over 35 years and spent more than half of a lifetime living in Phuket, with the researcher experienced and got to know many people in various sections, especially in the tourism industry of Phuket and Thailand. Everything should be accessible to ask for cooperation from others. Nevertheless, when starting this research, it turned out to be that some barriers lead to limitations in this research. The first is the lack of cooperation from some interviewers in the hotel industry. However, it is understandable that sometimes the hotel business operators must be cautious of some confidential information of the company or have some concealed information that cannot be disclosed to the public. The second is the cooperation from bureaucrats

which everything went very well unless the busy schedule of them. They could not be finished at once and twice; therefore, they could not do a proper interview with the bureaucrats. The third was that only one government official dared to interview in the topic of corruption and bribery of officials willingly.

5.7 Epilogue

Consideration to criticize the literature reviews related to organizing the hotel business was found out as the small numbers. Most of them were research relevant to fire safety regulations, satisfaction, personnel management, marketing and services. Therefore, this study can be described as a new tool for the government to manage the public's resources.

In another opinion, as a leader among the stakeholders in this process, the government sector should cooperate for a social organisation to conform a legitimate under the lenient of laws and regulations that conform the mutual agreement to transform the illegal hotel business operators into legitimate because the ultimate goal of this study is to propose a model of Public Policy recommendations for Enhancing the Hotel Business Order in Phuket, Thailand

BIBLIOGRAPHY



BIBLIOGRAPHY

- Agyeman, S., Assiamah, S., & Abeka, H. (2016). Re-engineering the Building Permits Acquisition Processing to Control the Development of Unauthorized Structures in Ghanaian Communities. *China-USA Business Review*, 15 (4), 170-181.
- Aleidan, M. M. (2017). Hotel Industry Regulations and Cross-Border Franchising: The Case of Saudi Arabia. *International Journal of Business and Management*, 12 (9), 94-103.
- Amavasee, A. (2014). The Qualitative Research Concepts. *The Southern College Network Journal of Nursing and Public Health* 1 (2), 68-80.
- AOT. (2018). Air Transport Statistic Report: 2015-2018. Bangkok, Airport of Thailand PLC. Retrieved May 3, 2020 from <http://aot-th.listedcompany.com/transport.html>
- Bangkok Biz News Online. (2019). 143 Years Oriental. September 3, 2019. Retrieved May 3, 2020 from <https://www.bangkokbiznews.com/news/detail/845971>
- Bank of Thailand. (2017). Report of Study on Tourism Industry in Southern Part of Thailand: Case Study on Phuket Tourism Industry. Retrieved May 3, 2020 from https://www.bot.or.th/Thai/MonetaryPolicy/Southern/DocLib/Phuket_Tourism_Industry.pdf
- Banyong, S. and Siriphanumas, P. (2012). Social Organization in Thonglang Sub-district's Youth Violence Behavior, Banmaichaiyapoch district, Buriram Province. *Research and Development Journal, Rajabhat Buriram University* 7 (2), 80-88
- Best Living Taste Bangkok. (2019). BLT February 6, 2019. Tourism Analysis. Retrieved February 15, 2020 from <https://www.bltbangkok.com/poll/4619/B2018>
- Broom, L., & Selznick, P. (1970). *Principles of Sociology: From Sociology: a Text with Adapted Readings*. (p. 309). New York: Harper & Row.
- Burekul, T. (2008). *Provincial Participatory in Public Administration System: How to make it come true?* Bangkok: Research and Development Office, King Prajadhipok's Institute.

- Campiranon, K. (2012). *Critical Success Factors of Economic Crisis Management: A case study of Phuket hotels*. In CAUTHE 2012: The new golden age of tourism and hospitality. La Trobe University, Melbourne.
- Chantavanich, S. (2003). *Qualitative Research Data Collection: Qualitative Research for Development Handbook*. Research and Development Institute. Khon Kaen: Khon Kaen University.
- Chen, Y. Y., Chuang, Y. J., Huang, C. H., Lin, C. Y., & Chien, S. W. (2012). The adoption of fire safety management for upgrading the fire safety level of existing hotel buildings. *Building and Environment*, 51, 311-319.
- Choophol, P. (2008). Phuket Legend. PHUKETDATA.NET: Retrieved May 3, 2020 from http://www.phuketdata.net/main/index.php?option=com_content&task=view&id=128&Itemid=2
- Chulaphan, P. (2019). 143 years, Mandarin Oriental Keeps Its Reputation for a Sustainable Formula. Retrieved February 18, 2020 from <https://inews.bangkokbiznews.com/read/380127>.
- Creighton, J. L. (2005). *The Public Participation Handbook: Making better decisions through citizen involvement*. John Wiley & Sons. Translated by Wattanasap W. et al.: Khonkaen, Thailand, Siriphan Offset, 2008.
- Department of Tourism. (2018). *Statistic of Tourist Incoming to Thailand 2016*. Retrieved January 10, 2018 from https://www.mots.go.th/more_news_new.php?cid=411
- Department of Tourism. (2019). *Statistic of Tourist Incoming to Thailand 2019*. Retrieved July 5, 2018 from https://www.mots.go.th/more_news_new.php?cid=521
- Deunden, S. et al. (2015). *Personnel Participation*. Education Services Division. Office of the President. Bangkok. Ramkhamhaeng university.
- Duangkaew, K. (2013). *Current Management Issues of Thai Hotel Business: Case Study of Thai Hotel Association Members in Bangkok* (Master's thesis). Bangkok: Kasetsart University.
- Howpramong, Y. (2012). *The Participation of Community Committee in Community Development in Bang Phra Municipality, Si Racha District, Chon Buri Province* (Master's Thesis). Burapha University, Chon Buri.

