

#### Joint Foreign Chambers of Commerce in Thailand

# **BOI Consultative Session** 7 February 2019



### Agenda 7 February 2019

- 1. Opening:
- Welcoming Remarks BOI Secretary-General
- Responding Remarks JFCCT Chairman



- BOI Investment Policies
- Smart Visa

JFCCT Sharing and Suggestions on Doing Business in Thailand (per numbering in Background Note)

- 3. Foreign Investment services sector liberalisation
- 4A. Work Permit and Visa
- 4B. Human Capital Development
- 5. SME Support and promotion
- 6. Thailand's proposal for an ASEAN industrial 4.0 plan
- 7. Renewable energy
- 8. Agricultural Technology and Business
- 9. New International Business Centres (IBC) incentive
- 10. Digital Government

Contribution to Thai economy by foreign chambers of Commerce



### **Contents of this Slide pack**



- 3. Foreign Investment services sector liberalisation
- 4A. Work Permit and Visa (see also additional materials)
- 4B. Human Capital Development
- 5. SME Support and promotion
- 6. Thailand's proposal for an ASEAN industrial 4.0 plan
- 7. Renewable energy
- 8. Agricultural Technology and Business
- 9. New International Business Centres (IBC) incentive
- 10. Digital Government

See Background Note (released 21 January 2019) with same numbering.

The Background Note has QR Code and URL links to more detailed master policy submissions and recommendations



# 3. Foreign Investment – service sector liberalisation



## Foreign Investment – Foreign Business Act -1



An old story: manufacturing liberalized – success; service sector opening up stalled.

Many promoted areas where up to 100% foreign equity is possible.

BUT the main law – the FBA – has barely moved since 1999, and is based from 1972.

List 3 changed 2013, 2016, 2017 – 'liberalization-neutral- mainly financial services; nothing in the end in 2018.

### Foreign Investment – Foreign Business Act -2



JFCCT – working with Board of Trade made a detailed analysis & submission – June: remove much from List 3 (including item 21) have a short negative list only

Why? – it's for competitiveness, it will support reaching Thailand 4.0 and place Thailand at the centre, it is fair for investors, it will better support skills in the economy.

Issues: National Treatment, market access, an incentive to stimulate longer term investments but most importantly embracing a future world of interconnected business.

Services needs our attention: economists, JFCCT Forum, many business leaders promote it – Logistics, financial services, Education services, telecoms and digital services.

### Foreign Investment – Foreign Business Act -3



We are all going Digital.

Digital Economy relies on an effective telecoms infrastructure (hard and soft). We do not have that yet – unevolved SOEs in the sector, lack of a wholesale market, massively expensive spectrum – all barriers.

Bandwidth demand – exponential. 5G is a qualitatively and quantitatively different game. This needs our attention

## Foreign Investment - Impediments to 5G



Foreign Dominance Notification

Foreign Business Act

Lack of SOE reform (merger of two is no more than a first step)

Lack of understanding of the quantum leap needed

#### **5G and the INDUSTRIAL OPPORTUNITY**



#### **BACKGROUND**

5G networks, products and skillsets of crital importance for Thailand

Needs unprecedented investments on all above elements

Major impact on all sectors of economy, particular manufacturing and services

High on Government Policy Agenda <u>but</u> major policy reforms needed

#### **IMPLICATIONS**

Not possible to achieve at national level only

5G, Artificial Intelligence, related tech will transcend boundaries

Critical to attracting foreign and domestic investments as access to roads, power and transport,

Imperative that all parties work focused on creating an enabling policy, legal & regulatory environment

#### **INVITE BOI and others**



Engage with us

Appreciate the massive change for industry, for businesses

Appreciate investments and enhancements needed in this wide ecosystem.

Also work with us on List 3 of the FBA

#### Joint Foreign Chambers of Commerce in Thailand

## 4A. Work Permit and Visa, 4B Human Capital Development



### Joint Foreign Chambers of Commerce in Thailand

## 4A. Work Permit and Visa



## **Background**

#### **Work Permit and Visa in Thailand**



Some aspects of Thailand's Work Permit and Visa system go back, unchanged, some 45 years (to 1972).

Work Permits and Visas: single most referred-to challenges in doing business and disincentive to foreign investment.

Not just about convenience or 'ease of doing business' but:

- impede Thailand's reputation as an attractive place to invest
- out of synch with more recent policies such as IBC.



