



REGULATING FOOD TRUCKS IN THAILAND

BY

MR. YINGYOS SOONTHORNSARATOO

A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF
MASTER OF LAWS PROGRAM IN BUSINESS LAWS (ENGLISH PROGRAM)

FACULTY OF LAW

THAMMASAT UNIVERSITY

ACADEMIC YEAR 2017

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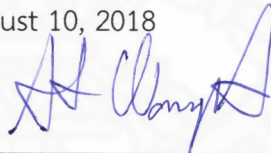
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REGULATING FOOD TRUCKS IN THAILAND

was approved as partial fulfillment of the requirements for
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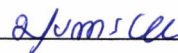
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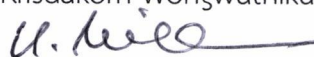
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ABSTRACT

Food is one of four requisites that is necessary for human's living. In fact, numbers of population in Thailand that are significantly increased nowadays make food being much more required comparing to the past. It is known that everyone consume at least one to three meals per day for living. However, it may not be convenient for everybody to cook food or prepare their own meals at their houses or living places due to the rush and a hurry life of people nowadays. In addition, some people may dislike the cooking smell or burdens to clean up the places and throw away garbage after cooking. Therefore, a lot of people in Thailand, especially in Bangkok and other big cities, choose to eat out or buy foods from restaurants, convenience stores, pushcarts and food trucks in order to save their times and costs and to avoid undesirable smell and wastes from cooking at homes. Though, eating out and taking away foods are convenient for consumers, it may not be good for the environment of Thailand.

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. If the reader observes activities of food truck, it can be seen that a lot of pollutants such as dirt,

smoke, refuse, garbage, filth, as well as some kinds of packaging such as foam boxes and plastic bags are generated from food truck activities.

In some big cities of other countries, for instance, the City of Sydney, the City of Chicago and the City of New York, there are rules and regulations specifying that the entrepreneur must strictly comply with the provisions of the laws before starting food truck business. One of the significant provisions is that the entrepreneur must obtain the food truck operator license from the authorized officer, and its vehicle must be registered and pre-inspected by the authorized officer before an operation.

In the author's opinion, the aforesaid rules and regulations are very useful. Those laws can help the Government officer to control and monitor food truck business, and also help reducing and preventing pollution problems that occurred from food truck activities.

In Thailand, even though there are some laws and regulations that may be applied with food truck business and its activities, there is no rule and regulation to specifically control and deal with pollutants from food truck business. Hence, a specific rule and regulation for regulating food truck business should be enacted in order to control the food truck business and to reduce and prevent pollution problems from food truck activities in Thailand.

Keywords: Regulating, food trucks

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The author hopes that this thesis on Regulating Food Trucks in Thailand will be useful for reduction of pollution in Thailand.

Mr. Yingyos Soonthornsaratool

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CHAPTER 1

INTRODUCTION

1.1 Introduction to Food Truck

At present, in Thailand, even though a lot of environment conservation campaigns have been launched by Government organizations and private sectors to encourage people in Thailand to fully be aware of environment issues, and to help protecting environment including monitoring and reducing pollution, it cannot be declined that a lot of pollution problems such as dust, air-pollution, water pollution, waste, and others still remain in Thailand. According to the press release by the Pollution Control Department, Ministry of Natural Resources and Environment dated 12th January 2018, it was found that in year 2017 there are approximately 27,400,000 tons of refuses in Thailand which is increased 1.26% comparing to year 2016. The increase of refuses is, in fact, due to an expansion of city and the population growth¹.

Food is one of four requisites that is necessary for living. In fact, population growth in Thailand makes foods being much more required comparing to the past. In other words, the more people increase, the more foods are required. Everyone needs to consume at least one to three food meals per day for living. Some people may prepare and cook foods at homes. When they cook, they have to confront with heat, carbon, smoke and waste. So, people who do not keen on the cooking smell or people who dislike cleaning up may choose to buy foods from restaurants, convenience stores, pushcarts and food trucks. This has helped them avoid doing and facing such unfavorable things, moreover, to save their times and costs.

When you buy any fast foods or takeaway foods from food sellers, you will see that at least 1 piece of plastic bag is used as a food container. If 1 piece of

¹ Pollution Control Department, Ministry of Natural Resources and Environment, *“Pollution Circumstances in Thailand 2017”*, Environment News, Volume 1/2561, Dated 12 January 2018.

plastic bag is used per a food meal without any reused, it means that 3 plastic bags will be used by 1 person per day or 365 plastic bags will be used by 1 person in each year.

Of course, the abovementioned consuming behavior may be convenient and save a lot of times and costs compared with the homemade cooking. The question is whether it is good for the environment of Thailand if a lot of people in Thailand prefer to consume takeaway foods from food trucks, pushcarts and convenience stores every day without suitable measure to control or minimize pollutants that are generated from such activities.