- Ibrahim, Y., Awang, Z., & Yusof, Y. (2016). Environmental Management Practices in the Tourism Industry in Malaysia. *Proceeding of the 4th International Conference on Hospitality and Tourism Management, Man in India*, 96 (12), 5241-5252.
- Jittinant Nanthapaiboon, (2556). *Hotel Management*. Bangkok: Se-Education.
- Jones Lang Lazard. (2019). *High Investment in Hotel Business in Thailand*: Retrieved March 24, 2020 from <https://www.jll.co.th/th/newsroom/thailand-hotel-investment-volume-totals-thb-14-billion-in-2018>.
- Jullaphan, P. (2019). Mandarin Oriental 143 years. Retrieved May 3, 2020 from <https://www.bangkokbiznews.com/news/detail/845971>
- Kasikorn Research Center. (2015). Trend of Hotel Business in Phuket. Retrieved from <https://kasikornresearch.com/th/analysis/k-econ/business/Pages/33593.aspx>
- Khumkhainam, T. (1997). Principle of Community Development. Retrieved May 3, 2020 from <http://wiki.kpi.ac.th/index.php?title=A1>
- Kittiprayoon, S. (2008) *A Study on Hotel Operations In the Area of Mueang Samut Prakan District According to the Hotel Act 2004*. (Master's Thesis) Burapha University, Chonburi.
- Knightfrank. (2016). Property News: Phuket is encountering the oversupply, Retrieved May 20, 2020 from <https://www.knightfrankco.th/news/-07904.aspx>.
- Kobes, M., Helsloot, I., De Vries, B., & Post, J. G. (2010). Building Safety and Human Behavior in Fire: A literature review. *Fire Safety Journal*, 45(1), 1-11.
- Kokphol, O. (2009). *Public Participation for Local Authority Handbook*.
- Kom, C. (2010). *Critical Success Factors of Economic Crisis Management: A Case Study of Phuket Hotel*. Dhurakij Pundij University, Bangkok.
- Kontogeorgopoulos, N. (1998). Tourism in Thailand: Patterns, trends, and limitations. *Pacific Tourism Review*, 2 (3-4), 225-238.
- Krungsri Research. (2019). Thailand Industry Outlook. 2019-2021. Hotel Industry. Krungsri Research. Retrieved from <https://www.krungsri.com/en/research/industry/industryoutlook/Services/Hotels/IO/Industry-Outlook-Hotels>

- Kunyochai, T. (2007). BBC07. Around the World. *Social Organization*. Retrieved May 4, 2020 from <http://www.satit.up.ac.th/BBC07/AroundTheWorld/soc/24.htm>
- Kunyochai, T. (2011). BBC07. Around the World. *Social Organization*. Retrieved May 4, 2020 from <http://www.satit.up.ac.th/BBC07/AroundTheWorld/soc/Indexsoc.htm>
- Lauzon, A. W. Q. (n.d.). *“Paradise Lost and Found”*: Beach and Island Tourism in Phuket, Thailand. Retrieved May 25, 2020 from https://www.apu.ac.jp/rcaps/uploads/fckeditor/publications/journal/RJAPS_V25_Alden.pdf.
- Leenhawaronk, T. (2005). *Guidelines for Architectural Codes Improvement to Mitigate Damage from Tsunami Hazard Case Study: Patong Municipality, Phuket* (Doctorate Dissertation), Chulalongkorn University, Bangkok.
- Mahaphan, K. (n.d.) *Structure and Behavior of the Hotel Industry Group 1 in Bangkok*. (Master’s Thesis), Ramkhamhaeng University, Bangkok.
- Manager 360. (1999). Manager 360 Magazine, December 1999. 100 years Phuket from Tin Mine to Tourism. Retrieved May 3, 2020 from <http://info.gotomanager.com/news/details.aspx?id=966>
- Manager Online. (2015). Southern News, Thai Hotel Association Southern chapter present complaint letter to Phuket governor. Retrieved August 20, 2017 from <https://mgronline.com/south/detail/9580000141990>
- Manager Online. (2016). Governor of Phuket orders for hotel unlicensed have to login within 2 months. Retrieved February 15, 2020 from <https://mgronline.com/south/detail/9590000119289>
- Manager Online. (2017). Ministry of Interior pushes 7,000 illegal hotels to legitimate. Retrieved from <https://mgronline.com/stockmarket/detail/9600000032270>
- Matichon. (2016). Oriental Legend. Big Idea: July 15, 2016. 19 (329), 65.
- Matichon, (2017). Phuket Enhancing Hotel Business Orders. Retrieved from https://www.matichon.co.th/region/news_377675
- Meijer, F. M., Visscher, H. J., & Sheridan, L. (2002). Building regulations in Europe Part I: A Comparison of the Systems of Building Control in Eight European Countries. *Housing and Urban and Policy Studies* 23. Semantic Scholar. Retrieved

from <https://repository.tudelft.nl/islandora/object/uuid%3A80b23f4b-b27d-428b-a686-674807cad674>

- Miles, M. B., & Huberman, A. M. (1994). *Qualitative data analysis: An expanded sourcebook (2nd ed.)*. Sage Publications, Inc., Washington D.C.
- Miles, M.B., Huberman, A. M., & Saldana, J. (2014). *Qualitative data analysis: A methods sourcebook*. Sage Publications, Inc., Washington D.C.
- Ministry of Tourism & Sports (2019). *The International Tourist Arrivals to Thailand 2019*. Retrieved from <https://www.mots.go.th/News-link.php?nid=13034>
- Ministerial Regulations Prescribing Categories and Rules for Hotel Operations (2008). *The Royal Thai Government Gazette*, May 23, 2008. 125 (70 A), 7-13.
- Mongkolrudee, P. (2011). *Environmental Management and Firm Performance: A Case Study of Hotel Industry in Thailand* (Master's Thesis), Thammasat University, Bangkok.
- Mycoo, M. (2009). Sustainable Tourism Using Regulations, Market Mechanisms and Green Certification: a case study of Barbados. *Journal of Sustainable Tourism*, 14 (5), 489-511.
- Nantaphaiboon, J. (2012). *Hotel. Bangkok. Se-Education, 2012. National Council for Peace and Order. (2019). Measurement of Promotion and Development Standards for Certain Hotel Business Operations. 6/2019. (Vol. 136 (174 D))*: The Royal Thai Government Gazette,
- National Economic and Social Development Council. (2020). The 4th National Economic and Social Development Plan 1977-1981. Retrieved from <https://www.nesdc.go.th/main.php?filename=index>
- National Statistic Office. (2019). The 2018 Accommodation Survey Report. Retrieved from http://www.nso.go.th/sites/2014/DocLib13/2561/Full_report.pdf.
- Nualkaew, P. (1980). Government Policy on Para-rubber from 1961-1981. Retrieved from <http://www.thaithesis.org/detail.php?id=49622>
- Olsen, M.E. (1968). The process of social orgainszation (No. 4; HM51, 05.). Retrieved from https://scholar.google.com/scholar?hl=th&as_sdt=0%2C5&q=Marvin+E.+Olsen%2C+the+process+of+social+organization&btnG=

