

## **Abstract**

Construction Industry is of high economic value with an key role in generating national income. The government has therefore continually encouraged and promoted sustainable development for construction industry. A construction project is, however, one of the major causes of environmental damages such as noise, waste, dust, traffic problem, etc. The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), though technically enforceable with all construction projects, currently requires only large-scale construction projects to prepare an environmental impact assessment report, while medium and small scale projects have been left out. This Thesis, therefore, addresses problems of enforcement and implementation of Thai environmental law with construction projects, based on the surveys of the opinions of construction business operators, contractors, and construction designers on such problems.

The research reveals that problems regarding environmental laws are divided into three main causes: a legal enforcement problem of the government sector, a problem from construction business operators, and a problem on the law itself. The surveyed group is of the view that the legal enforcement problem is the most serious obstacles in implementing the law, because the government sector is subject to lengthy working and monitoring processes, which consequently slow down the working progress of the government officers. The problem from legal avoidance by the construction business operators and contractors is caused by high maintenance and controlling expenses to comply with the legal requirements. Such expenses greatly increase project costs and reduce large amount of profits in the medium and small scale project. The problem on the law is caused by vague legal content which is difficult to understand. Where interpretation on any legal content is required for actual practice, the operators, the contractors, or the government officers tend to interpret such law in favor of themselves. In addition, the study shows that lenient punishment can cause inefficiency of the law, as most punishment is a fine or only suspension of imprisonment would be granted.

With respect to governmental mechanism to resolve such problems, the surveyed group views that the following approaches, for example, should be adopted: requiring environmental insurance placement upon the application for construction which is to be returned upon the completion of the project; exempting taxes on environmentally friendly construction materials; encouraging participation from people; and creating incentives by way of tax reduction.