

RULE OF THE OFFICE OF THE PRIME MINISTER
ON THE MANAGEMENT OF THE PROJECTS UNDER
THE *THAI KHEM KHAENG* ACTION PLAN B.E. 2555 (2012),
B.E. 2552 (2009)

Whereas the projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 has the objective of creating jobs and income, in which State investment in projects will increase competitiveness of the country in the future, including creating investment opportunities for the private sector, as such, in order to make the management of the projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) concise, effective and cost-efficient, and for the benefit of the country's economic recovery;

By virtue of section 11 (8) of the State Administration Act, B.E. 2534 (1991), the Prime Minister, with the approval of the Council of Ministers, hereby issues the Rule as follows:

Clause 1. This Rule is called the “Rule of the Office of the Prime Minister on the Management of the Projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012), B.E. 2552 (2009)”.

Clause 2. This Rule shall come into force as from the day following the date of its publication in the Government Gazette.*

Clause 3. In this Rule:

“responsible agency” means a Government agency, State enterprise under the law on budgetary procedure, local administrative organisation, an agency under State oversight, and any other State agency;

* Published in the Government Gazette, Vol. 126, Part 126 d, Special Issue, page 1, dated 2nd September B.E. 2552.

“project” means a project or work plan under the management of the projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012);

“project in the special areas of 5 Southern border provinces” means a project or work plan in the area of the provinces of Pattani, Yala, Narathiwat, Satun, and Songkhla under the plan for development of special areas in the 5 Southern border provinces, B.E. 2552-2555 (2009-2012), as approved by the Council of Ministers;

“loan” means money which the Ministry of Finance, by approval of the Council of Ministers borrows in the name of the Government of the Kingdom of Thailand under the law on public debt management or other relevant laws for expenditure under the project for expenditure in the projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012);

“Committee” means the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) Screening and Management Committee.

Clause 4. Any regulation, notification, by-law, and resolution of the Council of Ministers, or any order, the provisions of which is prescribed in this Rule, which are inconsistent with or contrary to the provisions of this Rule, shall be superseded by this Rule.

Any act which falls outside the provisions of this Rule, or in the case where a problem with the interpretation of this Rule arises, the responsible agency shall raise the problem with the Committee for consideration.

Clause 5. The Prime Minister shall have charge and control of the execution of this Rule.

CHAPTER I GENERAL PROVISIONS

Clause 6. The management of a project under the *Thai Khem Khaeng* Action Plan B.E. 2555 shall be carried out via the project’s information technology system.

Clause 7. The Bureau of the Budget shall consider the allocation of expenditure budget for a project which has loan that is subsidized by Annual Expenditure

Budget, and shall consider an application for transfer of funds or change of details prescribed in the project under clause 19 and report to the Committee. It shall also prescribe relevant regulations or practices as it sees fit.

Clause 8. The Comptroller General’s Department shall hold the deposit of the loan in a Ministry of Finance savings account under clause 21, and shall establish an accounting system and disbursement system for a project under clause 17 (2). It shall also prescribe relevant regulations or practice procedures as it sees fit.

Clause 9. The Public Debt Management Office shall consider the sourcing loans for a project under clause 17 (2). It shall open an account and deposit the loan in the account under Clause 21, establish a system for the management of cash and report on the loan status under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012), and co-ordinate with the responsible agency to expedite implementation in accordance with the project approved by the Council of Ministers under clause 24 (3). It shall also prescribe relevant regulations or practice procedures as it sees fit.

Clause 10. The Office of the National Economic and Social Development Board shall carry out the monitoring and evaluation of the implementation results of projects and report to the Committee in accordance with Clause 24 (4). It shall also prescribe relevant regulations or practice procedures as it sees fit.

CHAPTER II

THE *THAI KHEM KHAENG* ACTION PLAN B.E. 2555 (2012) SCREENING AND MANAGEMENT COMMITTEE

Clause 11. There shall be a Committee called the “*Thai Khem Khaeng* Action Plan B.E. 2555 (2012) Screening and Management Committee” consisting of the Permanent Secretary of the Ministry of Finance as the Chairperson, the Director of the Bureau of the Budget, the Secretary-General of the National Social and Economic Development Board, the Comptroller General, the Director of the State Enterprise Policy

Office and the Governor of the Bank of Thailand as members, and the Director-General of the Public Debt Management Office shall be member and secretary.