1.1.1 What is Food Truck?

According to Oxford Dictionaries Website, “Food Truck”² is defined as a large vehicle equipped with facilities for cooking and selling food.

In the City of Sydney, Australia, the word “Mobile Food Vending Vehicle” is used as the official word of “Food Truck”. The meaning of “Mobile Food Vending Vehicle”³ is any registered vehicle used on land that is either self-driven, or that can be towed down Council-owned roads and that is used in connection with the sale of food but excluding push bikes, carts or any movable or fixed structure that cannot be registered for use on a road. Mobile food vending vehicles are used for on-site food preparation such as hamburgers, tacos and one-step food preparation such as popcorn, fairy floss, coffee and the sale of any type of food, including pre-packaged food.

In the City of Sydney, there are two categories of mobile food vending vehicles; the first category is “Food Vans” and the second category is “Food Trucks”.

² Oxford Dictionaries, Definition of Food Truck in English,
<http://en.oxforddictionaries.com/definition/food_truck>, accessed 23rd January 2018.

³ City of Sydney, “*Mobile Food Vending Vehicles Local Approvals Policy: August 2017*”, Page

“Food Vans”⁴ are mobile food vending vehicles which serve foods that are not potentially hazardous. Food vans do not require a separate fixed food handling premises associated with the business but can use one if necessary. Preparation may involve low risk practices such as frothing milk.

“Food Trucks”⁵ are mobile food vending vehicles which serve foods that are potentially hazardous, with the exclusion of the above low risk practices. These vehicles can be a mobile kitchen, and must have a separate fixed food handling premises that is approved for the handling and storage of food. Therefore, in Australia, food truck is different from food van.

According to “How to open a food van or food truck in the City of Sydney: A process guide for mobile food businesses”⁶ that was propagandized by the City of Sydney, it can be concluded that food vans will serve foods that are not potentially hazardous, or that involve low-risk practices and food vans can only trade for fifteen minutes at one time. Examples of food vans are such as an ice-cream van, or a van serving coffees and cakes. Regarding food trucks, food trucks are vehicles which can be said that kitchen on wheels and food trucks have no restrictions to their menu and can trade for up to five hours. Example of food trucks is such as a gourmet food truck serving made-to-order hot foods.

In the City of Chicago, United States of America, according to Business Affairs and Consumer Protection of the City of Chicago, the word “Mobile Food Vehicle or MFV” is used as the official word of “Food Truck”. “Mobile Food Vehicle (MFV)”⁷ is a motorized vehicle registered as a commercial vehicle which will not be

⁴ City of Sydney, “*Mobile Food Vending Vehicles Local Approvals Policy: August 2017*”, Page 7

⁵ City of Sydney, “*Mobile Food Vending Vehicles Local Approvals Policy: August 2017*”, Page 7

⁶ City of Sydney, “*How to open a food van or food truck in the City of Sydney: A process guide for mobile food businesses*”, December 2015.

⁷ City of Chicago, “*Mobile Food Truck Licenses: Business Affairs and Consumer Protection*”, <http://www.cityofchicago.org/city/en/depts/bacp/supp_info/mobile_food_vendorlicenses.html>, accessed 7th January 2018.

used for any purposes other than a mobile food dispenser or mobile food preparer business.

In Thailand, there is no exact definition or meaning of “food truck” specified in Thai laws.

In the author’s opinion, after considering 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 the aforesaid conveyance is modified as a kitchen or space for cooking and selling foods. Examples of foods sold in food trucks are fast foods and junk foods, noodles, burgers, coffees and drinks, etc.

1.1.2 History of Food Truck

In the United States of America, it can be said that a Texas man, Charles Goodnight, is a person who first started a food truck business in America. Charles Goodnight is a cattle rancher. In 1866⁸, Charles Goodnight needed a way to keep his drovers fed as they trailed cattle from Texas to the North. Charles Goodnight bolted a wooden box to the back of an U.S. Army wagon and added compartments to store utensils, bedding, food, and more.

The term “chuck” is used in England in the 17th Century by meat merchants to refer to their lower priced goods. By the 18th Century, “chuck” was colloquial for goods and heart-warming foods. Charles Goodnight’s invention became known as a “chuck wagon” and his simple creativity revolutionized the cattle industry.

In 1997, in Bryson, Texas, by-laws and articles of operation were adopted and the American Chuck Wagon Association was off and running.⁹ The Association consists of members from many countries such as many states of the

⁸ American Chuck Wagon Association, *“The Invention of the Chuck Wagon”*, <<http://www.americanchuckwagon.org/chuck-wagon-invention.html>>, accessed 28th July 2018.