## **JFCCT Master Policy**

#### **Work Permit and Visa in Thailand**

JFCCT has made detailed submissions (described and linked in Background Note). High level summary:

For Business visitors: change "work" – many positive consequences

For those living and working in Thailand: create two broad categories: skilled / unskilled; many specific recommendations

For all: Go on-line

Master recommendation has some 20 detailed topics – consultation with Guillotine Unit September 2018



#### **4A** Work Permit and Visa – FOCUS TODAY

- 1 Definition of 'work'
- 2. TM.30
- 3. 90 day reporting
- 4. Harmonisation and de-Duplication
- 5. Proposal to allow Retirees to do limited work
- 6. Permanent Residents able to work without Work Permit

## Work Permit & Visa – today's topics 1. 'Work'



#### 1. "Work"

Well intentioned changes in March 2018 Decree; some interpretations since

But did not address broadly enough and still unclear and confusing

Thailand still out of alignment with Business Mobility concepts (eg APEC standard)

Situation continues with unnecessary administrative overhead.

JFCCT has proposed wording in English and Thai

### Work Permit & Visa – today's topics: 2. TM 30



#### 2. TM 30

Targets landowners / accommodation providers, requiring reporting on movements

Burdensome, invasive, applied selectively

JFCCT recommends removal of TM.30

If there is some demonstrated use in some situations, JFCCT recommends a different instrument to cover that situation.

(See also separate file on actual experience)

## Work Permit & Visa – today's topics: 3. 90 day



#### 3. 90 day Reporting

Much discussion and commentary, consensus seems to be to make it apply only for change of residential address, and then via an efficient online system.

Is there a date when this change will be done?



## Work Permit & Visa – today's topics: 4.

#### 4. Harmonisation and De-Duplication

Chart provided to Guillotine Unit and at 27 September 2018 Consultation session shown after next slide.

Harmonisation is about:

- a) One visit only
- b) A true 'one stop' experience in all respects
- c) Broaden the range of user groups for OSOS include SME at least for skilled labour; other OSOS locations?



## Work Permit & Visa – Harmonisation - substance

| Aspect               | Work Permit                         | Visa                                  |
|----------------------|-------------------------------------|---------------------------------------|
| Capital requirements | THB 2m paid up per foreign          |                                       |
|                      | employee is current requirement;    |                                       |
|                      | Determine how this can be           |                                       |
|                      | removed, at least for skilled       |                                       |
|                      | labour                              |                                       |
| Staff ratios         | Not required by Employment          | 1:4 ratio applied in most cases where |
|                      | Dept                                | not exempt (eg via BOI promotion) –   |
|                      |                                     | required by Bureau of Immigration,    |
|                      |                                     | relevant to work. Eliminate this      |
|                      |                                     | entirely                              |
| Duration (=Validity  | Varies, depending on visa           | Frequently granted on 'provisional',  |
| period; exact start  | /residency status                   | monthly basis while work permit is    |
| and end dates same)  |                                     | being processed; then becoming        |
|                      |                                     | unsynchronized as work permit is      |
|                      |                                     | issued and later renewed.             |
| Min lead time to     | Currently cannot apply for          | Not clear but should harmonise        |
| apply                | new/renewal earlier than 30 days    |                                       |
|                      | prior to expiry, should be 90 days. |                                       |
| Location of          | Requires first having a non-        | Appropriate visa should automatically |
| application and pre- | immigrant 'B' visa before           | be issued when work permit is         |
| conditions           | submitting an application.          | approved, or some similar mechanism   |
|                      | Application should be permitted     | in keeping with harmonization         |
|                      | regardless of current visa type.    | objectives.                           |

