

Phuket Gazette

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‘AT LEAST 1.5MN LITERS OF WASTEWATER IS RELEASED DAILY’

Deputy PM dives into Phi Phi sewage crisis

Budget of B450mn needed to stop gush of untreated wastewater

By Sukawin Tanthavanich

MORE than 1.5 million liters of raw sewage is flowing into the sea from Phi Phi every day and officials say they are powerless to act until the central government approves a 450mn-baht budget to build a new wastewater treatment plant.

“We have no choice but to release between 1,500 cubic meters and 1,700m³ [up to 1.7 million liters] of untreated wastewater into the sea daily while we wait for the budget to be approved,” said Thon Thamrongnawasawat, who was appointed as policy adviser at Hat Noppharat Thara – Mu Ko Phi Phi National Park last October.

“The Ao Nang *OrBorTor* and Krabi provincial government are both on board with the proposed plan. Moreover, the Pollution Control Department (PCD) and Wastewater Management Authority (WMA), under the Ministry of Natural Resources and Environment, have already inspected the area and expressed their approval as well,” said Dr Thon. “The approval of the budget by the central government is all that is required to move forward.”

Deputy Prime Minister Adm Narong Pipatanasai visited the island on March 16 to review several projects proposed by the local administration to curb the daily flow of excess wastewater.

The Deputy PM’s visit followed shortly after news broke that 83 per cent of wastewater on Phi Phi was left untreated and allowed to flow into the sea in the...

Continued on Page 5



Deputy PM Narong (left) pays a visit to Phi Phi Don as local officials pitch a plan to build a 450mn-baht wastewater treatment system on the island. Photo: Gazette file

French tourist stabbed to death in Patong attack

A FRENCH man, 23, was stabbed to death in Phuket early Wednesday morning. His Moroccan friend, also 23, was also injured in the violent altercation.

Police have arrested the Thai suspect who crashed his motorbike into the men before stabbing them.

Story on Page 3

BUSINESS



PIA graduates to United World Colleges, expects enrollment to spike.

PROPERTY



Desmond Hughes weighs in on freehold vs leasehold when ‘buying’ property.

LIFE&STYLE



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LOCAL NEWS
Briefly

ATM skimmer caught with 28 fake cards

MOLDOVAN national Mihaila Sergiu, 28, was charged on March 21 for using fake ATM cards at cash machines.

Police identified the man from ATM surveillance footage recorded by Kasikorn Bank and chased him down when he was spotted using an ATM near the Bangla Boxing Stadium.

“We then followed the suspect and he seemed to know he was being followed and bolted for it but we caught him,” said Lt Col Prawit Engchuan of the Phuket Provincial Police.

Mr Sergiu confessed to owning the fake electronic cards, but refused to reveal how he acquired them.

– *Kritsada Mueanhawong*

B430mn tagged to make Phuket City smarter

DEPUTY Prime Minister Somkid Jatusripitak announced the approval of a 430 million baht budget allocated by the central government to turn Phuket

Island immigration issues watery warning over visas



Immigration officials are handing out water bottles with labels displaying newly implemented overstay rules as part of the bureau's national campaign to reinforce rules on foreigners who overstay their visas. The order targets those who stay in the country beyond their permission period, which affects internal security, as well as the peace and safety of residents, said Phuket Immigration Office Chief Sunchai Chokkajaykij. Photo: Phuket Immigration

into a 'smart city' with the help of experts from South Korea.

The Deputy PM made the announcement on March 21 when he chaired a meeting with Phuket Governor Chamroen Tipaya-pongtda and the mayor of Busan in South Korea, during which an

agreement was penned to apply development patterns of South Korea's smart cities and digital technology to Phuket.

Traffic monitoring, knowledge exchange and energy saving concepts are included in the plans.

– *The Nation*

Airport boosts security after Brussels blasts

THE security status at Phuket International Airport was raised to 'level three plus' on March

22 in response to blasts at Brussels airport and a metro station in the Belgian capital.

A bomb disposal squad was put on 24-hour standby and extra military personnel were stationed at vehicle and passenger checkpoints. Inside the airport terminals, passengers were subjected to tighter baggage inspections.

“We have been closely monitoring the situation in Brussels. The military were called in to help boost security with minimum impact on travellers. Otherwise, the airport is operating as normal and there were no flight cancellations as a result of the blasts in Brussels,” said Airport Director Monrudee Gettuphan.

– *Chutharat Plerin*

Heat wave kills fishing stock

OFFICIALS in Krabi had to remove about five tonnes of dead fish that had died in a pond used to stock fish for fishing contests.

Hot weather was blamed for the mass fish deaths. They began floating to the surface and causing a stink on March 20.

Officials believe it will take nearly two days to collect and bury the more than five tonnes of dead fish.

Krabi Mayor Kittisak Phukaoluan told residents that despite the smell of the rotting, half-broiled carcasses, the fish were safe to eat.

– *Kritsada Mueanhawong*

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Beach building demolitions imminent

By Kongleaphy Keam

LOCAL authorities have announced a final deadline for businesses encroaching on public land at Surin, Lay Pang and Layan beaches, informing business owners that they have to demolish all illegal buildings by next month.

“We have decided, once and for all, to demolish the buildings encroaching on public land at all three of these beaches. The deadline for tearing down the buildings is April 20 for Surin Beach and April 27 for Lay Pang and Layan beaches,” Phuket Vice Governor Chokdee Amornwat told the *Gazette* after a closed-door meeting with beach management officials on March 18.

“Starting March 19, we will issue letters to each business owner to inform them that they must vacate the premises by the stated deadline. On that date, the buildings will be demolished regardless of whether operations have been shut down or not.”



Vice Governor Chokdee announced the imminent demolition of illegal businesses at Surin, Lay Pang and Layan Beach. Photo: Gazette file

In October last year, Phuket Governor Chamroen Tipayapongtada announced January as the final demolition deadline, only to announce

later that the paperwork necessary to finalize the procedure was taking longer than expected.

“The owners have been ad-

equately warned,” V/Gov Chokdee said. “We are now determined to restore these beaches to their original, pristine state.”

Tourist killed in stabbing



Akim Boukheddouma, 23, was pronounced dead at the scene. Photo: Winai Sarot

FRENCH national Akim Boukheddouma, 23, was stabbed to death by a motorcycle rider on Soi Sansabai in Patong in the early hours of March 23.

His friend, Said Missouri, 23, was also injured in the brawl outside the Orchid Resortel.

“Said Missouri told us that they were both walking back to their room when a man riding a motorcycle crashed into them. We have since arrested the suspect, 33-year-old Somporn Kakkaw,” said Lt Sineenart Cherdchootrakulthong of the Patong Police.

“After Mr Somporn ran away, Mr Missouri realized that his friend had been stabbed too. He called for help, but nobody was able to come in time to save the Frenchman.”

“When we arrested Mr Somporn, it was clear that he had an injured wrist, so we took him to Vachira Phuket Hospital.”

