

VICKERY & WORACHAI LTD.

LAWYERS

LEGAL NEWSLETTER

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New Laws and Regulations

- Determination of the Rate of Minimum Wage
- Notifications of the Ministry of Interior Extension of the implementation of the measures promoting debt restructuring

Laws and Regulations Updated

- Draft of the Ministerial Regulation describing the standard of administration and management for safety, professional sanitary and environment of work concerned with hazardous chemical substance B.E. ...
- Cancellation of reduction of the specific business tax levied on real estate business.
- Extension of the implementation of the measures promoting debt restructuring

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Determination of the Rate of Minimum Wage

Effective: 1 January 2004

Relevant Authority: Ministry of Labour

The new rates of minimum wage acknowledged by the Cabinet on December 16, 2003 are detailed as follows:

Applied Province(s)		Rate of Minimum Wage (Baht)
1.	Bangkok Metropolis, Nonthaburi, Nakhon Pathom, Pathumthani, Samut Prakan and Samut Sakhorn	170
2.	Phuket	168
3.	Chonburi	153
4.	Saraburi	151
5.	Chiang Mai, Phang Nga and Nakhon Ratchasima	145
6.	Ranong and Rayong	143
7.	Phra Nakhon Si Ayutthaya	142
8.	Krabi and Chachoengsao	140
9.	Kanchanaburi, Chanthaburi, Phetchaburi, Ratchaburi, Samut Songkhram, and Ang Thong	138
10.	Lamphun, Sakaeo, Sukhothai	137
11.	Kamphaeng Phet, Khon Kaen, Trang, Prachinburi, Buriram, Lopburi, Singburi and Suphanburi	136
12.	Chaiyaphum, Tak, Trat, Nakhon Phanom, Narathiwat, Nakhon Si Thammarat, Nakhon Sawan, Prachuap Khiri Khan, Pattani, Phitsanulok, Phetchabun, Phattalung, Mukdahan, Yala, Roi Et, Lampang, Loei, Sisaket, Sakhon Nakhon, Songkhla, Satun, Nong Khai, Nongbua Lamphu, Uttaradit, Udon Thani, and Amnat Charoen.	135
13.	Nakornnaiyoke and Phichit	134
14.	Chiang Rai, Nan, Phayao, Phrae, Maha Sarakham, Mae Hong Son, Yasothon, Surin and Ubonratchathani	133

**Notifications of the Ministry of Interior Extension of the implementation
of the measures promoting debt restructuring**

Effective: 1 January 2004

Relevant Authority: Ministry of Interior

The main issues for issuance of the above laws and regulations are as follows:

1. The Notification of the Ministry of Interior Re: Collection of government fees for right and legal act registrations according to the Land Code, in case of debt restructuring under the principle described by the Minister (No. 4) issued on 1 January 2004.
2. The Notification of the Ministry of Interior Re: Collection of government fees for right and legal act registrations according to the law governing condominium, in case of debt restructuring under the principle described by the Minister (No. 4) issued on 1 January 2004.
3. The Notification of the Ministry of Interior Re: Collection of government fees for right and legal act registrations according to the Land Code, in case of debt restructuring under the proceeding in accordance with the law governing bankruptcy (No. 2) issued on 1 January 2004.
4. The Notification of the Ministry of Interior Re: Collection of government fees for right and legal act registrations according to the law governing condominium, in case of debt restructuring under the proceeding in accordance with the law governing bankruptcy (No. 2) issued on 1 January 2004.

To extend the time period for collecting government fees for right and legal act registrations in case of debt restructuring according to the Land Code and the law governing condominium, at the rate of 0.01%, from the previous termination date of 31 December 2003 to be until 31 December 2004.

Draft of the Ministerial Regulation describing the standard of administration and management for safety, professional sanitary and environment of work concerned with hazardous chemical substance B.E.

Status: *Approved in principle by the Cabinet on 16 December 2003 and forwarded to the Council of State for consideration.*

Relevant Authority: *Ministry of Labour*

The significant issues of this draft Ministerial Regulation are as follows:

1. Specify definition of “*Usage of Hazardous Chemical Substance in Work*” to be that any action which may cause employee can take hazardous chemical, including manufacturing, labeling, wrapping, storing, transporting, disposing and demolishing, storing of non-used chemical substance, maintenance, repairing, cleaning up of tool, device and container of chemical substance.
2. Employee using or processing of hazardous chemical substance shall be responsible to the specified duties, including considering claim, inspection of fact and arrange for the list of hazardous chemical substance to be informed to relevant authorized person according to the prescribed form.
3. Employee shall be entitled to know information related to the prescribed hazardous chemical substance, and has right to take leave if his duty will cause harmfulness to safety of health.
4. Employer shall provide accessory for preventing personal safety in compliance with the prescribed standard, and regulate the employee to use or wear such accessory. If the employee fails to comply with accordingly, the employer has right to order the employee to take leave from work.
5. Employer shall provide health risk assessment according to the prescribed regulation, and control the surrounding in compliance with the prescribed standard.
6. Employer shall control and observe against health, and provide health check service for employee for the period not less than five (5) year.

Cancellation of reduction of the specific business tax levied on real estate business

The Cabinet Acknowledged on the cancellation of the specific business tax reduction on real estate business as proposed by the Ministry of Finance. The specific business tax reduction which effective from July 2000 till December 2003 is viewed as tax mechanism to help to boost up the new demand on property. Nowadays, the real estate business is recovered to the normal status that the extension of specific business tax reduction is no longer needed. This means the tax measures will cover as follows, with the effect from 1 January 2003, onward.

- The specific business tax shall be collected at the rate of 3.3% (inclusive of municipal tax).
- The ceiling rate of the allowance occurred from the payment by any individual of loan interest in relation to the purchase, hire-purchase or construction of any residential building shall be Baht 10,000, while the income receive from selling of the real estate for the purpose of buying a new real estate as for a new residence shall not be exempted.

Extension of the implementation of the measures promoting debt restructuring

Status: *Approved by the Cabinet*

Relevant Authority: *Ministry of Finance*

Whereas many debt restructuring case of private sector remains pending, and proposed to be finished within the year 2004, thus, the promoting measurements against such debts restructuring have to be appropriately extended for the another one (1) year until 31 December 2004.

The relevant laws and regulations are as follows:

1. Draft Royal Decree issued according to the Revenue Code describing revenue exemption (No.....) B.E.....
2. Draft Ministerial Regulation No..... (B.E.....) issue according to the Revenue Code describing.

The main issues for issuance of the above laws and regulations are as follows:

To extend the time period for exemption of and providing promotion against revenue tax in case of debt restructuring, for the another one (1) year, from the previous termination date of 31 December 2003 to be until 31 December 2004.