- On On, H. (n.d.). The Memory at On On Hotel. Retrieved from <https://www.thememoryhotel.com/th/contact-us>
- Penny, W. Y. K. (2007). The use of environmental management as a facility management tool in the Macao hotel sector. *Facilities*, 25 (7/8), 286-295.
- Phothipruerk, P. (2012). *The Problems of Environment Impacts Assessment in Hotel Business Operation* (Master's Thesis). Assumption University, Bangkok.
- Phuket Index. (2012). On On – The First Hotel on Phuket Island. Retrieved from <https://live.phuketindex.com/th/tag>
- Phuket Office, The National Statistic of Thailand. (2019). Statistic of Tourism 2019. Retrieved Retrieved from <https://drive.google.com/file/d/1tvboS4Jkn6asGIJXMblDBLi9n4O0UxH/view>
- Phuket Provincial Administration Office. (2020). Information Center. Retrieved February from <http://www.phuketdopa.go.th/index.php/2->
- Pongsanukulwech, S. (2018). *Current yacht tourism assessment: a case study of Phuket* (Doctoral Dissertation). Prince of Songkhla University, Phuket.
- Posttoday. (2017). Tourism Down Hotel Selling Properties. Retrieved from <https://www.posttoday.com/social/local/505872>.
- Prachachat. (2016). Conquer Illegal Hotels in Tourist Cities. Retrieved May 3, 2020 from https://www.sentangsedtee.com/today-news/article_18695.
- Prachachat. (2017a). Prachachat Business: October 9, 2017. Hotel Rattanakosin. Retrieved from <https://www.prachachat.net/facebook-instant-article/news-51755>
- Prachachat. (2019). Hotel and Restaurant over Supply in Phuket. Retrieved from <https://www.prachachat.net/local-economy/news-354900>
- Prachachat.Net. (2019). Hotel without license in Phuket. Retrieved February 15, 2020 from <https://www.prachachat.net/local-economy/news374159>
- Rattanporn, S. (2013). *A Proposed Policy for Student's Quality of Life Improvement of Welfare Schools* (Doctoral dissertation). Khon Kaen University, Khon Kaen.
- REIT. (2018). Real Estate Investment Trust Opportunity. Retrieved May 20, 2020 from <http://thairealestate.org/content/download/595>