## Work Permit and Visa Filing Requirements



| List of documents or other items   | Work Permit<br>(WP)<br>Requirements | Visa (V)<br>Requirement<br>s | Easy On-<br>line | Cut         | Combine      | Cert*    | Presently Submit<br>Annually / for<br>each renewal | Change to submit one time only           | NOTES  |               |              |               |                             |        |
|--|-------------------------------------|------------------------------|------------------|-------------|--------------|----------|--|--|--|---------------|--------------|---------------|-----------------------------|--------|
| Application form WP.1-New application, WP 5 for renewal  | x                                   |                              | x                |             |              |          |  |  |  |               |              |               |                             |        |
| Application form TM.7 , new application & renewal  |                                     | x                            | x                |             | x            |          | x  | x as combined form                       |  |               |              |               |                             |        |
| Application form TM.8 (re- entry form single & multiple)   |                                     | х                            | x                |             | х            |          | x  |  |  |               |              |               |                             |        |
| Three (3) photographs, size 3x4 cm of applicant  | x                                   |                              |                  |             | х            |          |  | Х  | Electronic version - JPEG or   |               |              |               |                             |        |
| Three (3) photographs, size 4x6 cm of applicant  |                                     | х                            | х                |             |              |          | X ( Visa only)                                     | X  | other  |               |              |               |                             |        |
| Copy of Passport data page + TM6   | ×                                   | x                            | x                |             | x            |          | x  | Use first<br>submission<br>unless new PP |  |               |              |               |                             |        |
| Copy of Work Permit  |                                     | ×                            | x                |             |              |          | X (Visa only)                                      | Х  | Note: currently must have WP   | to get a Visa | a            |               |                             |        |
| List of all other foreigners in the company with work permits  | x                                   | x                            |                  | Х           |              |          | X ( Visa only)                                     |  | DoE would have this information  | on; justifica | tion for rec | quiring it no | ot clear                    |        |
| Organization chart   | x                                   | х                            |                  | Х           |              |          | X ( Visa only)                                     |  |  |               |              |               |                             |        |
| A letter explaining the reason for hiring foreign employees  |                                     | x                            |                  | х           |              |          | X ( Visa only)                                     |  | Include as part of application form. If reason for letter is to demonstrate wh foreigner is required for the job, i.e. skill or other relevant criteria for the jo available in Thailand, this should be required first time only. Is this so?   |               |              |               |                             |        |
| Certificate of employment prepared in accordance with the form prescribed by the<br>Immigration Bureau (Sor.Tor.Mor.1)   |                                     | ×                            | x                |             |              |          | x  | х  |  |               |              |               |                             |        |
| Confirmation number of foreign employees form  |                                     | х                            | x                |             |              |          | X  | ,  | Include as part of application for   | orm           |              |               |                             |        |
| Form of the employment certification   | x                                   |                              |                  | Х           | х            | *        | x (work permit onl                                 | y) X                                     | In these on on Park Inches   | (DDD 1        | 000          |               |                             |        |
| Company registration (not more than 6 months old)  List of Shareholders ( not more than 6 months old)  | x                                   | x                            | X                | х           | X            | *        | x  |  | Is there an on-line look up means (DBD MOC) which confirms incorporation s<br>Purpose? - to show whether more than 49% foreign owned?; replace with a<br>company or applicant statement with check box options for Thailand-incorporentity: eg (i) 49% or less foreign owned; (ii) more than 49% foreign owned; (i)<br>promoted with FBC under FBA; (iv) holds FBL under FBA or other relevant lic |               |              |               | tih a<br>corpor<br>ed; (iii |        |
| Fianacial Statement Submission (Sor Bor Chor 3)  |                                     | x                            |                  | Х           |              | *        | X ( visa only)                                     |  | 19, 20 for tax purposes now?   |               |              |               |                             |        |
| Copy of financial statements of the Company (the Company's balance sheet)  | x                                   | х                            |                  | Х           |              | *        | x latest version                                   |  |  |               |              |               |                             |        |
| Corporate income tax returns (Form Phor. Ngor. Dor. 50)  | x                                   | x                            |                  | Х           |              | *        | X (visa only)                                      |  | It is enough to show that the company exists; paid   |               |              |               |                             |        |
| Copies of 3 most recent Monthly withholding tax returns (Form Phor. Ngor. Dor. 1) + receipt of certification   |                                     | х                            |                  | Х           |              | *        | X (visa only)                                      |  | up capital should be remov   | ved as a crit | erion        |               |                             |        |
| Copies of the applicant's annual income tax return (Form Phor. Ngor. Dor. 91/90)   | x                                   | x                            |                  | Х           |              | *        | X  |  |  |               |              |               |                             |        |