As of Wednesday, police had yet to charge Mr Somporn, as they were still looking for the murder weapon. – Winai Sarot

Shrimp shovelling tourists caught on camera

FOLLOWING Chinese tourists’ chaotic stampede and subsequent gluttonous gorging of piles of prawns at a buffet in Thailand, Phuket will be holding an etiquette course for guides working with Chinese tour companies.

The internet was ablaze with vehement criticism of Chinese tourists earlier this month after Chinese media company

Shanghaiist published a 33 second video clip showing tourists in a feeding frenzy, which led to the visitors using their plates like shovels to scoop up shrimp at a buffet in



The viral video shows tourists gorging. Image: Shanghaiist

Chiang Mai.

Follow up photos showed that large amounts of the food ended up being wasted.

“I am of aware of the video. How-

ever, just because one group of tourists act like this, doesn’t mean that all of them will,” said Santi Pawai, director of the Ministry of Tourism and Sports Phuket Office. “Nonetheless, I am adding discussion about the video to a ‘Do’s and Don’ts’ etiquette presentation I have planned for Chinese tour operators next month.”

– Chutharat Plerin

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Wastewater crises flows on

From page 1

...marine national park.

“Deputy PM Narong acknowledged the urgency of the problem and assured us that he would bring the issue to the attention of the central government as soon as possible. At this stage, we can’t do much but wait for approval,” Ao Nang Administration Organization (*OrBorTor*) President Pankum Kittithonkun told the *Gazette*.

Mr Pankum suggested that the government invoke Article 44 of the interim charter to source the 450mn-baht budget required to resolve the untreated wastewater problem.

“Currently, we only have a small waste management plant which was funded by the government of Denmark years ago, not long after the tsunami. That is the only facility on the island and it is only capable of handling a maximum of 300m³ of wastewater a day. However, 1,800m³ of wastewater is produced daily on Phi Phi.

“The influx of tourists and the sharp rise in the number of businesses here contributes to the amount of wastewater generated on the island. Sadly, we are forced to release it directly into the sea. I am helpless, and Phi Phi is suffering because of this,” Mr Pankum said.

Dr Thon expressed his agreement with the proposed solution.

“The new plant will have the capacity to handle up to 2,000m³ of wastewater a day, which is more than sufficient to



The Phi Phi treatment plant is not able to cope with the amount of wastewater produced. Photo: Gazette file

cover the amount produced daily on Phi Phi. If the facility is constructed as planned, we should not run into any difficulties for the foreseeable future,” explained Dr Thon.

Mr Pankum said that he was aware of the problem and was not ignoring it.

“I have been calling attention to the problem of untreated wastewater, and trying to procure a budget to manage it, for years now,” he said.

“We are doing the best we can with the limited resources we are given. We check on hotels, restaurants and businesses once a month, as they

are required to treat their own wastewater before releasing it into the sea. We hope that they act responsibly – but I don’t really think we can always count on them. They could very well be turning on their treatment systems only when they are undergoing inspection by our officers,” he said.

Dr Thon highlighted that the untreated wastewater is damaging the marine ecosystem in and around Phi Phi.

“The wastewater is completely destroying the precious coral reefs. This, in turn, destroys the remaining marine life which is dependent on these

delicate coral reefs,” he said.

Dr Thon also remarked that if ignored for much longer, the issue could seriously damage the island’s tourism industry.

“The enormous amount of wastewater flowing into the sea is nothing short of alarming. No one will want to visit Phi Phi if we let our ecosystem die from the sewage. I hope the government treats this issue as a priority to prevent further damage to the corals and marine life,” said Dr Thon.

However, he did not think that a short-term or temporary solution was possible.

“Due to the limited capability

of the current waste treatment plant and the fact that the problem has been compounded by a decade of neglect, I don’t believe we can even temporarily stop the flow of wastewater,” Dr Thon said. “None of the prior governments have shown any interest in this issue and funding has been very difficult to obtain.”

Mr Pankum stressed that he had done everything in his power to get a new wastewater plant built on Phi Phi.

“I have taken up the matter with the provincial government, but they couldn’t help. It is completely beyond our authority. Neither Ao Nang, nor the Krabi provincial government, has enough money to initiate such a project,” Mr Pankum said.

“Ao Nang *OrBorTor* may be a small organization, but we generate a lot of revenue for Thailand and still try our best to serve tourists from around the world. I think our request is fair and reasonable, but I am unable to understand why, despite being such a high revenue generating area, we are finding it so difficult to obtain approval for funding to manage our affairs.

“I don’t know what else to say, except that if this problem is ignored, we will surely reach a point where Phi Phi will no longer be able to welcome any tourists at all.

“We are awaiting the government’s decision and can only hope that they realize how imperative this budget is for us, and for the future of Thailand.”

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Chalong-Patong road study complete next month

OTOP by the beach

Fight over Nai Yang park construction still simmering on

TRASHING Phuket

Ushering in Lady Pie

BURNING ISSUES FOR CITY

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2 cops held for killing tycoon

By Natcha Yuttaworavit

PHUKET CITY: Two Phuket Provincial Police officers have confessed to their involvement in the assassination of Phuket Shooting Range owner Preecha "Ko Noi" Kraitas, the island's top police officer told the Gazette.

K. Preecha, who was also owner of the luxury Fisherman Way housing estate and other businesses on the island, was shot twice in the head while driving along Wiset Rd at about 11 pm with his wife and son in the family's black Jeep Cherokee.

The Cherokee was fired upon by a gunman in a red BMW, who riddled it with more than 10



Suwit quits politics, cites 'personal reasons'

By Sangkhrae Leelanaporn

PHUKET CITY: Suwit Sa'ngiamkul served as a Democrat MP for Phuket District 1 for five years.

B280m hospital expansion begins

Gumballers rolling into Phuket

Charity rules tightened in bid to prevent abuse

Soi Dogs President resigns



PGTV now on Internet



Officer is a gem, say lucky Swiss couple

...after midnight of... BMW with the... assassination... with his political lit...

MARK Twain had it right when he wrote, "There is no such thing as a new idea. It is impossible. We simply take a lot of old ideas and put them into a sort of mental kaleidoscope. We give them a turn and they make new and curious combinations."

Sometimes, especially in Phuket, it doesn't even seem like we even give the kaleidoscope much of a turn; so, it was of little surprise that there was nothing new when a plan to launch an eight-week column called 'Dumped in Paradise' was tabled at a *Gazette* editorial meeting this year.

What is perhaps at least poetic, was the timing; a similar column, 'Trashing Phuket', was launched in the March 25-31, 2006 issue of the *Gazette* - exactly a decade ago. Both environmental initiatives called / are calling on participants to pull out their cameras and send the *Gazette* their dirtiest photos. Hopefully, since we are past 'At last, the Internet works' - a headline from the *Gazette* ten years ago - we can redirect a little of our social media ranting toward productivity by digging into the stories behind the trashiest places in Phuket.

As the *Gazette* noted in the March 25 editorial: "Garbage is a

serious and ever-worsening problem in Phuket [oh, we had no idea how bad it was really going to get], which is why the *Gazette* this week launches a new series, 'Trashing Phuket', that highlights some of the more squalid examples of civic irresponsibility by inhabitants of the island."