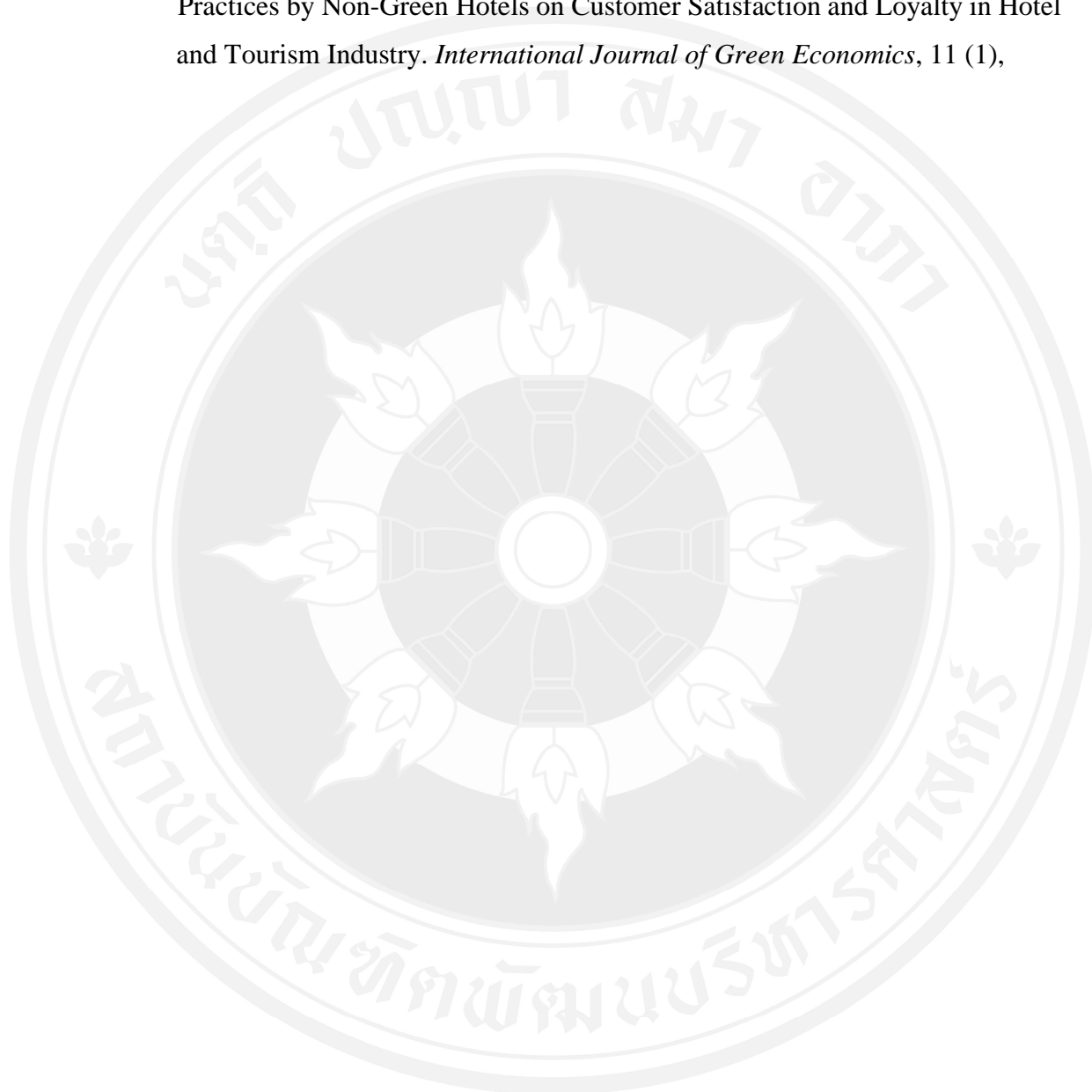
- Rodpinyo, S. (2006). *Marketing Communication of TAT and Decision Making of Thai Tourists on Traveling to 6 Provinces of Andaman Coast after Tsunami Disaster* (Doctoral dissertation), University of the Thai Chamber of Commerce, Bangkok.
- Royal Institute. (2011). Royal Institute Dictionary Online. Retrieved 20 February 2020 from <http://www.royin.go.th/dictionary/>
- Royal Institute. (2012). *English – Thai Dictionary of Sociology*, Royal Institute. Bangkok: Amarin Printing Group.
- Ruangtaweelap, C. (2014). *The Trend of Hotel Business in Phuket*. Bangkok: Business Analysis Office (Risk Management), Land and House Bank
- Sahathaihotel. (n.d.) The Syndicate of Thai Hotels & Tourists Enterprises Limited. History of Erawan Hotel. Retrieved from <http://www.sahathaihotel.com>
- Salleh, N. Z. M., Hamid, A. B. A., Hashim, N. H., & Omain, S. Z. (2010). *Issues and Challenges in Malaysian Hotel Operations*. Paper presented at the Proceeding of 3rd Asia-Euro Tourism, Hospitality & Gastronomy Conference, Taylor's College, Subang Jaya, Malaysia.
- Satsangan, N. (1985). Social Organization. *Thai Journal of Development Administration*: 25 (3), 361-386.
- Sayammanusati. (2017). History – First Hotel in Siam. Retrieved from <http://www.siammanusati.com/?p=3278>
- Sethanawat, S. and Sanglaor, C. (2014). A Study of Increasing Customers' Loyalty: The Assessment and Comparison of Service Quality of Accommodation Business. *Journal of Humanities and Social Sciences* 22 (40), 65-90
- Shiu, R. J., Cheng, S. T., & Liu, I. T. (2014). *Case study of fire risk management of hotels*. Retrieved from <https://www.scientific.net/AMM.580-583.2727>
- Siam Commercial Bank Economic Intelligence CenterI. (2011). Hotel Oversupply Problems. Retrieved from <https://www.scbeic.com/th/detail/product/304>
- Sikram, T. (2012). *Building Permission of Hotel Type under Thai Building Laws; the case studies of large buildings*. (Master's Thesis), Chulalongkorn University, Bangkok
- Silpa-Magazine. (2020). History - Hotel Phayathai. Retrieved May 3, 2020 from https://www.silpa-mag.com/history/article_47753

- Siripanpong, P. (2017). Corporate Social Responsibility (CSR) of Hotel and Accommodation in Phuket Province. *Journal of Humanities and Social Sciences, Rajapruk University*, 3(3), 96-106.
- Siriwattana, C. (2013). *Self-Acceptance, Family Relationship, Community Participation and Quality of Life of the Elderly at Dindaeng Housing Community in Bangkok Metropolitan* (Master's Thesis), Burapha University, Bangkok.
- Sripatak, P. *Legal Measures for Safety, Sanitation and Environment in Carrying on Non-Hotel Lodging Business* (Master's Thesis), Dhurakij Pundit University, Bangkok.
- Sukhothai Thammathirat Business Administration. (2002). *Tourist Destination Management 1-7*. Bangkok: Sukhothai Thammathirat University.
- Sukhothai Thammathirat Business Administration. (2002). *Tourist Destination*
- Tachavimol, M., & Pangkesorn, A. (2019). *Renovate and Legalize a Small Hotel in Thailand According to Ministerial Regulations 2016*. (Doctoral dissertation), Silpakorn University, Bangkok.
- Techasuwijit, S. (2014). *Guidelines for Solving Illegal Hotel Operations for the Sustainability of the Tourism Industry*. Bangkok: Thailand National Defense College.
- Thailand Tourism Industry Outlook. (2019). *AEC Business Advisory*. Kasikorn Thai Bank. Retrieved from https://kasikornbank.com/international-business/en/Thai/IndustryBusiness/Pages/201901_Thailand_TourismOutlook19.aspx#:~:text=korn%20Research%20Center%20expects%20the,up%206.9%2D8.9%20percent%20YoY.
- ThaiPBS. (2016). Ministry of Interior calls for hotel orders, Retrieved from <https://news.thaipbs.or.th/content/255975>
- Thansettakij. (2016). Phuket Governor orders hotel to log in. Retrieved from <https://www.thansettakij.com/content/100540loca/-economy/news-374159>
- The Act on Building Control. (1979). The Royal Thai Government Gazette. *The Act on Building Control*, 96 (80), 1-43.
- The Act on Hotel. (2004). The Royal Thai Government Gazette. *The Act on Hotel*, 121, (70 A), 12-32.