| Copies of 3 most recent monthly social security contributions return filed with the Social Security Office (Form Sor. Por.Sor. 1-10) & present original Copies of 3 Most Recent Monthly VAT returns (Form Phor. Por. 30) |                                     | x                            |                  | X<br>X      |              | *        | X (visa only) X (visa only)                        |  |  |               |              |               |                             |        |
| Special Business Tax submission (PhorThor 40), if any.   |                                     | ×                            |                  | X           |              | *        | A (VISA UTILY)                                     |  |  |               |              |               |                             |        |
| Copy of VAT Registration (Phor.Por.01) and Tax Refactor Registration Added (Por Por 09)  | ×                                   |                              |                  |             |              |          |  |  | Not relevant if not obliged to r   | ogistor for \ | /AT          |               |                             |        |
|  |                                     |                              |                  | ^           |              |          |  |  | Not relevant if not obliged to r   | egister for v | VAI          |               |                             |        |
| Copy of factory licens and/or license the business (if any)  | ×                                   |                              |                  | X           |              |          | X  |  | Recommend 'cut' as this kind of proof should not be  |               |              |               |                             |        |
| Copy of identity cards of the authorized signatory of the employer.  | x                                   | ×                            |                  | X           |              |          | , x  |  | necessary. If confirmation requ<br>of authorized corporate signate   |               |              |               |                             |        |
| Copy of identity cards of the authorized signatory of the foreign employees  | ×                                   |                              |                  | x           |              |          | X ( WP only)                                       |  |  | ,             |              |               |                             |        |
| A local medical certificate or the applicant   | ×                                   |                              | x                |             |              |          | X ( WP)  | Х  | Submit only first time?  |               |              |               |                             |        |
| Map showing the location of the Company  |                                     | x                            |                  | х           |              |          | x ( visa only)                                     |  | ,  |               |              |               |                             |        |
| Photographs of the exterior of the business premises showing : office building, office   |                                     | x                            |                  |             |              |          | x ( visa only)                                     |  |  |               |              |               |                             |        |
| desk, Thai staff .   |                                     |                              |                  | Х           |              |          |  |  |  |               |              |               |                             |        |
| Other supporting documents required by the competent authority (Sor.Tor.Mor.2)   |                                     | x                            | Х                |             |              |          | x ( visa only)                                     |  | File on line by scanning?  |               |              |               |                             |        |
| Acknowledgment of Penalties for a Visa overstay.   |                                     | x                            | x                |             |              |          | x (visa only)                                      |  | Should be part of standard   |               |              |               |                             |        |
| Copy of Educational certificate must be translated into English or Thai  | ×                                   |                              | x                |             |              |          |  | Х  | terms; not a separate form<br>Should only be required one ti   | me if no cha  | ange         |               |                             |        |
|  |                                     |                              | _ ^              |             |              |          |  | ,  | 22 omy be required one ti  | 11.10 016     |              |               |                             |        |
| NOTES  |                                     |                              |                  |             |              |          |  |  |  |               |              |               |                             | -      |
| Rows 9,11,12,17,18, 20, 21,23,29 apply to both WP & V. Recommend 'combine' or 'c   | ut' each - see no                   | otes.                        |                  |             |              |          |  |  |  |               |              |               |                             | L      |
| * Visa Requirements: Document no. 17, 18, 20, 21,22, 23, 25 must be certified true   | copy by authorize                   | ed official of g             | overnment u      | nit concern | ed. See "Ce  | rt" colu | umn *, but most are                                | recommended to                           | be Cut   |               |              |               |                             |        |
| Where an item is currently required annually (column L) but is recommended to be 'cut' (   | column F) ; the re                  | ecommendation                | does not als     | o propose t | hat that doc | ıment b  | oe done one time (co                               | luimn N)                                 |  |               |              |               |                             | Ħ      |
| All documents are required to be stamped with Company stamp and signed by Managing   | Director (wet sig                   | nature)                      |                  |             |              |          |  |  | Change to rely on PDF format;  | many docur    | ments shou   | ld be on go   | vernme                      | nt rec |
| Are of documents; practice varies; OSOS seems to accord up to 5 months old   | 7 & 18 at Immi                      | ation DoE 2                  | ally 3 month     |             |              | +-       |  |  |  |               |              |               |                             | +      |
| Age of documents: practice varies: OSOS seems to accept up to 6 months old - see rows 1  | ν α 10, αι immigra                  | acion, DOE 3 USU             | any 5 month      | ٥.          |              |          |  |  |  |               |              |               |                             | +      |