So, let's celebrate (via citizen action and reporting) the re-boot of a not-so-new idea that can still bring a great deal of value to the island.

In no need of a re-boot, however, Phuket International Hospital went through yet another growth spell this week, with the grand opening of its 900-million-baht medical tourism facility. The new facility, which handles plastic surgery, anti-aging and skin care, boasts 10 operation auditoria and almost 70 patient rooms.

Just ten years ago, the hospital broke ground on their six-storey out-patient department building for a mere total of 320mn baht. The expansion was to meet growing customer demand, a similar reason to why the new facility was opened this year.

Of course, when it comes to customer demand, countless businesses

The gift of hindsight

on the island don't generate enough interest to stay open past their second low season; others become Phuket classics.

Just a couple of weeks ago, the *Gazette* sat down with the Lady of the Pies - Susan Usher. It is no wonder the *Gazette* was drawn to Susan, again - she and her pies are a Phuket staple. Just take a peek at page 11 of the March 25 issue, and you'll find that familiar smile.

"The tsunami washed the business into the Andaman Sea. But anyone who knows Susan would realize that it takes more than a cataclysmic event to stop her. Within two weeks she was back making pies," Sam Wilkinson reported for the *Gazette* in 2006. To the best of our knowledge, she hasn't really taken a break since.

Before we get too used to these rose-tinted glasses, let's take a look back at page one: Two cops held for killing tycoon.

Two Phuket Provincial Police officers confessed to their involvement in the assassination of Phuket Shooting Range owner Preecha Kraitas, who was also the owner of the still-very active Fisherman Way housing estate.

Mr Preecha was driving on Wiset

Road at 11pm with his wife and son when a gunman riddled their Cherokee with 11mm bullets. The Jeep crashed into a minivan, then careened off the road and plowed into a tree.

Miraculously, his wife and child survived. However, Mr Preecha did not. He had been shot in the head twice.

Such blatant assassinations of big-shots in Phuket appear to have mostly come to an end, leaving the wild-west mentality to those operating in Krabi and the teen 'gangs' on the island - then again, maybe we are just going through a dry spell. It was only five years ago that Phuket media man Ae Inside was gunned down while sitting in morning rush-hour traffic.

Following the slaying, there was a long convoluted case that never came to a satisfying head. Similarly, 2013 the assassination of mother-of-two and human resources manager for Hilton Arcadia Phuket Resort and Spa Jintana Mahattanapak has also remained unsolved.

Though there are many things we would like to leave buried in the past, it is frightening how quickly the past loops back to the present on Phuket and how rarely anything really changes, from good Aussie pies to mafia-style assassinations.

-Isaac Stone Simonelli

Two executives charged with recklessness in SCB deaths

SEVEN people are facing charges of recklessness leading to the death of others after seven workers and a guard were killed while work was being done on a fire-prevention system at the Siam Commercial Bank head office in Bangkok on March 20.

The eight were killed after the building's fire-prevention system accidentally released pyrogen, which is widely used as a fire extinguisher.

The aerosol fire retardant vaporized, depriving a room in the bank's basement of oxygen. Seven others were affected. Most of the victims were working on an improvement to the fire-prevention system.

Two executives and an engineer at Mega Planet, which was in charge of improving the system, have been charged with recklessness. Arrest warrants were also issued for employees of Jones Lang LaSalle and data center solutions provider Abit Multi System Co Ltd.



Northern smog affects 64,000

SMOG in the North caused by slash-and-burn farming techniques in northern Thailand, Burma and Laos has already caused 64,108 people to be hospitalized, while more patients are expected as a result of the air pollution.

Dr Suraphan Sangsawang, acting director of the Re-



gional Health Promotion Centre 10 Chiang Mai, said reports from 90 hospitals in the area showed that the number of patients with coronary artery and respiratory diseases had increased dramatically as

the region's haze worsened last week.

Fire destroys 2,000 rai of national forest

ENVIRONMENTALISTS are concerned that deliberately lit fires in the Kaeng Krachan National Park in Phetchaburi may have damaged the forest

ecology. The reserve is the largest national park in the country. More than 2,000 rai of forest throughout the park has been burnt since March 14. Forest officials are working to find out who lit the fires and why.

"Helicopters were used to douse the fires because of difficulties in entering the burning area on foot," said National Parks Wildlife and Plant Conservation Department director Thanya Nettithammakun.

Residents suffer from Mekong 'drought relief'

RESIDENTS in drought-hit areas along the Mekong River say they are suffering from the release of 2,000 cubic meters of water per second from the Jinghong-based dam in China since March 15. While many officials believe the water release will help, some locals disagree.

"Such water discharges have hampered the ecological system. That's why fish populations in the river have been clearly shrinking," said Aomboon Thipsuna, a member of the council of community organizations based in the seven riparian provinces.





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Overstaying welcome

THE recent push to publicize the need for foreign tourists not to overstay their visas is long overdue, but we hope the Immigration Bureau will continue to use its sweeping powers in fair and compassionate ways that consider extenuating circumstances – especially those involving victims of accidents or crime.

The crackdown, which actually comprises little more than stricter enforcement of existing policy on overstays, is ostensibly intended to protect Thailand and its citizens from unwanted foreign elements.

Thailand has long sought to attract more quality tourists, a term that implies visitors who not only abide by immigration rules, but also dump a lot of money into the economy during their limited stays.

In reality, most overstays are not the result of nefarious motives, but are rather due to ignorance, negligence or simply bad planning. Every Phuket Immigration Police volunteer knows just how many overstay cases only come to light at Phuket airport. This is where so many hapless violators realize, to their horror, that they have overstayed their legal welcome and are subject to fines of 500 baht a day. Those who have partied away their holiday budgets and cannot afford to pay up, risk not only missing their return flights, but the prospect of being stuck inside a foreign country with mounting overstay penalties, legal charges and possible imprisonment – a nightmarish ending for what could have been a ‘happy ending’ sojourn here in the Land of Smiles.

Unfortunately, too many holiday makers spend more time doing internet research into the relative merits of Phuket versus Pattaya, than they do perusing the Ministry of Foreign Affairs website for immigration information.

All the information needed is stamped into passports with a warning that reads: “Holder must leave the Kingdom within the date specified herein. Offenders will be prosecuted.” Additionally, expiration dates are stamped into passports in bright red letters. Yet, for all this, many visitors fail to examine their passports after their permits have been issued.

It remains to be seen how effective the bureau’s latest publicity effort, which involves printing out possible penalties on disposable plastic water bottles, will be. We ask our readers to help out in the effort by asking neophyte tourists the simple question: when does your permit to stay expire? While the question might seem somewhat invasive, it could also save the tourist from a possibly nightmarish scenario.



Coming prepared was not helpful at all

Re: Tougher rules introduced to curb cheating taxi drivers, March 18

I fell victim to the tour office scam on my first two trips to Phuket 15 years ago.