- The Royal Thai Government Gazette. (2008). *Ministerial Regulations Prescribing Categories and Rules for Hotel Operations*. 125 (70A), 7-13.
- The Royal Thai Government Gazette. (2009). *Ministerial Regulations Prescribing on Other Type of Building Operating in the Hotel Business*. 126 (81A), 4-7.
- The Royal Thai Government Gazette. (2016). *Ministerial Regulations Prescribing Description on Other Types of Buildings Operating in the Hotel Business*. 133 (72 A), 8-11.
- The Royal Thai Government Gazette. (2018). *Ministerial Regulations Prescribing Description on Other Types of Buildings Operating in the Hotel Business (Version 2)*. (Vol. 135 (85)).
- Tosun, C. (2001). Challenges of Sustainable Tourism Development in the Developing World: The Case of Turkey, *Tourism Management*, 22 (3), 289-303.
- Tourism Council of Thailand. (2017). *Annual Report 2017*. Retrieved from <https://www.thailandtourismcouncilcontent/uploads/2018/05/annualreport.pdf>.
- Ungumponvilai, A. (2011). *Guideline to Improve Time-Based Efficiency of Environment Impact Assessment for Hotel and Resort Business* (Master's thesis), Thammasat University, Bangkok.
- UNWTO. (2020). *World Tourism Barometer and Statistic Annex*, January 2020. Retrieved from <https://www.e-unwto.org/doi/pdf/10.18111/wtobarometereng.2020.18.1.1>
- Vargas, E. E., Zizumbo, L., Viesca, F. C., & Serrano, R. d. C. (2011). Environmental management in the Mexican tourism sector: Effects of regulation on hotel performance. *Cadernos de Administracion*, 24 (42), 183-204.
- Wandaw, W. (2009). *Environment Management of Hotel in Krabi* (Master's Thesis), National Institute of Development Administration, Bangkok.
- Wiriyasuebpong, P. & Kulatungwattana, P. (2012). The Research and Development of Expansion Opportunities for Thai Hotels Industry. *Humanities and Social Sciences Journal of Pibulsongkram Rajabhat University*, 15 (1), 91-103.
- Yamklinfoong, P. (2001). *Social and Culture*, (7th Edition). Bangkok: Chulalongkorn University Printing.

Yokjinda, W. (2014). *Public Participation in Community Development of Thung Klang Village, Tambol Thapsai, Amphoe Pong Nam Ron, Chanthaburi*, (Master's Thesis), Burapha University, Chon Buri.

Yusof, Y., Awang, Z., Jusoff, K., & Ibrahim, Y. (2017). The Influence of Green Practices by Non-Green Hotels on Customer Satisfaction and Loyalty in Hotel and Tourism Industry. *International Journal of Green Economics*, 11 (1),





APPENDICES



APPENDIX A
IN-DEPTH INTERVIEW QUESTIONS



SEMI-STRUCTURED INTERVIEW
"PUBLIC POLICY RECOMMENDATIONS FOR ENHANCING HOTEL
BUSINESS ORDER IN PHUKET"

Dear Interviewee,

My name is Bhuritt Mawongssa, a Ph.D. candidate of Doctor of Philosophy Programme in Integrated Tourism Management at Graduate School of Tourism Management, National Institute of Development Administration (NIDA).

I am in the process of doing the dissertation, a major part of the Ph.D. study, which its title is a Public Policy Recommendations for Enhancing Hotel Business Order in Phuket.

In order to achieve the objectives of this dissertation, the in-depth interview is designed as one of the research tools to discover the current contexts of the process and procedure of hotel business operation permission in Phuket. It is involved with the laws and regulations related as well as the government officers and local authority officers. Therefore, the information gathered from the in-depth interview will provide the primary empirical data supporting the research questions, particularly for an analysis of the draft of public policy recommendations for enhancing hotel business order in Phuket to help the hotel business operators in Phuket adapt to legitimate operations.

All responsive will be anonymous and use only in this dissertation in purely academic purpose. Participation in this interview is entirely voluntary and consent. Supporting devices may be used such as voice recorder, camera and note pad in order to gain the appropriate contents during the interview.

This in-depth interview consists of 2 parts which are the demographic of the Interviewee and the context of the process and procedure of hotel business operation permission in Phuket.

If there are any queries concerning this particular interview, please do not hesitate to contact through my mobile; 065 395 9491 or Email; bhuritt@patongresorthotel.com.

Sincerely yours,

Bhuritt MASWONGSSA
Ph.D. candidate in Integrated Tourism Management
GSTM, NIDA

Under Supervise of the Advisor: Professor Terdchai Choibamroong PhD.



SEMI-STRUCTURED INTERVIEW
"PUBLIC POLICY RECOMMENDATIONS FOR ENHANCING HOTEL
BUSINESS ORDER IN PHUKET"

Part 1: Demographic profile

1. Gender: Male Female
2. Position:
3. Experience:

Part 2: The current context of hotel business permission process and procedures.

Objective 1: To analyze and synthesize laws, rules and regulations related to hotel operations in Phuket.

1. What is the current situation of hotel business in Phuket?
2. How many laws and regulations are concerned with applying for a hotel business operating and licensing?
3. Why are the legal and illegal hotels operating at present?
4. What are the different on law enforcement between legal and illegal hotel business?
5. Do you have any comments on laws and regulations enforcement?

Objective 2: In order to analyze the process and procedures for applying for a hotel business license in Phuket under the Hotel Act 2004.

1. What is the process and procedure for applying for a hotel building permission and for obtaining a license?
2. Are there any differences between the process of issuing hotel business licenses for new construction buildings, modified buildings, or buildings that request to change use?
3. What are the critical problems and obstacles in the process of applying for a hotel business license?
4. Are there any problems or obstacles in applying for hotel business licenses?
5. Do you have any suggestion on the process and procedures of applying for hotel business licenses?

Objective 3: To study the guidelines for entrepreneur adjustment In order to enter the hotel business operations correctly Under the Hotel Act 2004.

