

REGULATING FOOD TRUCKS IN THAILAND*

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Abstract

At present, food trucks can simply be found in many areas of Thailand. Some food trucks may be operated in private areas but some are operated in public areas without an appropriate control by the local Government officers. Many forms of pollutant such as smoke, dust, garbage, foam boxes, waste water, etc. are generated by food truck activities without suitable control nowadays. In foreign countries, a food truck operator must comply with rules and regulations before starting food truck business; for instance, the entrepreneur must apply for the food truck operator license from the authorized officer, the vehicle to be used as food truck must be registered and pre-inspected by the authorized officer. In Thailand, even though there are some laws and regulations that may be applied with food truck business, there is no specific rule and regulation for controlling and reducing pollutants generated by food truck activities in Thailand.

Keywords: Regulating, Food Trucks

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1. Introduction

Food truck¹ is a large vehicle equipped with facilities for cooking and selling food. There is no the exactly meaning of food truck is specified in Thai laws, however, after considered the food truck's characteristics, it can be concluded that a food truck is a kind of business which sell foods on any conveyance propelled by mechanism and such conveyance is modified as a kitchen or space for cooking and selling foods.

In the United States of America, it can be said that a Texas man, Charles Goodnight is the beginner of the American food truck. Charles Goodnight was a cattle rancher. In 1866,² he needed a way to keep his drovers fed as they trailed cattle from Texas to the North. Charles Goodnight, therefore, bolted a wooden box to the back of an U.S. Army wagon and added compartments to store utensils, bedding, food, and more. In 2005, the Legislature of the State of Texas recognized the importance of the chuck wagon to the state's history and culture and to designate the chuck wagon as the official vehicle of Texas.³

Food truck is a new business trend in Thailand nowadays and there are many forms of food truck that operating in Thailand. Some food trucks are modified from mini-trucks, some food trucks are modified from vans and some food trucks operate in form of sidecars which towed by a motorbike. Food truck is a kitchen on wheels that can move from one place to other places easily and quickly. Food truck activities; for instance, cooking foods, preparing foods, selling foods, and so on, generated pollutants in many

¹ Oxford Dictionaries, Definition of Food Truck in English <http://en.oxforddictionaries.com/definition/food_truck> accessed 23 January 2018

² American Chuck Wagon Association, "*The Invention of the Chuck Wagon*" <<http://www.americanchuckwagon.org/chuck-wagon-invention.html>> accessed 28 July 2018

³ American Chuck Wagon Association, "*Official Vehicle of Texas: SENATE CUNCURRENT RESOLUTION, S.C.R. No.8*" <<http://www.americanchuckwagon.org/texas-vehicle.html>> accessed 28 July 2018

forms such as air pollution, water pollution, garbage. It is very difficult to control pollutants from food trucks because of food trucks can move from one place to other places very quickly; making pollutants from food truck activities are increasing every day without suitable control. Therefore, the laws and regulations regarding food truck license and standard equipment to be installed on food truck should be improved or set up to control and minimize pollutants discharging from food truck activities.

2. Food Truck Activities in Thailand

2.1 Food Truck in Thailand

It can be said that Thai people are familiar with mobile food business such as Wall Ice-cream's mobile vehicle, mobile vehicles who sell sausage and fried meat ball. However, activities of food truck in Thailand are different from food truck activities in foreign countries. Most of mobile food vendors in foreign countries will park their food trucks at the specific area while the mobile food vendors in Thailand will drive their food trucks into villages or communities as the direct sale.