I had read about this prior to visiting and showed up each time with the hotel name, address, directions and a map which I handed to the drivers. Each time they said that they needed to stop and get directions at their office and then disappeared while I was harassed by multiple sales people waving tour brochures in my face. Shameful.

*PhuketSam
Gazette forum*

Surprised there is even traffic planning

Re: Opinion: Travelling at light speed, March 16

I’m actually surprised that there has been any planning involved in the traffic mess that we currently have in Phuket.

Traffic planning and design appear to be a haphazard construction fiasco, much like the commercial and residential development on Phuket.

*Buster
Gazette forum*

Rent the land, but buy the structure

Re: Phuket property management firm shrugs off ‘military threats’, March 15

The alien shouldn’t attempt to buy land he cannot legally own.

Letters to the Editor

*Do you have an opinion to voice?
Email Editor@PhuketGazette.net*

Rent the land and buy the structure – that’s legal.

People who employ fraudulent means to try to do something the law prohibits deserve whatever misfortune is visited on them.

*RogerFox
Gazette forum*

Fine line between civil and criminal

Re: Phuket van man disappears owing B10mn to his drivers, March 18

I have personally suffered losses over one million baht in similar business deals with Thais and was told to seek redress through the Thai court system.

Why do these drivers believe that they have a special entitlement of seeking recourse through the police for what appears to be a civil case as opposed to a criminal case?

*Rooster
Gazette forum*

Using your ATM card safely, wisely

Re: Moldovan busted for ATM skimming in Phuket, March 21

Try and use your card inside shopping centers.

Don’t use them at ATMs that are outdoors or in areas where

there aren’t people walking past all the time.

*Band Sharon Murphy
Facebook*

Congratulations on the beautiful beaches

Re: Demolition day announced for buildings on Phuket beaches, March 18

I was dubious about all these evictions before, but after viewing Phuket’s beaches from my boat, they look so lovely that I congratulate the authorities for action taken.

Next in line should be excessive use of jet-skis, factory scuba diving and blanket speedboat operations in certain hot spots. Not to mention the 38 fishing vessels I counted off Koh Rok this week with illegal night lights.

It’s your choice, Thailand.

*Peter
Gazette forum*

Correction

In the First Person column *Putting up with golf prices*, the *Gazette* quoted Terayout Prasertphol, chief of the Phuket Golf Association, as stating that Laguna Phuket Golf Club and Mission Hills Phuket Golf Resort were not open for membership, which was a factor in the courses’ lack of popularity for those living on the island. However, it has since been confirmed by the *Gazette* that the facilities do offer memberships and Laguna has a strong local client base. The error is regretted.

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Reflections of hope

FIRST PERSON

THE Mirror Foundation's aim is to help support hilltribe people with issues such as citizenship, drug abuse, erosion of culture and the trafficking of women and children. Additionally, we focus on missing children and youth in Thailand.

According to our current statistics of missing youth and children, there are presently 592 people still missing – most of them between the ages of 11-15 years old.

This age group has the highest rate of disappearance, as they are at the age where they consider running away from home.

Generally, we find that most of these children run away due to issues at home, largely with their parents. They may quarrel with them frequently, or may just not be getting along with them.

Often these children run away to a friend's or relative's house where they feel safer than they do at home. Luckily, Phuket's average is much lower than that of the rest of the country.

Children in Phuket go missing due to two major factors.

Divorced parents. Sometimes children stay with only one parent, or in some cases, their grandparents. Children sometimes don't feel comfortable in this type of family environment.

Parents' working hours. Often, parents will need to work night shifts. As children are out studying all day, when they come home, their parents are leaving for work. Because of this, they are unable to spend quality time with their parents, which impairs their ability to distinguish right from wrong, as well as their ability to be a con-



Ekkalak Lumchomkae is chief of the Missing Persons Center at the Mirror Foundation. He was formerly a lawyer at a private law firm and graduated with a bachelor's degree in Law at Ramkhamhaeng University.

Here he discusses the recent cases involving missing children on the island, as well as reasons for the disappearance of some of Phuket's youth.

tributing member of society.

Children at that age need to be nurtured; they want to direct their questions to adults who can help them better understand the world around them.

That being said, in Phuket, it is normally easy to locate the child and bring them home safely, or at least bring them to a safer environment. There have been very few cases of long-term disappearances.

One of our most notable cases in Phuket was the December 6, 2013 disappearance of Natthapa 'Dear' Papkaew, who was reported missing by her parents when she failed to come home.

Two weeks later, search parties discovered a skull, along with a pair of muddy shorts as well as a pair of slippers in a Chalong pine forest. In March 2014, DNA results confirmed that the remains belonged to Nong Dear.

To this day, there are still no clues as to what happened to her.

The biggest concern for missing children in Phuket is the island's constant influx of people. It is easy for a child to disappear or be taken to villages and rural areas, where it will not be easy to locate them,

either on the island or off.

A good example of how easy it is for a child to disappear, either on their own or by force, is our recent case involving three-year-old Jetsadakron 'DJ' Chaiyo, who was found in a forested area in Chalong after missing from his home for nearly a week.

Though mystery still surrounds his disappearance, we have followed up closely on his progress. In this particular case, it will be difficult to find out the exact circumstances involving Nong DJ's disappearance, as we cannot guarantee that what he is telling us is the full truth. We must wait for him to fully recover before moving forward.

Nong DJ is being well taken care of by child specialists and psychologists to help him recover and remember any details about how he ended up in the forest in Chalong.

When the child is ready, the Mirror Foundation will be ready to assist in the investigation in any way needed.

We are dedicated to helping children and underprivileged people have a better quality of life and education – we believe everyone deserves that chance.



Understanding different cultures is key. Photo: William Murphy

Solution at its core

Island View

By Brandy McDonald

AS THOUSANDS of Chinese descend upon the island each week, it is hard to ignore the xenophobic and often crude comments made about their behavior, spending habits and general demeanor.

A recent video showing dozens of Chinese tourists stampeding a Chiang Mai buffet and using their plates to shovel two to three plates of prawn their way highlighted the differences between their culture and many others, as well as garnered many snide remarks.

As a traveller, one must study the different cultures of the places we visit so as not to offend locals. But how many of us have thoroughly done so?

To scoff at some Chinese tourists' behavior, or anyone of a different culture, is to believe that they know that what they are doing is offensive.

That is not always the case, which is why the issue must be dealt with closer to its source.

The recent announcement made by Santi Pawai, director of the Ministry of Tourism and Sports (MOTS) Phuket Office, that he will be holding a course for Chinese tour operators on 'Do's and Don'ts' etiquette is

Do you have an opinion to voice?
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exactly how this situation needs to be handled.

In addition to the etiquette course, Mr Santi plans to highlight different tourist attractions, such as the Tin Mining Museum and the Thai Hua Museum, for guides to add to their itinerary. Such activities educate tourists on the history and culture of Phuket, helping them understand the people around them.

It's easy to complain about a culture or group of people that we don't fully understand, perhaps because we are just as uneducated about them as they appear to be about us.