Source: submission 24 Sep 2018 to Guillotine Unit, and as used at 27 September Dialogue with Minister Kobsak, now with minor changes

## Work Permit and Visa Filing Requirements – 'CUT'



|                                 | Visa & Work Permit control v 3.7b CUT  |                                     |                          |        |
|---------------------------------|--|-------------------------------------|--------------------------|--------|
| Ref                             | <u>List of documents or other items</u>  | Work Permit<br>(WP)<br>Requirements | Visa (V)<br>Requirements | Cut    |
| 11                              | List of all other foreigners in the company with work permits  | X                                   | X                        | Х      |
| 12                              | Organization chart   | Х                                   | x                        | Χ      |
| 13                              | A letter explaining the reason for hiring foreign employees  |                                     | x                        | Χ      |
| 16                              | Form of the employment certification   | Х                                   |                          | Χ      |
| 18                              | List of Shareholders ( not more than 6 months old)   | Х                                   | x                        | Χ      |
| 19                              | Fianacial Statement Submission (Sor Bor Chor 3)  |                                     | х                        | Χ      |
| <ul><li>20</li><li>21</li></ul> | Copy of financial statements of the Company (the Company's balance sheet) Corporate income tax returns (Form Phor. Ngor. Dor. 50)                      | x<br>x                              | X<br>X                   | X<br>X |
| 22                              | Copies of 3 most recent Monthly withholding tax returns (Form Phor. Ngor. Dor. 1) + receipt of certification   |                                     | X                        | Х      |
| 23                              | Copies of the applicant's annual income tax return (Form Phor. Ngor. Dor. 91/90)   | х                                   | x                        | Χ      |
| 24                              | Copies of 3 most recent monthly social security contributions return filed with the Social Security Office (Form Sor.Por.Sor. 1-10) & present original |                                     | X                        | Х      |
| 25                              | Copies of 3 Most Recent Monthly VAT returns (Form Phor. Por. 30)   |                                     | x                        | Χ      |
| 26                              | Special Business Tax submission (PhorThor 40), if any.   |                                     | x                        | Χ      |
| 27                              | Copy of VAT Registration (Phor.Por.01) and Tax Refactor Registration Added (Por Por 09)  | Х                                   |                          | Χ      |
| 28                              | Copy of factory licens and/or license the business (if any)  | Х                                   |                          | Χ      |
| 29                              | Copy of identity cards of the authorized signatory of the employer.  | x                                   | x                        | X      |
| 30                              | Copy of identity cards of the [authorized signatory of the] foreign employees  | Х                                   |                          | Χ      |
| 32                              | Map showing the location of the Company  |                                     | X                        | Х      |
| 33                              | Photographs of the exterior of the business premises showing : office building, office desk, Thai staff .  |                                     | X                        | Х      |



## Work Permit and Visa Filing Requirements - COMBINE

|            | Visa & Work Permit control v 3.7C COMBINE                | Work Permit |                          |      |      |
|------------|--|-------------|--------------------------|------|------|
| <u>Ref</u> | <u>List of documents or other items</u>                  |             | Visa (V)<br>Requirements | Coml | bine |
|            |  |             |                          |      |      |
| 4          | Application form WP.1 -New application, WP 5 for renewal | X           |                          | x    |      |
| 5          | Application form TM.7, new application & renewal         |             | x                        | _ ^  |      |
| 6          | Application form TM.8 (re- entry form single & multiple) |             | X                        | Х    |      |
| 7          | Three (3) photographs, size 3x4 cm of applicant          | X           |                          | V    |      |
| 8          | Three (3) photographs, size 4x6 cm of applicant          |             | Х                        | Х    |      |
| 9          | Copy of Passport data page + TM6                         | X           | X                        | X    |      |
| 17         | Company registration (not more than 6months old)         | X           | X                        | X    |      |