The Bureau of the Budget, the Office of the National Social and Economic Development Board and the Public Debt Management Office shall each appoint one official under its authority as assistant secretary.

Clause 12. The Committee shall have the following powers and duties:

(1) to screen projects and make recommendations to the Council of Ministers for consideration and approval;

(2) to monitor projects so that they are carried out in accordance with the work plan and target approved the Council of Ministers;

(3) to prescribe regulations and time periods for reporting of the progress of project implementation and expenditure of capital funds via the project information technology system;

(4) to report the progress of implementation of a project, the progress in expenditure of capital funds, the management of payable funds, the results of project evaluation, including to submit directives for increasing efficiency in the management and implementation of a project to the Council of Ministers for approval, or to the Committee as entrusted by the Council of Ministers;

(5) to appoint a Sub-Committee or a working group to proceed under these Rules, or to propose a person, a group of persons, an organisation, or an educational institution to act on its behalf in accordance with the procedures under the Rule of the Office of the Prime Minister on Procurement, B.E. 2535 (1992) and its amendments, and the Rule of the Office of the Prime Minister on E-Procurement, B.E. 2549 (2006), or in accordance with the laws, rules or regulations of the responsible agency;

(6) to issue notifications, by-laws or regulations and procedures relating to the carrying out of work under this Rule;

(7) to carry out any other relevant act in accordance with this Rule, or relating to the management of projects under the budgetary framework and directive under the *Thai Khem Khaeng* Action Plan B.E. 2555, or as approved or entrusted by the Council of Ministers on a specific matter.

Clause 13. In a Committee meeting, at least half of the members of the Committee present at the meeting shall form a quorum.

In a Committee meeting, if the Chairperson is absent from the meeting or is unable to perform his duty, the members of the Committee present at the meeting shall elect one amongst themselves to preside over the meeting.

Decisions of the meeting shall be made by majority of votes. Each member of Committee shall have one vote. In the event of a tied vote, the Chairperson of the meeting shall have an additional vote as the casting vote.

The provisions of paragraph one, two and three shall apply to the meeting of the Sub-Committee appointed under clause 12 *mutatis mutandis*.

CHAPTER III

PROPOSAL, SCREENING AND APPROVAL OF PROJECTS

Clause 14. The responsible agency, with the approval of the Minister of the relevant Ministry shall propose a project to the Committee for consideration and screening, whereby such project must have one of the characteristics in accordance with the objectives of the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) approved by the Council of Ministers, as follows:

- (1) establishing food and energy security, preserving the ecosystem and the environment, and increasing productivity in the agricultural and industrial sector;
- (2) improving primary economic, social and environmental services that are modern and necessary to increase competitiveness and to alleviate the quality of life of the people;
- (3) expediting and building capacity in creating income from tourism;
- (4) creating an income base for the country from creative economy or innovative economy;
- (5) improving the quality of education and learning for the entire system to be modern;
- (6) reforming the quality of public health services to be of a high standard for Thai people;

(7) creating jobs and income to alleviate the quality of life of the people at the community level;

(8) other objectives as prescribed by the Council of Ministers.

Clause 15. The Committee shall consider and screen the appropriateness and readiness of a project, the appropriate investment budget, the action plan, including the plan for sourcing capital for the project, and propose to the Council of Ministers for consideration and approval.

Once the Council of Ministers has approved the implementation of the project, in the case where any project must be carried out in accordance with the procedures of any law and regulation, the responsible agency shall carry out the project in accordance with the relevant laws and regulations.

Clause 16. The Committee shall consider the reserves loan amount to prepare for expenditure to solve problems relating to the management of a project as it sees fit and appropriate with approval of the Council of Ministers.

CHAPTER IV IMPLEMENTATION OF THE PROJECTS

Clause 17. Once the responsible agency has received the approval of a project from the Council of Ministers, the responsible agency shall proceed as follows:

(1) for any project which the responsible agency has the burden of investment, the responsible agency shall implement the project and source the funds in accordance with the powers and duties granted by the laws and regulations, and it shall report the progress in the implementation of the project and the disbursement of investment funds via the project's information technology system in accordance with the conditions and time period which the Committee prescribes;

(2) for any project which the responsible agency has not been allocated a budget from the Annual Expenditure Budget in accordance with the Expenditure Budget Act, the Ministry of Finance, via the Public Debt Management Office shall consider the sourcing of loan in accordance with the law on public debt management and other relevant laws, and

for the expenditure of loan of such project, the responsible agency shall act in accordance with the Regulations on the Management of the Budget, B.E. 2548 (2005), *mutatis mutandis*.