To educate them about what is expected during their visit to Thailand is not possible in a country full of people who just want to complain and point out their differences in nonconstructive ways.

As much as people are yelling about Chinese tourists not having cultural sensitivity, they too are being culturally insensitive.

Words from the Wise

“Never tell people how to do things. Tell them what to do and they will surprise you with their ingenuity.”

– George S Patton

“Try not to become a man of success, but rather try to become a man of value.”

– Albert Einstein

Issues & Answers

Where can I park my car at Mai Khao Beach?

I LIKE to watch the planes coming in near Mai Khao Dream Hotels & Resorts on Soi 4 in Mai Khao.

However, whenever I go there, I have difficulty parking near the beach, as there is no easy access way for cars to park down there, causing them to have to drive over a broken footpath barrier.

Is the OrBorTor working to solve this problem so that cars can park without getting damaged or flat tyres?

District Office Chief Administrative Officer (Palad) Rapin Suwannasin replies:

The area you speak of is not

actually a car park, though many people park there for plane spotting.

Nonetheless, we will take a look as soon as possible and coordinate with Sirinath National Park officers in order to find out how we can provide a proper parking space for cars.

Thank you for informing us about this problem. For any other inquiries, please contact the Mai Khao OrBorTor at 076 348 201.

Send us your queries and we'll ask the right people to respond to them.
Submit your issue at:
www.PhuketGazette.net/IssuesAnswers

Investing in oil – the ultimate gamble



Finance

By Don Freeman

IT MAY be tempting to call a bottom for oil prices and then go bottom fishing for oil stocks or Exchange Traded Funds (ETFs). Unfortunately, oil is one sector that most investors (especially those who aren't working in the sector) will want to stay away from now and for the foreseeable future.

Thanks to a combination of too much supply and not enough demand, the price of oil dropped 30 per cent in 2015. With many oil producing countries like Saudi Arabia, Venezuela, Russia and soon Iran pumping away as they play geopolitical games, or try to close budget deficits, it's unlikely oil prices are going to recover any time soon. Instead, oil prices could just end up seeing-sawing sideways for years to come with occasional spikes and troughs.

OPEC, the organization of petroleum exporting countries, itself expects its own producers to eventually cut back on oil production which will cause prices to rebound to US\$70 per barrel by 2020. However, the OPEC cartel doesn't have the power it once had and 2020 is long time away for many oil producers – especially for US-based shale players, who are racing to cut



So tell me, are you feeling lucky? Are you? Photo: Carbon Visuals

costs before they run out of cash and have to file for bankruptcy protection or default on their debt.

Many funds are also underweight in oil and oil-related stocks, while speculators have made enormous bets against the commodity and oil industry players. Of course, these speculative bets against oil by using futures contracts will need to be covered in the event of any good news, or a sudden and unexpected price rise. The danger for unwary investors who are not traders is that any sudden oil price rise could quickly turn into a "dead cat bounce".

Meanwhile, oil ETFs tend to

do a poor job of reflecting the actual price of oil as they never actually own the physical commodity. Instead, oil ETFs invest in futures contracts which are really only intended for producers and big consumers like refineries to lock in price stability – not for investors to invest in.

All of these futures contracts need to be rolled over by oil ETFs into new contracts prior to their expiration to avoid either taking possession of oil, or selling oil they don't have. However, rolling over expiring futures into new contracts when oil prices are falling can lead to unprofitable positions for the ETF.

Moreover, every stock that's connected to the oil industry will be impacted one way or the other by the price of oil, and it won't matter how well managed or diversified the company is. For example: Shares of the well-diversified global energy player Exxon Mobil Corporation (NYSE: XOM), the fourth largest stock by market cap (as of January 2016), fell more than 16 per cent last year (albeit that fall was cushioned somewhat by a strong dividend yield).

Finally, investing in anything related to oil is like playing the ultimate game of risk, because now more than ever, the price

of oil is being determined not by supply and demand, but by geopolitics and geopolitical games. In other words, to determine future oil prices, you need to consider what the answers are to complex geopolitical questions like:

- Could the Saudi royal family really be overthrown in a revolution or coup?

- How much oil will Iran pump out when the sanctions are finally eased or lifted?

- Can Chavez's successor cling to power in oil-rich Venezuela?

- What will Putin's next move be and what will the EU/USA reaction be?

- Could terrorists like ISIS attack and destroy key oil infrastructure?

Don't know all the possible answers to these questions? Then maybe you should not be investing in oil.

Don Freeman, BSME is president of Freeman Capital Management, a Registered Investment Advisor with the US Securities Exchange Commission (SEC), based in Phuket. He has over 15 years' experience working with expatriates, specializing in portfolio management, US tax preparation, financial planning and UK pension transfers. Call for a free portfolio review. Don can be reached at 089-970-5795 or email: freemancapital@gmail.com.

Moody's says Singapore, Malaysia, Thailand to lag behind Asean peers

THE growth prospects of Asean major export-orientated economies of Singapore, Malaysia and Thailand are expected to remain weaker than its domestic demand-driven economies, says Moody's Investors Service.

The international ratings agency said on Tuesday that hence growth outlook of Asean economies was likely to diverge in 2016 and 2017, against the backdrop of subdued global demand.

"Singapore, Malaysia and Thailand are susceptible to a prolonged period of subdued global demand via both the export channel and weaker investment demand," said Rahul Ghosh, a Moody's vice president and senior research analyst.

Vietnam, meanwhile, will remain a regional growth outperformer on the back of robust manufacturing activity and strong foreign direct investment flows.

– *The Nation*

Understanding withholding tax in Thailand for digital transactions

THE digital economy has increased opportunities for digital commerce companies to reap substantial sales from a country without establishing a taxable presence in that country. Existing permanent-establishment rules in both domestic laws and tax treaties require some type of physical presence before a PE is established in another country.

Under Section 76 bis of the Thai Revenue Code (TRC), a foreign company is deemed to carry on business in Thailand and will be taxed here if it derives income in or from Thailand through the activities of its employee, agent or go-between in Thailand.

In this regard, if a foreign company which carries on digital commerce business does not enter Thailand or does not have any representative and/or



Tax tangles of the digital era. Photo: David Fulmer

server in Thailand, such foreign company should not be regarded as carrying on business in Thailand and thus shall not be subject to income tax here.

However, this does not mean that such a foreign company shall always be free from Thai taxation. Thai withholding tax may be imposed on digital transactions depending on the type of product sold.

Current business models in the digital economy include online retail of tangible prod-

ucts, as well as the sale of digital products, technical content and software.

The sale of a tangible product imported into Thailand by the Thai buyer is regarded as income which is not subject to Thai withholding tax under Section 40(8) of the TRC.

The issue is whether digital sales transactions – where a customer can download a product, whether it may be music, games, or software, from an application – should be subject to withholding tax.

Under Section 70 of the TRC, a foreign company is liable for Thai income tax whereby the income payer in Thailand must deduct said tax from the total payment and submit it to the Thai tax authorities, unless tax relief under a double-taxation treaty can be claimed.