2.2 Food Truck Activities and Environment Problems

There are many kinds of food that are cooked and sold in the food truck business such as sushi, noodles, coffee and beverages, barbecue and steak. Many activities of cooking take place on food truck; for instance, roast, grill, boil, fry, and so on. These activities of food truck generate smoke, bad smell, dust, waste water, garbage that can spread to the environment. Furthermore, many plastic objects for example, plastic bags, foam boxes, plastic cups and straws will be used and discarded by consumers. Therefore, the food truck and food truck activities can be considered as a point source of pollution by virtue of Section 4 of the

Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992).⁴

2.3 Laws and Regulations of Thailand to be Applied with Food Truck

There are many laws and regulations of Thailand that can be imposed on the food truck operator who discharges pollutants to the environment for instance;

- (1) Any food truck operator cause pollutants to the environment must be liable to pay compensation or damages by virtue of Section 96 and 97 of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992).⁵
- (2) Any food truck operator dump any garbage or dust or any filthy things into any canals or any ditches that can drain the aforesaid things into the canals, such food truck operator must be fined at the amount of Baht 20 or imprisoned not more than 1 month or both by virtue of Section 6 of the Canal Maintenance Act B.E. 2445 (1902).⁶
- (3) Any food truck operator is prohibited from dumping any garbage or any filthy things into Irrigation Canals by virtue of Section 28 paragraph 1 of the Royal Irrigation Act B.E. 2485 (1942).⁷
- (4) Any food truck operator cannot operate food truck activities on public roads or in public places without the approval from the authorized government officer by virtue of Section 20 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).⁸ In case of violation, such food truck operator shall be fined not exceeding

⁴ The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), s 4

⁵ The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), s 96 and 97

⁶ The Canal Maintenance Act B.E. 2445 (1902), s 6

⁷ The Royal Irrigation Act B.E. 2485 (1942), s 28 para 1

⁸ The City Cleanliness and Orderliness Act B.E. 2535 (1992), s 20

Baht 2,000 by virtue of Section 54 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).⁹

Moreover, the consumer is prohibited from buying any goods that are sold on public places and public roads by virtue of Section 21 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).¹⁰ In case of violation, such consumer shall be fined not exceeding Baht 1,000 by virtue of Section 53 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).¹¹

Furthermore, any food truck operator is prohibited from dumping any garbage or any filthy things into waterways or on roads by virtue of Section 33 paragraph 1 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).¹²

- (5) Activities of food truck may cause dust, bad smell, smoke, sound to the environment or vicinity places, such food truck activities can be considered as nuisance by virtue of Section 25(4) of the Public Health Act B.E. 2535 (1992).¹³ To stop such nuisance, the local administration has power to order such food truck operator to remove and prevent the nuisance.
- (6) Any food truck operator is prohibited from dumping any solid waste or waste water into any well or pond of the village or community by virtue of Section 237 of the Penal Code of Thailand. In case of violation, such food truck operator shall be imprisoned as from 6 months to 10 years and fined as from Baht 1,000 to Baht 20,000 or both.¹⁴
- (7) In case that food truck operator caused pollutants to the private person, such food truck operator must be liable to pay

⁹ Ibid. s 54

¹⁰ Ibid. s 21

¹¹ The City Cleanliness and Orderliness Act B.E. 2535 (1992), s 53

¹² Ibid. s 33 para 1

¹³ The Public Health Act B.E. 2535 (1992), s 25(4)

¹⁴ The Penal Code of Thailand, s 237

compensation or damages to such person who get injured or damaged by the aforesaid pollutants by virtue of Section 420¹⁵ of the Civil and Commercial Code of Thailand.

- (8) By virtue of Section 110 of the Land Traffic Act B.E. 2522 (1979),¹⁶ no person shall sell, buy, distribute or donate anything on the road without reasonable cause or in the manner of obstruction traffic. In case of violation, a person who violated must be fined not exceeding Baht 500 by virtue of Section 148 of the Land Traffic Act B.E. 2522 (1979).

It can be summarized that there are provisions of Thai laws which may be applied to food truck activities in Thailand, and the operator or the owner of food truck must be liable if pollutants occurred from his food truck activities. However, the aforesaid laws specify only general principle. There is no specific regulation to control food truck business, and there is no specific regulation to control and reduce pollutants that are generated from food truck activities. As a result, food truck activities in Thailand still generate pollutants without suitable management and controls. Therefore, specific regulations regarding food truck license and standard equipment of food trucks should be set up and enacted in order to control and minimize pollutants discharging from food trucks in Thailand.