1. What is your opinion on how the operators can adjust to the hotel business process legally?
2. What are the limitations of the building control law for hotel business that most operators cannot comply?
3. What is the main point that stakeholders want government and hotel business operators to comply?
4. Are there any limitations in the adaptation of illegal hotel business operators to become legitimate.

5. Is there any which way to solve those problems and obstacles together between the government and entrepreneurs?

Objective 4 To create a draft of Public Policy Recommendations for Enhancing the Hotel Business Order in Phuket.

1. What is your opinion? If there is a proposal to amend the law, rules and regulations to enable hotel operators to adapt to the process and procedures for requesting hotel business licenses conveniently and accurately.
2. What does the hotel operators without a license have an opinion in regards to proposals from government and local authority?
3. What are your suggestions for solving problems and obstacles to be able to apply for a hotel business license correctly?
4. How can we apply the participation theory to solve this problem?

.....

Interviewee

Name/Surname:

Interview venue:.....

Date of Interview:.....

Time of Interview:.....



APPENDIX B
INTERVIEW RESULTS

Table 1: Interview results, Objective 1: Analyze and synthesize laws, rules and regulations related to hotel operations in Phuket

Question / Results	Government Sectors	Hotel with Licensed	Hotel Non-licensed	Private Sectors
What is the current situation of the hotel business in Phuket?	(GO1/2/3/4/5/9/11/12/13) There is high competition in the hotel business. (GO6/7/8/10) Hotel accommodation is oversupply.	(HL1-5) There is high competition in the hotel business. Hotel accommodation is oversupply.	(HN1/2/3/4) There is high competition in the hotel business. (HN6) Hotel accommodation is oversupply.	(PS1/2) There is high competition in the hotel business. (PS2) Hotel is business is an economic drive force. Should limit the number of the hotel.
How many laws and regulations are concerned with applying for a hotel business operating and licensing?	(GO1-15) Mainly are Hotel Act and Building Control Act but there are more laws and regulations related after all.	(HL1-5) Several laws and regulations are involved, but the Hotel Act is a primary subject	(HN6) Hotel Act is a primary law. (HN1/4/5/6/7/8/10) Building Control Act and Hotel Act are the main subjects.	(PS1/2) There are 7 to 8 laws and regulations are involved.
Why are the legal and illegal hotels operating at present?	(GO1-15) Those illegal hotels can not apply for the hotel operation license because of a lack of building regulations	(HL1) Unlicensed hotel lack safety and security. (HL1/2/3/4/5)	(HN1-13) Illegal hotel operating without licenses did not have leniency of laws from the government.	(PS1/2) Unsilenced hotels gave a negative impact on the tourism industry (PS/2)
What are the differences in law enforcement between legal and illegal hotel business?	(GO1/10) Illegal hotel lack of Building safety. (GO1/2/3/4/5/6/7/8/9) Illegal hotels have harmed the economy and environment.	(HL1/2/3/4/5) Unlicensed hotel lack tax consumption, room rates structure and safety. (HL1) Uncontrolled on room rates and law enforcement.	(HN1-13) Less opportunity in adapting to the legitimate as the laws and regulations are obstacles.	(PS1/2) Lack of laws enforcement with hotel unlicensed. Safety and security measures are deficient.

Source: Researcher

Table 2: Interview results, Objective 2: To analyze the process and procedures of applying for a hotel business license in Phuket under the Hotel Act 2004

Questions / Results	Government Sectors	Hotel with Licensed	Hotel Non-licensed	Private Sectors
Do you have any comments on laws and regulations enforcement?	(GO1/2/3/4/5/9/10/11) Hotel operators should follow the laws and regulations.	(HL1/3/4) Laws enforcement should apply.	(1-13) The government should be relieved of law enforcement.	(PS1/2) The problems of using the discretion of officials are different.
What is the process and procedure for applying for a hotel building permission and for obtaining a license?	(GO1-15) The first is to apply for permission of construction, modification or change usage of the building. Secondly, after completion and get the building certification then apply for a hotel business operation license.	(HL1-5) The first is to apply for permission of construction, modification or change usage of the building. Secondly, after completion and get the building certification then apply for a hotel business operation license.	(HN1-13) The different authority has given different discretion. So, it has confused the process.	(PS1/2) Hotel business operators have to apply for a hotel business operation license at the district office where the hotel is located.
Are there any differences between the process of issuing hotel business licenses for new construction buildings, modified buildings, or buildings that request to change use?	(GO1-15) There is a difference between applying for a building	(H1/2/5) Sometimes it has confused what to do with the requisition of applying for a hotel license. (H3/4) Need to apply for permission with the local authority.	(HN2/3/4/5/6/8/9/13) New construction building is much easier than modify or change the usage of a building. (HN1/7/10/11/12) The process and procedures are unclear.	(PS1/2) Not much different in applying, but it depends on the certificate of the building that required to present for the hotel business license application.

Questions / Results	Government Sectors	Hotel with Licensed	Hotel Non-licensed	Private Sectors
What are the critical problems and obstacles in the process of applying for a hotel business license?	(GO1-15) Most of the problems arise from the avoidance of the laws. (GO9) The hotel is operated before the law has announced to enforce.	(HL1/4/5) Entrepreneurs are voidance of laws. (HL1/2) The hotel is operated before the law has announced to enforce.	(HN1-13) The government has given the unclear conditions and lack of information. Laws and regulations are too hard to follow.	(PS1/2) The government should update the laws and regulations.
Are there any problems or obstacles in applying for hotel business licenses?	(GO1-15) Most of the hotel business operators are trying to avoid laws enforcement. (GO10) Legislation retrospectively gives a penalty to entrepreneurs	(HL3/4) Problems arise from the discretion of the officials. (HL4/5) The unfavourable conditions of the law have caused problems and obstacles.	(HN1/2/6/7/10) There is a delay in the process. (HN3/13) Laws and regulations do not allow small businesses to operate independently.	(PS1/2) Mostly find that there is often caused a delay in implementing processes and procedures.
Do you have any suggestion on the process and procedures of applying for hotel business licenses?	(GO14) The hotel operators are not well prepared on the building certificate at the local authority.	(HL1/2) There are no obstacles unless entrepreneurs avoid laws and regulations.	HN6/7/8/12) The government must be transparent in law enforcement	(PS1) The government should update the law and regulation to date. The process should run without delay.
	(G4/7/12/13) The obstacles are raised on the process at the local authority. Most of the case happened are concerned with the Building Control Act.	(HL4/5/6/13) Entrepreneurs should follow the regulations and the government should relieve law enforcement for some reasons.	(HN3/5/9/11) The inspection from the local authority is too long in process and difficulties in complying with the laws.	