– *The Nation*

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Breaking into United World Colleges

PIA graduates into exclusive federation of independent international schools

By Bruce Stanley

THE Phuket International Academy confirmed last week its new affiliation with the global network of United World Colleges (UWC).

“We are delighted to have become part of UWC; a leader in education in 15 different locations around the world. The UWC is a federation of independent international schools that use the same education model. This affiliation will also encourage our campus to become more diverse with students joining us from around the globe,” said Philipp Graf von Hardenberg, chair of the executive board at Phuket International Academy.

“While most UWC campuses provide education for students in the final two years of their secondary education, the Phuket campus will include all ages, from 18 months to 18 years, to allow for the maximum benefits of an outstanding educational philosophy,” said Mr Hardenberg.

In 2014 Phuket International Academy recruited Julian Whiteley as Chief Executive. He served as Head of College for ten years at the UWC campus in Singapore, widely acknowledged as one of the top-ten international schools in the world.

“The United World College movement was founded by educational visionary Kurt Hahn in the 1960s. He believed that students should have a practical education mixed with outdoor activity and service to the community. The aim of the UWC movement was to bring together young people from areas

of post-war conflict to act as champions of peace through an education based on shared learning, collaboration and understanding,” said Mr Whiteley.

The first UWC opened in Wales in 1962. Since then, the United World College movement has grown to include 15 campuses world wide, including Holland, Swaziland, Bosnia, Norway, Canada, China, India and Singapore.

“The UWC has long been at the forefront of international education and over the years has played a significant role in the development of the world-renowned IB Diploma Programme. With service at the heart of its Mission, UWC empowers students to become aware, able and active change agents in their communities.

“The United World College philosophy is to use education as a force to unite peoples, nations and cultures for peace and a sustainable future. This is the educational philosophy that we want to provide our students here at our Phuket campus,” said Mr Whiteley.

Every year in excess of 1,000 students are selected by UWC National Committees based in over 150 countries and awarded scholarships to attend one of the schools or colleges. Scholarships have been offered to Thai students since 1976 during the term of then prime minister Kukrit Pramoj, who recognized the benefits and importance to Thailand of being part of UWC and appointed the first National Committee of Thailand. The current President of UWC is Queen Noor of Jordan.

“We support a transformational education where extraordinary students



Julian Whiteley, former UWCSEA head and chief executive of UWC Thailand, brings Phuket International Academy into the fold. Photo: PIA

interact with one another. As many of our students come from such a diverse range of cultures and backgrounds, we will develop a curriculum that builds upon the real experiences of our students, which we believe will create a more developed sense of ethical interactions,” said Mr Whiteley.

Phuket International Academy currently has 350 students. Mr Whiteley anticipates 25 to 30 United World College scholars will join the campus in August. New classrooms and boarding facilities are in the planning stage to cope with the anticipated growth of the school to 850 students.

Bangkok car show hoped to kick-start sales in Thailand

WITH 40,000 orders expected to be placed for new vehicles at the 37th Bangkok International Motor Show, automakers are hoping that the event will help rev up a slowing market caused by the sluggish economy and political uncertainty.

Organizers see orders matching last year, as many companies are launching new models to help whet demand.

Prachin Eamlumnow, the organizer of the show, said on March 21 that more than 30 car and 10 motorcycle companies, as well as 175 accessory retailers, are taking part in the event, which serves as an opener to the auto-buying season in Thailand.

Up to 40 billion baht is expected to be spent at the show, he said.

Jaturont Komolmis, vice chairman of the organizing committee, said Thailand’s



The Mercedes Benz E-class at the Bangkok International Motor Show. Photo: The Nation

auto industry is now approaching a significant boundary line.

The economic decline from 2015 has resulted in auto sales slumping almost 10 per cent, and the trend has continued into 2016.

“Together with the implementation of the new CO2-based excise tax that took effect at the beginning of 2016, a significant impact has taken place, leading to higher car prices.

– The Nation



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Imagine: A world with no boundaries

By Eve Whittaker

IN OUR world, we have many boundaries restricting people in everyday life. This means that our lives are structured to how the government wants us to live. We have rules and laws about everything we do, from what time we have to be at work to that we shall not kill or harm any human being. However, have you ever wondered what life would be like if we lived in a world with no boundaries? Well I have, and in my opinion the world would be chaotic if there were no rules restricting what we did.

A boundary is a dividing line; to most it is the line between right and wrong. The boundaries I am going to be talking about are metaphorical and literal barriers, boundaries and restrictions to keep society safe; these can be called rules and regulations or even laws.

Why do you think we have boundaries? We have boundaries to regulate society, to protect citizens, to make sure people have rights and to stop conflicts. Boundaries are there to stop people from having negative effects on the quality of people's lives.

In life, it is beneficial to have boundaries and laws for societies to live in a safe and peaceful world. If we suddenly decided to take away all of the rules and regulations we had, then life would be anarchy. There would be crimes taking place all of the time, from murders to

THE winner of the Southern Thailand Dublin Award this year is 14-year-old British national Eve Whittaker, who is a Year 9 student at HeadStart International School.

This year, Eve and hundreds of other students took part in the writing competition, which asked the young writers to explore a 'World With No Boundaries'.

Currently studying for the World Scholar's Cup, under the theme 'An Imperfect World', Eve was inspired to write about the physical and metaphorical ways a world without borders would function. Her unique take on the idea of a world with no boundaries and exemplary command of the English language saw her sail ahead of other applicants.

thefts. Boundaries and laws are usually made for the safety of the people, to make sure that a murderer is imprisoned to keep the rest of society safe and for them to be rehabilitated. Therefore, boundaries are there to make people feel safe and to know what is acceptable behavior.

Meanwhile, in some countries many people argue that there are too many laws and too many prisoners. Surely this means that boundaries aren't working, because people are still breaking them? In fact, in America, the justice system is a lot harsher than in other More Economically Developed Countries.

However, English isn't the only language that Eve strives to master. She also studies foreign languages, taking her first French International General Certificate in Secondary Education qualification (IGCSE) last year, while currently studying Mandarin and Thai.

She hopes that by continuing her studies she will one day be able to combine her passion for writing and foreign languages by becoming a foreign-language correspondent for a multinational news agency.



Eve Whittaker

zens actually commit around seven crimes a week. The most common offenses are: speeding; texting or eating while driving; drunk driving; downloading music illegally; and not wearing a seat belt.

Since living in Asia, I have seen and experienced people breaking the law frequently without any consequences. It is common sense that there is a law requiring people to wear helmets on a motorbike. However, if it is a law that is set to protect citizens, why do the majority of people still ride a motorbike without a helmet? It is one thing to have laws, but it is another to have to enforce the laws so that people actually follow them. It could be argued that if a law is not enforced, then it is actually encouraging people to break it.

If we didn't have any boundaries, I believe that we would live in fear and all of the strongest and most powerful people would control our society. As a result, it is important that laws are enforced and protect citizens, ensuring that we live in a safe and healthy environment.