⁹ American Chuck Wagon Association, *“About the American Chuck Wagon Association”*, <<http://www.americanchuckwagon.org/about-acwa.html>>, accessed 28th July 2018.

U.S., Canada, Germany and France. Members participate in cook off competitions, demonstrations, catering, charity events, school visits and many other activities.

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.¹⁰

Food truck is a new business trend in Thailand nowadays. It can be seen that food trucks are parked everywhere regardless of in private or in public areas. It can also be noticed that, there are many forms of food truck operating on public areas of Thailand. Some food trucks are modified from mini-trucks, some food trucks are modified from vans and some food trucks are operated 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. If the reader observes activities of food truck operated in flea markets or food trucks operated on roadsides, the reader will see that there is a lot of smoke floating from a roaster and such smoke spreads into the air. Furthermore, there are refuse, garbage, filth, dirt, foam boxes and plastic bags are abandoned from cooking activities and from consumption of consumers.

It can be concluded that food trucks generate pollutants in many forms such as air pollution, water pollution, garbage, and so on.

What is liability of food truck according to Thai laws?

Who is the party that must be liable for the pollutants generated by food truck activities?

How can we control and minimize pollutants from food trucks that can move from one place to other places very quickly?

This thesis will present problems regarding food truck activities according to environmental law of Thailand and regulations that should be set up to control pollutants from food truck business in Thailand.

¹⁰ American Chuck Wagon Association, *“Official Vehicle of Texas: SENATE CONCURRENT RESOLUTION, S.C.R. No. 8”*, <<http://www.ameranchuckwagon.org/texas-vehicle.html>>, accessed 28th July 2018.

1.2 Hypothesis

The main problem is food truck can move from one place to other places very quickly. Therefore, it is very difficult in practice to control pollutants from food truck by requiring such food truck to receive permission from the local officer before commencement of selling food in such place. Furthermore, it is very easy for food truck to avoid the law (e.g. avoid not to apply for the required permit) due to lack of the local officer to enforce the laws and regulations against the aforesaid food trucks. As a result, pollutants from food truck activities are increasing every day without suitable control measure.

Thus, the solution is the specific ministerial regulation in connection with food truck license and standard equipment to be installed on food truck should be set up and enacted to control pollutants from food truck activities, and to reduce or prevent pollution problems from food truck activities.

1.3 Methodology

Research and study on the environmental laws and other laws of Thailand that may be applied with food truck such as the Enhancement and Conservation of National Environmental Quality Act B.E. 2535, the Canal Maintenance Act B.E. 2445, the Royal Irrigation Act B.E. 2485, the City Cleanliness and Orderliness Act B.E. 2535, the Public Health Act B.E. 2535, the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545, the Penal Code of Thailand, and the Civil and Commercial Code of Thailand.

Furthermore, research and study on rules & regulations that regulate food truck business in foreign countries to compare with Thai laws. For example,

- Mobile Food Vending Vehicles Local Approvals Policy of the City of Sydney, Australia.
- Rules and Regulations for Mobile Food Vehicles of the Chicago Board of Health, United States of America.
- The New York City Health Code, City of New York, United States of America.

1.4 Scope of Thesis

This thesis will scrutinize food truck activities that use modified conveyance as a kitchen or space for cooking and selling foods. In addition, this thesis will present suitable rules and regulations that should be set up to regulate food trucks in Thailand in order to reduce or prevent pollutants that are generated and created from food truck activities.

1.5 Objective of Study

1.5.1 To study the environmental laws of Thailand and other precedent regulations of Thailand that can be applied with food truck activities.

1.5.2 In case there are the laws or regulations that can be applied to food truck business, to consider whether the aforesaid laws are sufficient to reduce or prevent pollutants that are generated from food truck activities.

1.5.3 To present rules and regulations that should be set up and enacted for regulating food trucks in Thailand.

1.6 Expected Results

1.6.1 To encourage Thai people to monitor pollutant issues that are arisen every day from food truck activities.

1.6.2 To control and reduce pollutants generated from food truck activities by suitable measure.

1.6.3 The author expects that rules and regulations presented by this thesis may be used to control and minimize pollutants generated by food truck activities.

CHAPTER 2

FOOD TRUCK ACTIVITIES IN THAILAND

2.1 Food Truck in Thailand

To operate food restaurant in Thailand, food sellers must comply with regulations regarding food sanitation standard¹¹ in which regulated by Bureau of Food and Water Sanitation, Department of Health. For example, all areas for preparing and cooking food must be clean and tidy, food must be prepared or cooked on tables or places at least 60 centimetres above the floor, cooked food must be stored or covered in clean-food containers and placed on shelf or cabinet at least 60 centimetres above the floor, cutting boards and knives being used separately for cooked food, raw meat, vegetable and fruit, food handlers must wear suitable protective clothing, etc. The example of Food Sanitation Inspection Form for Foodservices adopted by Bureau of Food and Water Sanitation is as attached in Appendix A.