23

## Work Permit and Visa Filing Requirements – EASY ON LINE



| Ref | Visa & Work Permit control v 3.7 D - EASY ON LINE means SEEMS EASY TO PUT ON LINE  List of documents or other items | Work Permit<br>(WP)<br>Requirements | Visa (V)<br>Requirements | EASY ON-<br>LINE |
|-----|---|-------------------------------------|--------------------------|------------------|
| 4   | Application form WP.1 -New application, WP 5 for renewal  | Х                                   |                          | Х                |
| 5   | Application form TM.7, new application & renewal  |                                     | X                        | Х                |
| 6   | Application form TM.8 (re- entry form single & multiple)  |                                     | X                        | Х                |
| 7   | Three (3) photographs, size 3x4 cm of applicant   | Х                                   |                          | X                |
| 8   | Three (3) photographs, size 4x6 cm of applicant   |                                     | X                        | Х                |
| 9   | Copy of Passport data page + TM6  | X                                   | X                        | X                |
| 10  | Copy of Work Permit   |                                     | X                        | Х                |
| 14  | Certificate of employment prepared in accordance with the form  |                                     | X                        | Х                |
| 15  | Confirmation number of foreign employees form   |                                     | X                        | X                |
| 17  | Company registration (not more than 6months old)  | X                                   | X                        | X                |
| 31  | A local medical certificate or the applicant  | Х                                   |                          | Х                |
| 34  | Other supporting documents required by the competent authority  |                                     | X                        | Х                |
| 35  | Acknowledgment of Penalties for a Visa overstay.  |                                     | X                        | Х                |
| 36  | Copy of Educational certificate must be translated into English or Thai   | Х                                   |                          | Х                |

EASY ON LINE means before full process re-engineering, file by uploading files – editable PDF, photos etc.

This and the previous three slides are also in a separate file for ease of readability

## Work Permit & Visa – Today's topics: 5. Retirees



Retirement visa has self-sufficiency requirements.

Income element is necessarily passive income or derived overseas.

Retirees have much to offer economy, world retirement ages are increasing / people are working longer.

JFCCT suggests allowing limited hours locally income-producing work per week or month. Example – Malaysia My 2<sup>nd</sup> Home MM2H – up to 20 hours per week.

## Work Permit & Visa – Today's topics: 6. Permanent Residents



Requiring a work permit for Permanent Residents – unnecessary and burdensome overhead.

Out of line with regional practice.

Recommend: Permanent Residents (PR) do not need a work permit; or the right to work is inherent in PR status.



#### Joint Foreign Chambers of Commerce in Thailand

## **4B Human Capital Development**





#### 4B. HCD and Skilled labour

JFCCT proposed a variety of measures – Education reform, reskilling, academic – academic tie ups, industry to academic tie ups, freer movement of skilled labour.

#### 8 of 39 Professions identified:

Agriculture

Brokerage

Auction

Accounting, Auditing

Architectural services.

Civil Engineering

Tour Guide

Legal services (only for Arbitration)

JFCCT – HCD

## HCD- Today's topics: Engineering example part 1



Engineering / Civil Engineering appears:

- (i) In Foreign Business Act List 3 a business activity not open to companies with over 49% foreign ownership (item 9, List 3: all engineering)
- (ii) In the 1979 Decree of 39 Professions not open to foreigners (civil engineering)
- (iii) At profession level in profession-specific legislation (Engineers Act)
- MoL reported (27 May & 22 June 2018 Bangkok Post)- to allow civil engineering but only as employees; Engineering professional group says only if there insufficient skills, and then must sit tests and get a licence.

FBA has a broader restriction. See chart in Background Note p9 (item #5)

JFCCT – HCD

## HCD- Today's topics: Engineering example part 2



BOI Guide Section 7, para 7.7 – TISO – intended to allow large investors to bring specialised service providers

Item 2.2 of Conditions: 'Advisory services on business operations, except [excludes many in the 1979 Decree – professions not open to foreigners],... civil engineering'.

This is presumably about the business activity (ie maps to the FBA, not the 1979 Decree).

Civil Engineering usually about public works. Promoting engineering design / building structural design (often called Structural Design, Structural Engineering) is allowed in practice for private applications under other regulations but cannot be done by BOI promoted entity due TISO restrictions, even where the local licence exists. Thus BOI privileges are not enjoyed, but the activity can be done. This seems an anomaly.

Without freer movement of engineers, the skills needed for Thailand 4.0 may not happen.

JFCCT – HCD

#### Joint Foreign Chambers of Commerce in Thailand

## 5. SME Support & Promotion





## 5. SME Support and Promotion - 1

'Doing Business' issues face SMEs more acutely than larger companies. Special support measures are needed. There are some; JFCCT has advised about many.

ASEAN Strategic Action Plan for SME Development (SAP SMED) has many relevant elements.

Today we address one promotion

BOI announcement 31 January 2018 for Thai SMEs. Conditions:

- 51% Thai owned
- Net fixed asset value or investment less than THB 200m.