In the case where a loan is raised from another country and such loan is for the use in a specific project and where it is prescribed that the regulations and rules of the lender for the implementation of the project and procurement shall apply to such loan, the responsible agency shall act in accordance with the regulations and rules of such lender, and clause 18, clause 19, clause 21 paragraph two, clause 22 paragraph two, clause 27 and clause 28 shall not apply *mutatis mutandis* to the implementation of such project;

(3) for a project which the responsible agency wishes to allow joint investment by the private sector, or where the Council of Ministers has a resolution to permit the responsible agency in engaging in joint investment by the private sector, the responsible agency shall act in accordance with the law on permitting joint investment by the private sector or joint State investment and relevant regulations, and it shall report the progress in the implementation of the project and the disbursement of invested funds via the project's technology system in accordance with the conditions and time period which the Committee prescribes.

Clause 18. For procurement in the implementation of a project under clause 17 (2), the responsible agency shall act in accordance with the Rule of the Office of the Prime Minister on Procurement, B.E. 2535 (1992) and its amendments, and the Rule of the Office of the Prime Minister on E-Procurement, B.E. 2549 (2006), or in accordance with the laws, rules or regulations of the responsible agency. Herewith, the responsible agency may begin carrying out procurement immediately after approval by the Council of Ministers of the implementation of the project under clause 15, but shall sign a contract once allocation has been made.

Clause 19.¹ In the case of a project under clause 17 (2), if the responsible agency wishes to transfer or change the details of a project, the responsible agency shall

¹ Clause 19 is amended by the Rule of the Office of the Prime Minister on the Management of the Projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) (No.2), B.E. 2553 (2010).

submit such a request including the reasons of necessity to the Bureau of the Budget for submission to the Committee for consideration, and to the Council of Ministers for approval.

Transfer or change of details to another ministry or to another agency from the responsible agency cannot be made, except for the case of the allocation of payable funds under clause 27 and clause 27/1.

Clause 20. The Minister of the Ministry of the responsible agency shall oversee and monitor and the head of the responsible agency shall be responsible in the carrying out of the project to be in accordance with the objectives and target of the project as approved by the Council of Ministers. Herewith, the implementation shall be used as a performance indicator in the evaluation of performance of the responsible Government agency and State enterprise.

CHAPTER V

SOURCING AND DISBURSEMENT OF LOANS

Clause 21. In the sourcing of a loan for expenditure in a project under clause 17 (2), the Ministry of Finance, via the Public Debt Management Office shall proceed to raise a loan in accordance with the law on public debt management or other relevant laws.

The Public Debt Management Office shall deposit the loan under paragraph one with the Ministry of Finance in a non-budget cash account at the Public Debt Management Office in the account named “*Thai Khem Khaeng* Action Plan B.E. 2555 (2012)”

Clause 22. Disbursement of loan shall be in accordance with the objectives of the loan under the law on public debt management or other relevant laws.

In the disbursement of loan from the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) account for expenditure on a project under clause 17 (2), the responsible agency shall act in accordance with the regulations on disbursement in official service and regulations or practices prescribed by the Ministry of Finance.

Clause 23. In the case of a project under clause 17 (2) which uses loan raised from another country and such loan is for use in a specific project, the Public Debt

Management Office may prescribe to permit the responsible agency to directly disburse loan, in which the responsible agency shall act in accordance with the regulations and procedures of the source of the loan.

CHAPTER VI
MONITORING, EVALUATION AND REPORTING OF IMPLEMENTATION RESULTS

Clause 24. In order to make the monitoring and evaluation of the implementation results of the project successfully efficient, relevant agencies shall act as follows:

(1) the Office of Permanent Secretary of the Ministry of Finance shall establish a project information technology system to support the monitoring of the progress of project implementation, disbursement, and evaluation of the project;

(2) the responsible agency shall report the progress in the implementation of the project and expenditure via the project information technology system in accordance with the regulations and the period of time which the Committee prescribes;

(3) the Public Debt Management Office shall coordinate with the responsible agency to expedite the implementation of the project in accordance with the work plan approved by the Council of Ministers. It shall also monitor the progress in the implementation of the project, disbursement, and shall give recommendations to solve problems and obstacles relating to the implementation of the project and report to the Committee for consideration;

(4) The Office of the National Economic and Social Development Board shall carry out the monitoring and evaluation of the project to evaluate the success of the project. It shall also assess the economic impact as a whole and report to the Committee.