Now you know why there are boundaries in society and what life would be like if we didn't have them. Next time you complain about having boundaries and want to break them, think before you do it; think before not putting on your seat belt and think before doing anything else that breaches boundaries established for your safety.

Between 2.3 and 2.4 million Americans are behind bars, this is roughly one in every 100 adults.

"I don't think this is what our laws are meant to do," said a judge of the Spring Texas state courthouse. "It costs upwards of \$50,000 a year to have a single person in the state prison. This isn't right and is not working."

But is there an alternative?

Surprisingly, according to a BBC article on laws, most adults actually break the law somehow every day without even realizing it. Millions of people who declare themselves as law abiding citi-

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Testing the inflammatory issue

Excuse Buster
By Craig Burton

LAST column, I described an important test I often recommend to clients called HbA1c. As I wrote, this test is one marker for identifying blood sugar issues and a person's tendency towards diabetes, but blood sugar issues are also now seen to be related to many conditions including dementia and even cancer.

As a nutritionist, I spend my time assisting clients in changing some of their unhealthy diet habits, such as reducing sugar, processed foods (especially refined carbohydrates) and bad fats. Each of these contributes to inflammation in the body.

According to many medical experts, chronic inflammation (as opposed to acute inflammation like that associated with localized injury such as tennis elbow), lies at the root of many diseases, including heart disease. Chronic or systemic inflammation occurs when larger areas have been irritated and damaged for an extended period of time, including inter-



You can learn a lot from what's in your blood stream. Photo: US Army

nal organs and tissue like the gut. Although the idea that inflammation was related to heart disease initially emerged in the late 1800s, it was sidelined in favor of the 'cholesterol or lipid hypothesis'. That's why lipid profiles are still the most commonly used series of tests to assess the risk of heart disease. These tests include: total cholesterol; LDL (known as bad cholesterol); HDL (known as good cholesterol); and Triglycerides.

However, recently the 'in-

flammation hypothesis' has resurfaced and many scientists believe inflammation is a primary causative factor in many chronic diseases, such as diabetes, heart disease, cancer and degenerative brain disease.

One excellent test to assess the amount of inflammation is high sensitive (hs)-CRP. C-reactive protein (CRP) is produced by the liver. This protein was discovered in 1930 and could be isolated from the blood of patients with a specific type of pneumonia. Later it was dis-

covered that elevated CRP-levels can be measured in blood in response to inflammation.

The difference between CRP and hs-CRP is contained in the 'hs' abbreviation; 'high sensitivity'. CRP is traditionally measured down to concentrations of 3-5 mg/L, whereas hs-CRP measures down to concentrations around 0.3 mg/L. This improved sensitivity allows hs-CRP to be used to detect low levels of chronic inflammation.

There have been a number of studies supporting the use of

hs-CRP as a marker for heart disease, which is why many physicians will look at the traditional cholesterol markers, along with hs-CRP, to get a better overview of a client's potential risk for heart disease.

According to Mark Hyman, head of the institute of functional medicine, it's important to aim for a hs-CRP score below 1mg/L (not three, as most labs suggest). But be careful, as this measure will also dramatically change (perhaps going to more than 10) when a person is suffering an acute inflammation, such as a serious cold or the flu.

If you are highly inflamed, eat a clean, plant-based diet and include good fats – such as olive oil, avocados and omega 3's – in all your meals, with small portions of protein. Keep sugar, bad fats and processed foods, including refined high carbohydrate grains to a minimum.

Craig Burton is a Certified Sports Nutritionist (CISSN) with a Bachelor of Science degree (Sports Science) and a National Academy of Sports Medicine (PES) certification.



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Back in the saddle at Bang Tao

Blazing Saddles
By Baz Daniel

QUIET corners of our increasingly frenetic island are often sought by the gad-about Lycra Lout, for some gentle, meditative pedalling amidst lovely scenery and with the opportunity for a cold sunset beachside drink at the end of the ride.

One area of Phuket that still offers these charms is the hinterland around the Bang Tao Beach region. The gateway to this cycling idyll is through the unprepossessing strip development along the Laguna approach road.

However, once you enter the well-manicured lawns, placid lakeside vistas and lazy sprinkler-festooned golf links that seem to define this area, it is as though you are cycling through an entirely different world.

We started our ride on a hot day in March from the charming grounds of the Outrigger Beach Resort where we were staying, in the company of our guide Khun Golf.

We trundled along the lakeside under the blessed shade of Casuarina trees, which thankfully seem to grow in abundance in this region.

A left, then a right, across the little bridge over the canal linking two of the Laguna lakes, and then we turned right again near the road to Xana Beach Club.



The Outrigger Beach Resort run family-friendly cycling tours twice a week. Photo: Baz Daniel

As you cycle north along this quiet Bang Tao beachside road, you can't help but notice the bizarre schizophrenia of the region. The ever-shifting beach clubs, fashionable resorts and chic residential developments cheek by jowl with a charming, run-down Thai melee of ramshackle beer bars, noodle carts and wooden roadside stands selling bottled petrol.

Three kilometers north, the road ahead peters out as you arrive at a small canal full of run-down local fishing boats. Just offshore lies Koh Krata, or Frying Pan Island, to which you can walk at low tide.

Back on the main inland road, you can turn left and con-

tinue to head north up some pretty severe hills, following the coast road past Trisara Resort and then down to the beautiful sands of Nai Thon Beach.

Our own trip with Khun Golf took us south, back down the island towards the Outrigger Resort with a call in to the charming Cherng Talay temple with its brooding finials and Naga Heads, and finally back through the heart of busy Cherng Talay to the sanctuary of the resort.

The Outrigger Beach Resort run these family-friendly cycling tours twice a week on Wednesday and Saturday afternoons and they are a great way for families with kiddies to see the area from a bicycle saddle

in safety and without stress.

Back at the resort, beachside cold drinks on the broad swathe of Bang Tao Bay are a sensational way to end the day while watching the sunset.

I would be remiss if I failed to mention the Outrigger's fabulous Mediterranean Sunday brunch at Metz's restaurant, where you can spend many happy hours grazing from the huge selection of meze, tapas and charcoal-grilled specialties served a la carte to the strains of cool jazz.

In fact, staying at the Outrigger for the weekend, joining the cycling on Saturday and then brunching on Sunday, is a perfect way to enjoy the lazy Bang Tao area.

criterium is coming back for round two



Last year's event was a big success. Photo: Gazette file

SADDLE up for the 2016 Phuket Criterium; a day of pedal-powered street racing to be held at Saphan Hin on April 23.

Last year's inaugural event was a huge success, attracting more than 300 cyclists. This year, the organizers have expanded the race categories to welcome participants of all ages and abilities with categories for fixed-gear bikes, road bikes and mountain bikes in separate races for men and women divided into 'street' and 'elite' classes.

Cyclists can register until April 15 at Blu Monkey on Phang Nga Road in Phuket Town.

The Phuket Gazette and PGTV's 'Phuket Today' show, the island's only nationally broadcast television program – aired daily on True Visions and leading provincial cable networks – are proud to sponsor this event.