## **SME Support and Promotion - 2**

Various conditions and privileges – see Background Note.

But why not allow the promotion for all Thailand-incorporated SMEs which meet the conditions?

- All are in the same economic basket facing the same challenge
- All are contributing to the Thai economy

This would apply to all similar promotions, and promotions such as EEC benefits.



# 6. Thailand's proposal for an ASEAN industrial 4.0 plan



#### 6. Context: Thailand as ASEAN chair



A regional development plan in support of ASEAN integration under the theme 'Advancing Partnership of Sustainabilty'. 12 elements.

Some are aspirational (ie future goals) for Thailand also.

What incentives does BOI propose so that Thailand moves to being a leader in some key areas in the list of 12?

#### 6. ASEAN Industrial 4.0 Plan



- 1) ASEAN Digital Integration framework action plan (DIFAP)
- 2) ASEAN Innovation roadmap ('Partnering for Innovative Community')
- 3) Guidelines on skilled labour and professional services
- 4) ASEAN Declaration on industrial transformation to industry 4.0
- 5) Digitisation of ASEAN micro enterprises
- 6) ASEAN Single Window ASW
- Local currency settlement framework,
- 8) ASEAN infra financing mechanisms
- 9) Comprehensive official gastronomy guidelines for ASEAN region
- 10) 2019 conclusion of RCEP
- 11) Promoting sustainable fisheries through ASEAN co-operation
- 12) Roadmap for ASEAN sustainability in the capital market

36

# 7. Renewable Energy





PDP Development based on three drivers:

- (i) energy security;
- (ii) economy eg cost of power generation; implementing energy efficiency;
- (iii) ecology, especially on lessening CO<sub>2</sub>intensity in power generation.

Most recent PDP 2015, renewables target achievable. New PDP expected:

- big increase in gas /LNG, more LNG receiving terminals ?
- No more new coal plants?
- no more long term plans for a nuclear plant.
- promotion of rooftop solar by allowing owners to sell to the MEA/PEA, up to a certain limit.
- Micro grid support



### **Thailand Primary Energy Supply in 2017**<sup>P</sup>

**Unit: Thousand Tons of Oil Equivalent (ktoe)** 

| Fuel Type          | Production | Import | Total    | %      |
|--------------------|------------|--------|----------|--------|
| Bio Fuel           | 1,956      | -1     | 1,956    | 1.42   |
| Lignite            | 4,118      | 78     | 4,196    | 3.04   |
| Coal               | -          | 13,808 | 13,808   | 10.00  |
| Crude Oil          | 7,099      | 45,985 | 53,084   | 38.45  |
| Condensate         | 4,464      | 731    | 5,195    | 3.76   |
| Oil                | -          | 2,725  | 2,725    | 1.97   |
| Natural Gas        | 32,121     | 13,523 | 45,644   | 33.06  |
| Renewables         | 15,786     | -      | 15,786   | 11.43  |
| Traditional        | 8,559      | 68     | 8,627    | 6.25   |
| Renewables         |            |        |          |        |
| Electricity        | -          | 2,058  | 2,058    | 1.49   |
| Other              | 295        | -      | 295      | 0.21   |
| Export             |            |        | (11,960) | (8.66) |
| Stock Change/Stat  |            |        | (3,351)  | (2.43) |
| Diff               |            |        |          |        |
| <b>Gross Total</b> | 74,398     | 78,976 | 138,063  | 100.00 |

Source: Table Thailand Energy Balance 2017<sup>P</sup>, Department of Alternative Energy Development and Efficiency, Ministry of Energy