3. Laws and Regulations in Connection with Food Truck Business in Foreign Countries

Every country has different laws, rules and regulations regarding food truck business. Therefore, in the case that the food truck operator would like to start his food truck business, the operator must comply with laws,

¹⁵ The Civil and Commercial Code of Thailand, s 420

¹⁶ The Land Traffic Act B.E. 2522 (1979), published in the Government Gazette, Vol 96, Part 8, dated 29 January, B.E. 2522 (1979), s 110

rules and regulations regarding food truck business that are enforced in such country.

In big cities such as City of Sydney, City of New York, City of Chicago, there are many requirements in which a food truck operator must comply with. However, it can be summarized that there are minimum requirements in which a food truck operator in foreign countries must comply with as follows:

- 3.1 License Requirement: Before starting the food truck business, the operator must obtain the license from the authorized officer authorizing such operator to sell food from a food truck. Furthermore, the operator must complete the food sanitary course provided by the authorized officer.
- 3.2 Permit Requirement: Before starting the food truck activities, such food truck must be permitted by the authorized officer authorizing the use of such food truck as the unit for selling foods. Furthermore, the food truck must be inspected by the authorized officer before issuing the permit.
- 3.3 Safety Food Requirement: All foods to be sold must be safe and clean and such foods must be protected from any and all contaminations. Furthermore, the food to be sold by food truck must be specified in the license that issued by the authorized officer.
- 3.4 Pollutions Control Requirement: All food trucks must control pollutants such as heat, smoke and odours, grease, noise, nuisance, waste, etc. that are created during food truck activities, and food truck must be installed with tools or equipment for controlling and reducing pollutants emission.

4. Recommendation for regulating food truck in Thailand

“Street Vending” is the prohibited occupation for foreigners according to the list appended to the Royal Decree Prescribing Occupations

and Professions Prohibited for Foreign Workers B.E. 2522 (1979), and it can be said that food truck business is a form of street vending. Therefore, the food truck operator must be Thai nationality.

There are many food trucks operated in Thailand nowadays and it cannot be argued that activities of such food trucks generate and create a lot of pollutants to the environment of Thailand without suitable management such as air pollution, garbage, refuse, litter, waste water, nuisances, etc. Therefore, it can be summarized that food truck activities are a point source of pollution by virtue of Section 4 of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992).

Even though provisions specified in laws and regulations of Thailand such as the Public Health B.E. 2535 (1992), the City Cleanliness and Orderliness Act B.E. 2535 (1992), the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002), etc. may be applied with food trucks and their activities, such aforementioned laws and regulations incline to specify general principle regarding sanitation, cleanliness, orderliness and punishments in case of violation. However, there is no detail about minimum requirements in which the food truck operator must comply with for minimizing and controlling pollutants generated from food truck activities. In fact, there is no standard measure to control and monitor food trucks that can easily and quickly move from one place to other places. Therefore, in the author's opinion, laws and regulations of Thailand regarding the food trucks should be improved. In fact, the improvement of the laws will greatly help minimizing pollutions discharged from food truck activities and will help and empower the authority to monitor and control food truck business in Thailand.

The author recommends that certain requirements should be set up as food truck regulations for food trucks in order to regulate food trucks in Thailand. Such requirements are listed as follows:

- (1) To ensure that the operator has met qualifications that required by laws and regulations, the operator must submit the application for food truck operator license to the authorized

officer before commencement of his food truck activities. It is noted that the food truck operator must be Thai Nationality only. Furthermore, the applicant must submit evidences to prove that the applicant has completed food safety course provided by the authorized department, for example, the Bureau of Food and Water Sanitation, Department of Health.