Source: Researcher

Table 3: Interview results on objective 3

Questions / Results	Government Sectors	Hotel with Licensed	Hotel Non-licensed	Private Sectors
What is your opinion on how the operators can adjust to the hotel business process legally?	(GO1/2/3/4/5/7/8/9/12) Entrepreneurs should proceed under the law that the government was already lenient. (GO3) The committee should set up at the first stage inclusive of the environment officer. (GO15) To organize the hotel business (HL2) The government and related agencies should issue an amnesty order for hotel operators that have built and operated before 19/08/2016 (GO15) The law has retroactive effects on hotel business operators. The delay on inspection procedures.	(HL1-5) The hotel business operators without licenses should follow the laws and regulations. Any obstacles to the process should bring to discuss with the authority. The government should allow for the lenient of laws and regulations. Hotel business operators should be divided into three groups. (HL1-4) The different discretion from the local authority and government officers.	(HN3) The local authority should be the only sector that runs the entire process and procedure. (HN4/5/6/7/8) Environment laws should be relieved for the small and medium hotel operators. The authority should prepare information about the process and procedure in details. (HN1-15) Laws and regulations. (HN5) To provide a legitimate login must allow the government to be more lenient in the law and should be more precise.	(PS1) The laws and regulations should be relieved by the government and local authority. The number of hotels should be limited. The process of applying should not be too long. (PS2) The hotel business operators should be divided into three groups. (PS1/2) Building construction that different from the plan. The different discretion from the officers involved.
What are the limitations of the building control law for hotel business that most operators cannot comply with?	(GO1/4/5/6/) The government has provided for the lenient of laws and regulations and entrepreneurs should follow to gain the license promptly.	(HL1-5) The hotel business operators without licenses should comply with the laws and regulations.	(HN6) Environment report. (HN1-15) The government should make amendments to the law to be more flexible. Relevant departments should have clear information and details.	(PS1/2) Divide the hotel outside the system into three groups to make it easier to push and adjust to the system legally.

Source: Researcher

Questions / Results	Government Sectors	Hotel with Licensed	Hotel Non-licensed	Private Sectors
In the adaptation of illegal hotel business operators to legitimate, Are there any limitations in which problems and obstacles arise and how to solve them?	(GO1-15) The Building Control Act has provided relief with enforcement in some parts, but hotel operators have failed to comply.	(HL1-15) Time delay and discretion of the different officer from each sector. The government should divide hotel business into three groups to identify the obstacles and manage them.	(HN12) The government should issue an amnesty law for hotels that were built before 19 August 2016.	(PS1-2) The enforcement of laws and regulations by authority is the obstacles if without lenient.
Are there any limitations in the adaptation of illegal hotel business operators to become legitimate?	(GO1-15) The hotel business operators are intended to circumvent the laws and regulations.	(HL1-15) Though the government have indulgent the law and regulation, however, it still hard to comply.	(HN1-15) The government must improve the procedures and laws to be lenient. Should have more explicit details of procedures. Should improve the bureaucratic system.	(PS2) The process and procedures are complicated and unclear.
Is there any way to solve those problems and obstacles together between the government and entrepreneurs?	(GO1/3/5/6/9) Hotel business operators should bring obstacles to discuss with the authority.	(HL1-12) Set to comply with laws and regulations lenient and enforcement.	(HN1-15) To issue the amnesty laws to those who want to adapt to the legitimate.	(PS1-2) Set to comply with laws and regulations lenient and enforcement in each sector.
What is your opinion? If there is a proposal to amend the law, rules and regulations to enable hotel operators to adapt to the process and procedures for requesting hotel business licenses conveniently and accurately.	(GO1/4/6) At the moment, the government had improved the laws and regulation on the Building Control Act, but still, there is an obstacle on other law-related such as the environment law.	(HL1/2/3/4) It will be benefited to the hotel business industry of Phuket and stay under control by the government for safety and security.	(HN1-13) Most of the hotel business operators would be very happy to become legitimate.	(PS1-2) It is suitable for hotel business operators with unlicensed, but the government have to enforce the laws and regulations equally.

Table 4: Interview results, Objective 4

Questions / Results	Government Sectors	Hotel with Licensed	Hotel Non-licensed	Private Sectors
What does the hotel operators without a license have an opinion in regards to proposals from government and local authority?			(HN1-13) The government should issue amnesty laws and lenient the related laws as well. The information about process and procedure should provide in details. The discretion of the officers should be in the same row.	
What are your suggestions for solving problems and obstacles to be able to apply for a hotel business license correctly?	(GO1-15) Consulting on the problems and obstacles need to be done between hotel business operators and authority. To clarify the issue.			
How can we apply the participation theory to solve this problem?	(GO1-5) The idea of establishing a sub-committee is necessary. It is the way of public participation in solving problems.	(HL1/5) The committee that consist of government, private sectors and local authority will participate in resolving the problems and the obstacles.	(HN1-13) The government should let the entrepreneur be more participation in the process.	(PS1-2) Sub-committee should be set up for stakeholders' participation.