(5) The Committee shall report the progress in the carrying out of the project, the disbursement of the loan, the evaluation results. It may also propose recommendations to increase efficiency of the management and implementation of projects to the Council of Ministers or to a Committee designated thereby.

CHAPTER VII
MANAGEMENT OF PROJECT IN THE SPECIAL AREAS OF 5 SOUTHERN BORDER PROVINCES

Clause 25.² Once the responsible agency has been allocated the loan under clause 17 (2) for a project, which will be carried out in the special areas of 5 Southern border provinces, the responsible agency shall carry out expenditure of the loan in accordance with the project approved by the Council of Ministers.

In the case where it is necessary to transfer, change the details of the project or to use the payable funds from a project, which will be carried out in the special areas of 5 Southern border provinces, an application shall be made to the Committee for the Development of the Special Areas of the 5 Southern Border Provinces for consideration and approval.

Clause 26. The responsible agency shall carry out procurement in accordance with the Rule of the Office of the Prime Minister on Procurement, B.E. 2535 (1992) and its amendments, and the Rule of the Office of the Prime Minister on E-Procurement, B.E. 2549 (2006), or in accordance with the rules or regulations of the responsible agency, or in accordance with the procedures specifically prescribed by the Council of Ministers for the procurement for projects in the special areas of 5 Southern border provinces.

CHAPTER VIII USE OF PAYABLE FUNDS

Clause 27.³ In the case where there is a balance of payable funds from a project which has been approved by the Council of Ministers under clause 17 (2), the Committee shall report to the Council of Ministers for acknowledgement. If the Council of Ministers is of the opinion that it is still necessary to use such funds, and where any responsible agency wishes to propose an additional project, such responsible agency shall,

² Clause 25 is amended by the Rule of the Office of the Prime Minister on the Management of the Projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) (No.3), B.E. 2554 (2011).

³ Clause 27 is amended by the Rule of the Office of the Prime Minister on the Management of the Projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) (No.2), B.E. 2553 (2010).

with the approval of the Minister in charge, propose a project including the budget to the Committee for consideration and approval and to the Council of Ministers for approval.

Once the Council of Ministers has approved the implementation of the project under paragraph one, the Public Debt Management Office shall notify the responsible agency for acknowledgement to proceed in accordance with the procedures of relevant laws and regulations.

Clause 27/1.⁴ In the case where a responsible agency under clause 17 (2) has been allocated loan and has entered into a price adjustment contract (value K) if there is a balance of payable funds remaining and the responsible agency wishes to make a request to use the funds for payment of reparation for the cost of construction under the price adjustment contract (value K), it shall submit an application for approval for the expenditure of such funds to the Bureau of the Budget, and once the Bureau of the Budget approves, expenditure of funds may be made for payment of reparation for the cost of construction.

In the case where a balance of payable funds from the proceeding under paragraph one remains, or where a balance of payable funds from any project which the Council of Ministers approves in any case remains, the Committee shall report to the Council of Ministers for acknowledgement. If the Council of Ministers is still of the opinion that it is necessary to use such balance of payable funds, the provisions in clause 27 shall apply *mutatis mutandis*.

Clause 28. Once all of the projects under clause 17 (2) have been completely carried out, the Public Debt Management Office shall close the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) account and deposit the remaining funds to the treasury as revenue of the State.

TRANSITORY PROVISIONS

⁴ Clause 27/1 is added by the Rule of the Office of the Prime Minister on the Management of the Projects under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) (No.2), B.E. 2553 (2010).

Clause 29. Any proceeding relating to a project under the *Thai Khem Khaeng* Action Plan B.E. 2555 (2012) which was carried out prior to the day of entry into force of this Rule shall be deemed a proceeding under this Rule, and any continuing proceeding for such project shall be in accordance with the provisions of this Rule.

Given on the 18th day of August B.E. 2552

Abhisit Vejjajiva

Prime Minister