- (2) Any vehicle or conveyance to be used as food truck must be permitted by the authorized officer. The food truck operator must submit the application for the use of such vehicle or conveyance as food truck. To be noted that any pre-inspection procedure must be done by the authorized officer to ensure that such vehicle or conveyance are appropriate to be used as food truck.
- (3) To minimize pollution discharging from food truck activities, each food truck must be equipped with standard equipment that helps controlling and minimizing smoke, dust, heat, steam, smell and odours, waste water such as kitchen exhaust hood, ventilation systems, waste water tank, etc. The aforesaid standard equipment can minimize pollutants discharged from food trucks no matter what food trucks are operated in public or private areas. However, to attract and encourage all food truck operators to comply with the aforesaid idea, the Government should support some part of costs and expenses in connection with the arrangement of such standard equipment. In fact, the Government may provide tax benefits such as tax-exemption or any kind of tax-deduction as a bonus for any food truck operator who complies with the above mention.
- (4) Because food trucks can move from one place to other places easily and quickly, it is very difficult in practice for the authority to chase after or monitor each food truck. Therefore, a technology i.e. GPS device should be installed on food truck as the standard equipment. In addition, food truck application on

mobile phone or food truck website should be set up by the relevant authority. The aforesaid measure will help the authorized officer to control and monitor food trucks which are operating in his jurisdiction. This measure will also apply to all food trucks; no matter they are located in public or private areas. To attract and encourage all food truck operators to comply with the abovementioned measure, the Government should support some part of costs and expenses in connection with the arrangement of such GPS device. Moreover, the Government may provide tax-exemption or any kind of tax-deduction or the benefits as a bonus for any food truck operator who complies with the abovementioned measure.

- (5) Food truck activities may cause damages or injuries to any third party. Therefore, as a part of food truck application, the food truck operator must provide the liability insurance which covers the third party who get injured or damaged from food truck activities. To attract and encourage all food truck operators to comply with the abovementioned liability insurance policy, the Government should support some part of costs and expenses in connection with insurance premium. Moreover, the Government may provide tax-exemption or any kind of tax-deduction or tax benefits as a bonus for any food truck operator who complies with the aforesaid measure.

5. Conclusion

In summary, there are laws and regulations of Thailand such as the Public Health Act B.E. 2535 (1992), the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002), and so on that may be applied to food truck activities which are operated in public places or on public ways.

According to such laws and regulations, food truck operators who operate in public places or on public ways must apply for the license from the local officer before starting their operations. Any food truck operator who operates food truck activities in public places or on public ways without license from the authorized officer, such food truck operator must be fined.

However, there are some interesting observations on such laws and regulations of Thailand as follows:

- (1) Such laws and regulations cannot be applied to food trucks that are operated in private places or food trucks that operating on private ways. Therefore, food truck operators can operate food truck activities in private places or on private ways without any license. As a result, pollutants discharging from food truck activities in private places or on private ways may not be controlled by suitable procedure.
- (2) No specification on truck or vehicle that will be used as food truck is mentioned in such laws and regulations. Therefore, any vehicle or conveyance may be modified as a food truck without any suitable control.
- (3) There is no requirement on standard equipment that should be installed on food truck for minimizing pollutants discharged from food trucks specified in such laws and regulations. Therefore, pollutants in form of dust, heat, waste water, smoke and smell discharged from food truck activities may directly spread to environment without any suitable treat.
- (4) There is no food certificate of the operator mentioned in such laws and regulations.
- (5) Such laws and regulations do not mention on the appropriate numbers of operators.
- (6) Such laws and regulations do not mention on garages or parking premises for food truck after the operation time.

- (7) Such laws and regulations do not mention on system or equipment for tracking and monitoring each food truck.
- (8) Such laws and regulations do not mention on liability insurance to cover third party who are damaged or injured from food truck activities.
- (9) Such laws and regulations do not mention on distance between food trucks and takeaway food premises or restaurants where serving the same type of foods.

In the author's opinion, the existing laws and regulations of Thailand are insufficient to control and minimize pollutants that are generated from food trucks. They are also insufficient for monitoring and controlling each food truck operated in Thailand nowadays.

The author recommends that laws and regulations regarding food trucks in Thailand should be improved in order to minimize pollutants discharged from food truck activities. Furthermore, food truck regulations should be set up and enacted so that food truck business in Thailand is efficiently monitored and controlled.

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