– Sukawin Tanthavanich

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Buying property through staged payments



By The Book
Kevin Hodges

ALTHOUGH the property market has recently been slow in Phuket, properties are still selling.

In previous years, buyers would pay full cash for properties. However, in today's climate, sellers are being more flexible to achieve a sale.

One of the main head winds Phuket's property market faces is that the majority of foreign buyers do not live here all year round. When a buyer comes to Thailand they may not have all of the funds available to them to make a purchase on that trip.

Unfortunately for foreign buyers, no facility exists to obtain a mortgage / bank loan to fund a property purchase here. Therefore, without a source of finance, the buyer must wait until a subsequent visit to Thailand when they have the full funds available to make a purchase.

For buyers wanting stage payments, there has always been the option of buying off-plan and spreading payments throughout the construction period. In more recent years, it has become common for property developers to offer short-term finance, typically one to three years on up to 50



For buyers wanting stage payments, there has always been the option of buying off-plan and spreading payments throughout the construction period. Photo: eflon

per cent of the purchase price.

Now, through Siam Real Estate's Vendor Financing terms, private sellers are offering buyers stage payments on property purchases.

Vendor financing terms are where a seller will accept a down payment, typically 50 per cent of the purchase price, with affordable repayments over one to three years. The seller retains

legal ownership until payments are complete and there is a legally enforceable contract between buyer and seller.

Property ownership documents are held in escrow by a lawyer ensuring the property cannot be sold to another party. Should the buyer cease to make payments, then the property ownership remains in the seller's name.

This is very similar to a bank loan / mortgage, without the bank fees, and will help buyers to purchase a property sooner than they otherwise could.

For more information about this article contact Kevin Hodges, Siam Real Estate (SRE) quoting Vendor Financing. Tel: 076-324042 Email: kevin@siamrealestate.com ; www.siamrealestate.com

BENEFITS OF VENDOR FINANCING

- It increases the chances of selling your property.
- It is not possible for a foreigner to get a bank loan on property in Thailand.
- It enables buyers to purchase earlier: buyers may not have 100 per cent of the purchase price on their current visit.
- It offers flexibility for the buyer to pay early with no penalties and reduce interest charges.
- It creates security for buyer and seller: lawyer safeguards the property deeds; ownership is not transferred until payments are complete.
- If the buyer defaults, the seller retains the down payment and property.
- The buyer takes possession of the property upon down payment. They can move in or start renting out the property.

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Luxury residential projects launched in Q1

WITH household debt at more than 80 per cent of gross domestic product, property firms in the first quarter have launched residential projects aimed at the upper-income market.

Anant Asavabhokhin, chairman of Land & Houses' executive board, said that if the government wanted to get the economy back on track, it needed to stimulate spending by those who can still afford to do so.

Mr Anant shrugged off any criticism that this would amount to subsidizing the rich, saying spending by this upper segment would indirectly create jobs for others.

Land & Houses' latest luxury development is Ladawan Rama II, a detached-housing project with prices from 50 million baht to 160mn baht per unit.

Other property firms have also launched luxury projects, both condominiums and detached houses, to serve the



Perspective of Ashton Silom, one of the luxury condominiums by Ananda that launched into the market on March 17. Photo: The Nation

strong market demand in this market. This is also a way to boost pre-sales in the first half of the year, while the commercial banks are still reluctant to provide mortgages for the lower and middle-income markets.

Sansiri introduced a luxury condominium project called 98 Wireless, worth 8.5 billion baht at the beginning of the month. The project has only 77 units priced at 550,000 baht per square meter. A total of 1.2bn

baht of the project value has already been sold before the official grand opening, set for the second half of this year.

Sansiri President Srettha Thavisin noted that this showed that demand for luxury homes was still strong, as long as they were in the right location.

Ananda Development also launched a luxury condominium during the first quarter, the 5.8bn baht Ashton Silom, with prices starting at 7.9mn baht.

- The Nation

Beware: Freehold vs leasehold

By Desmond Hughes

LEASEHOLD versus freehold has been a livewire in Phuket and continues to be so.

Over 14 years ago when I arrived in Phuket, I saw my first lease offered by a developer to a 'buyer' written in English and was shocked. I had been practicing as a commercial property lawyer in London for two years, looking at long leases of prime CBD offices and sometimes Europe-wide real estate linked to institutionally backed and leveraged real estate. I was used to documents that were acceptable to banks. The environment I entered into was completely different and not even close to what was institutionally acceptable.

To this day, the saga continues. Many lessees in Phuket are being, or have been, treated unfairly in different projects, sometimes under the same umbrella of legal advisers who in the past may have persuaded them to buy leases and even advised them of the contents of the leases.

Buying 'freehold' land in Thailand as a foreigner is illegal unless some rare exceptions



Foreigners in Phuket file a complaint at the Damrongdhama Center over their lease agreement. Photo: Gazette file

apply. Simply setting up a Thai company used to be a common 'solution' offered by advisers and it became apparent over many years that the authorities disapproved of this practice to the point that headlines contained stark warnings of investigation and penalties for shareholders, directors, accountants and lawyers involved in any such practice. Then, investigations became 'quiet' and the practice continued.

There is a gray area in many

investor's minds when it comes to the 'purpose' of a Thai company. In theory, if a company is not set up solely to own land, but operates a business and then coincidentally owns land, then this may or may not be a contravention of the Land Code. This theory has yet to be properly tested in the correct circumstances and anyone relying upon it must accept quite a few inherent risks. Further, the authorities have made it clear that they are looking to

close loopholes and ensure that past practices of circumventing and breaking laws will be handled. Land offices and the Department of Business Development are under instruction to look into Thai companies and land ownership.

However, if the same company has nominee shareholders, no proper documentation, no money trail for capitalization of shares, no sign of any bona fide business relationship between shareholders, the chances of defending such a structure are slim.

Leasehold only works for long-term investments if protections are in place. Leasehold investments for property require a lot of preparation to ensure that there is a balance between who the landlord is, what rights they have, whether they will exercise those rights, what institutional obligations they have and whether owners have any degree of control or input into assignment of their properties to buyers, or in the future, a renewal of the lease.

When such a structure is created poorly, matters can go horribly wrong. However, it isn't just the documents that

can make things go wrong, it can be the companies and individuals involved – and sometimes their advisers too.

Public companies that retain strong rights as a lessor are under a strong obligation not to run riot and start terminating leases of their client base. Not only do they rely upon repeat buyers, they have a long-term reputation and a share price to worry about. However, when you buy from private developers, more care and investigation should be exercised. Importantly, don't accept the word of any foreigner, and that includes me, as a final say on what happens in the courts in Thailand when things go wrong. Thai lawyers know how their court system works; they have experience in judgments at Court of First Instance, appeals and enforcement. A good Thai lawyer experienced in litigation can tell you if your lease can be terminated or not, very quickly, if you ask.

Desmond Hughes has been an owner and operator of his law firm in Thailand for 14 years, and is a Senior Partner at Hughes Krupica law firm www.hugheskrupica.com



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