39

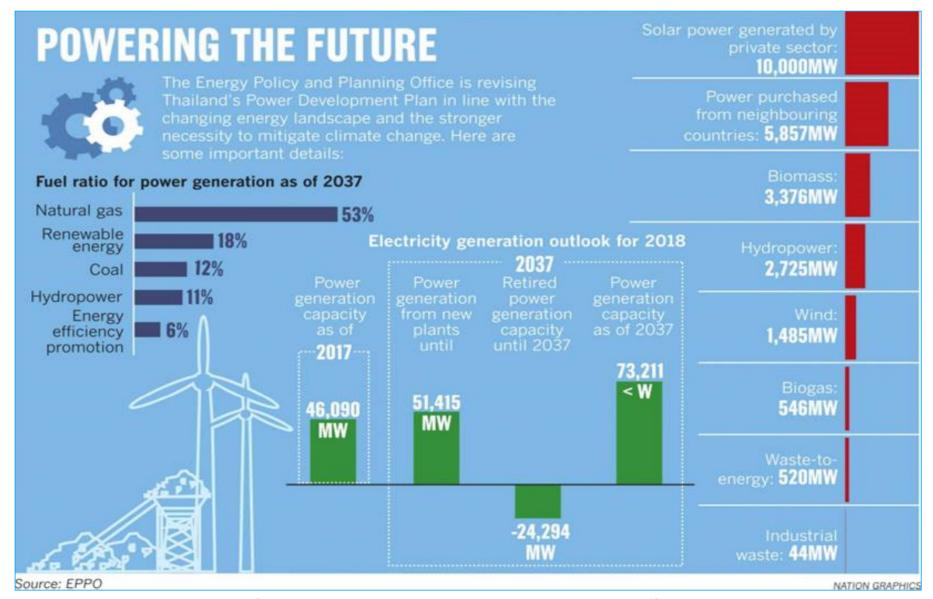
# 7. Renewable Energy – 3 ELECTRICAL POWER in 2018



From PDP Public Hearing 2018 it was noted:

- Jan to Sep 2018, 178,991 GWh of electrical power was produced (2.2% increase over 2017).
- Main fuel type for producing energy is natural gas (58%), while renewable energy provided about 10%.





Published December 2018 for Public Hearing on new PDP; indicative of what might be in the new PDP?

JFCCT – BOI Consultative



### JFCCT's Recommendations and interests:

- Greater reliance on renewable energy in all forms (not just primarily solar) – including storage
- Incentives for all renewables, and major efforts to remove barriers (eg customs classifications) which prevent efficient deployment.
- Promotion of development of newer technologies, including in energy management
- Cleaner transport EV development
- Skills development in rewewables development and mangagement (good step for SMART VISA to include Environmental skills / Alternative Energy Management)



# 8. Agriculture



### **Agriculture**



40% of Work Force, 11% of GDP. Thailand's Food Industry different (see BOI's Thailand Investment Review Nov 2018 cover story)

Agri-tech is one way to realise efficiency gains in crop management, and most farming processes

AI, IoT, drones, sensor systems, GPS, GNSS (Navigation Satellite Systems) various apps.

Results in better economics, efficiency gains.

Public and private sector have programmes.

### **Agriculture**



Key points from 7 November 2018 Dialogue with BOI:

- Industry structural issues production and distribution process & operational issues
- Skills enhancement
- Digital Farming / Smart Farming deployments kick start
- Review needed of incentives, in particular Smart Farming

Are there updates on agri-tech promotion?



# 9. New International Business Centres (IBC) promotion



### 9. IBC - 1



IBC announced Dec 2018 unifies the former IHQs, ITCs, and ROHs (and TCs, IBFs) into one streamlined International Business Center initiative.

#### An IBC:

- Provides admin / tech support
- Treasury management
- International Trading Centre functions

### Conditions seems a little more onerous

- Paid up Capital THB 10m
- Opex THB 60m in Thailand (new applicants), THB 15m (existing ROH, IHQ)
- Apply afresh for IBC status, technically not a 'conversion

47

### 9. IBC - 2



As we understand it:

BOI has a role in approving IBC status BOI provides the non-tax incentives

Clarification sought:

Is there any de facto 'conversion'? How will applications be handled? When can we start applying?

# 10. Digital Government





## 10. Digital Government - 1

Many reforms, especially anything to do with 'Thailand 4.0' relies on new, on line and application-based ways of interacting

Converting to on-line processes – not just an 'e' way of doing a paper process, needs business process re-engineering with a 'whole-of-government' perspective.

Interim measure may mean submitting editable PDFs, photos etc on line.

But we say many silo'd steps, still.



## 10. Digital Government - 2

### JFCCT Recommends

- (i) a whole of government approach to digital government with a published architecture and specific road map with specific targets
- (ii) Public private engagement on identifying requirements, functionality and this map
- (iii) That this effort be closely tied in with eliminating unnecessary steps and concepts (Guillotine / Simple & Smart Licence programme).

51



### THANK YOU

Joint Foreign Chambers of Commerce in Thailand

www.jfcct.org secretary@jfcct.org