APPENDIX C
PHOTOGRAPHY OF RESEARCH PROCESS

Process of Data Collections

	
<p>1. Interview</p>	<p>2. Interview</p>
	
<p>3. Interview</p>	<p>4. Interview</p>
	
<p>5. Interview</p>	<p>6. Interview</p>

Process of Data Collections



7. Interview



8. Interview



9. Interview



10. Interview



11. Interview



12. Interview

Process of Data Collections

	
13. Interview	14. Interview
	
15. Small-Group Discussion	16. Seminar
	
17. Seminar	18. Seminar

Process of Data Collections

	
<p>19. Interview</p>	<p>20. Interview</p>
	
<p>21. Interview</p>	<p>22. Interview</p>
	
<p>23. Interview</p>	<p>24. Interview</p>

Process of Data Collections

		
25. Focus Group	26. Focus Group	
		
27. Focus Group	28. Focus Group	
		
29. Interview	30. Interview	31. Interview

Process of Data Collections

		
32. Interview	33. Interview	34. Interview
		
35. Interview	36. Interview	37. Interview
		
38. Interview	39. Interview	40. Interview



APPENDIX D
SITE INSPECTION WITH NCPO AND HOTEL REGISTRAR

Thalang District Hotel Inspection with the Joint Committee of the 4th Army Region and Phuket Hotel Registration Division				
Hotels Unlicensed in Thalang District by Random Inspection				
No.	Name of Hotel	Address	Owner / Manager	Status
1	Benyada Lodge	Moo 3, Had Surin Soi 8	Benyada Co., Ltd.	1. No Construction Permit (1) 2. No Building certificate (6)
2	Surin Par Condominium	Moo 3, Had Surin Soi 8	Surin Par Condominium Co.,Ltd.	1. No Building certificate (5)
3	Surin Sweet Hotel	Moo 3, Had Surin Soi 8	Surin Sweet Co.,Ltd.	1. No Construction Permit (1) 2. No Building certificate (6)
4	The Chawa	Surin beach	Phuket Resort Co.,Ltd.	1. No Construction Permit (1) 2. No Building Certificate (6)
5	Surin Boutique Resort	Moo 3, Had Surin	Phuket Resort Co.,Ltd.	1. No Construction Permit (1) 2. No Building certificate (6)
6	Cheewa Thara Resort	Moo 3, Srisoonthorn Road	Linda Spa	1. No Construction Permit (1)
7	Surin Sunset Hotel	Moo 3, Srisoonthorn	Mrs.Suda Mali	1. No Building Modify Permit (1)
8	Ban Chom Tawan	Moo 3, Srisoonthorn	Mrs.Kamolrat Yingchareon	1. No Building Modify Permit (1)
9	Surin Sabai 3	25 Moo 3, Cheng Thalay-Bandon	Asia House Co.,Ltd.	1. No Building Certification (5)
10	Porn Guest House	Moo 1, Soi Prasert	Waranond Kanchan	1. No Land Certificate
Muang Phuket District Hotel Inspection with the Joint Committee of the 4th Army Region and Phuket Hotel Registration Division				
Hotels Unlicensed in Muang Phuket District by Random Inspection				
No.	Name of Hotel	Address	Owner / Manager	Status
1	Sino Hostel	New Road, Karon	Mr.Thammanat Sornserm	1. No Building Certification (1)
2	Sea and Sky Condominium Phuket	Patak Road, Soi 12	Unidentified	1. No Construction Permit (1) 2. No Building Certificate (5)
3	Eden Condominium	Moo 1, Soi Patak	Omega Maenaumint and Friend	1. No Building Certification (5)
4	Farang Paradise	34/9 Moo 7, Chaofah W., Bankrang	Ms.Chantakarn Singhkhon	1. No Building Certification (6)
5	Kata Rock Phuket	186/22 Kok Tanode Road. Karon	Unidentified	1. No Construction Certificate (1)

Kathu District Hotel Inspection with the Joint Committee of the 4th Army Region and Phuket Hotel Registration Division				
Hotels Unlicensed in Kathu District by Random Inspection				
No.	Name of Hotel	Address	Owner / Manager	Status
1	Lucky Apartment	342 Local Road A, Patong	Mrs.Wilai Manabut	1. No Water Treatment 2. No Building Certification (6) 3. No IEE Report
2	The House Patong	74/48 Nanai Road. Bansan	Lek Phong Group Co., Ltd.	1. No Building Modify Permit (1)
3	Ann Plus Hotel and Spa	182/7-8 Local Road A, Patong	Add Plus Co., Ltd.	1. No Building Modify Permit (1)
4	Halo Patong Hotel	182/23, 182/5 Local Road A,	Tuscany home Co., Ltd.	1. No Building Modify Permit (1)
5	Kamala Cool	73/100 Moo 3, Kamala	Mr.Prajak Poksakul	1. No Building Modify Permit (1)
6	Bann Kamala	74/41 Pajak Road. Kamala	Mr.Nikorn Sae Lor	1. No Building Modify Permit (1)
7	Club Bamboo	247/1 Nanai Road.	Bamboo Club Phuket Co., Ltd.	1. No Construction Permit (1)
8	I am Residence	247-249 Nanai Road.	Mr.Sumeth Sithkraisorn	1. No Construction Permit (1)
9	Green Harbor Hotel	168/46-48 Nanai Road.	Mrs.Suwannee Celton	1. No Construction Permit (1)
10	Artemis Property	67/25 Moo 5, Kamala	Artemis Property Co., Ltd.	1. No Building Modify Permit (1)

BIOGRAPHY

Name-Surname	Bhuritt Maswongssa
Academic Background	Bachelor's Degree in Law Ramkhamhaeng University, Bangkok Master's Degree in MBA (Tourism) Phuket Rajabhat University, Phuket
Experience	Former Advisor to The Governor of TAT,(Mr.Thawatchai Aranyik). Former President of Phuket Tourism Council. Former Vice President: Marketing of Phuket Tourist Association. Former Vice Chairman of the Sub-Standing Committee of the Tourism & Sports Reform,Senate.