Moreover, on 31st May 2018, the Ministry of Public Health proclaimed the Ministerial Regulation regarding Sanitation of Place for Selling Food B.E. 2561 (2018). The aforesaid ministerial regulation has been published in the Government Gazette on 20th June, B.E. 2561 and will be enforced from 18th December 2018¹² onwards. To be noted that place for selling food,¹³ according to Section 4 of the Public Health Act B.E. 2535 (1992), means any building, place or any area that arranged for making foods or cooking foods and selling foods to buyer in which the buyer can consume

¹¹ Food Sanitation Standard for Restaurant, Bureau of Food and Water Sanitation, Department of Health, <<http://foods.anamai.moph.go.th/main.php?filename=restaurant>>, accessed 29 May 2018.

¹² The Ministerial Regulation regarding Sanitation of Place for Selling Food B.E. 2561 (2018), published in the Government Gazette, Vol.135 Part 42 Gor, dated 20th June, B.E. 2561 (2018).

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

immediately, wherever it is not public places or public ways and whether there is area for buyer's consumption at such place or not. However, such ministerial regulation does not mention anything regarding sanitary of food truck.

The Ministerial Regulation regarding Sanitation of Place for Selling Food B.E. 2561 (2018) composes of 4 chapters; Chapter 1 regarding sanitation of place for selling food, Chapter 2 regarding sanitation of foods, making procedure, cooking, keeping and selling food, Chapter 3 regarding sanitation of wares, tools and appliances, and Chapter 4 regarding personal sanitation of food operator and food handler.

Examples of sanitation stipulated in the Ministerial Regulation regarding Sanitation of Place for Food Selling B.E. 2561 (2018) in which places for selling food must be complied with are as follows:

- (1) The operator and food handler must pass the course specified by the Minister of the Ministry of Public Health.
- (2) Places for selling food must have refuse management.
- (3) Places for selling food must have wastewater management.
- (4) Places for selling food must have procedure to prevent animals, insects and pets.
- (5) Places for selling food must have procedure, tools and equipment to prevent any fire that may be occurred from cooking fuel.

Since a rental fee for a commercial building or a rental fee for a space in department stores may be expensive and there are a lot of expenses incurred when a food seller opens a food-selling store or restaurant, as well as there are many rules and regulations in which a food seller must comply with when he starts to operate his food business, many food sellers choose to operate their food businesses in form of food truck instead of opening a restaurant.

It can be said that Thai people are familiar with mobile food business. The author believes that the reader used to buy an ice-cream from Wall's mobile vehicle and buy sausage or fried meat ball from mobile vehicle. However, the aforesaid activities of mobile food business in Thailand are different from mobile food business in foreign countries. Most of mobile food vendors in foreign countries will park their

vehicles or food trucks at the specific area while the mobile food vendors in Thailand will drive their vehicles into villages or communities, making buyers to buy foods from vendors at front of the buyer's house as the direct sale.

At present, in Thailand, there are many kinds of food that are cooked and sold in the food truck business such as made-to-order foods, sushi, noodles, dimsums, coffee and beverages, hamburger, fried potatoes, 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 trucks generate smoke, bad smell, dust, waste water, dirt, and garbage that can spread to the environment. Furthermore, many plastic objects such as plastic bags, plastic spoons, foam boxes, rubber bands, plastic cups and plastic straws are used when consumers buy foodstuff from food trucks.

2.2 Food Truck Activities & Environment Problems

There are many forms of pollutant that are generated and created from food truck activities. Those forms of pollutant are such as smoke, dust, smell, waste water, and garbage. To be noted that Section 4¹⁴ of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), provides definitions in connection with pollutants as follows;

Quote

“Pollutants” means wastes, hazardous substances and other polluting substances including residues, sediments or remainders of such things discharged from point sources of pollutants or naturally occurring in the environment, which have caused or are likely to cause impacts upon environmental quality or conditions poisonous or harmful to public health, and also means radiation, heat, light, odor, vibration or other nuisances emanated or discharged from such point sources.

¹⁴ The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), Section 4.

“Pollution” means the state or environment that has been affected, changed or contaminated by pollutants, resulting in deterioration of environmental quality, such as water pollution, air pollution, soil pollution.

“Point Source of Pollution” means any community, factory, building, structure, vehicle, place of business or activity or any other thing from which pollution is generated.

“Waste” means refuse, garbage, filth, dirt, wastewater, polluted air, polluting substances or any other hazardous substances which are discharged or originated from point sources of pollution, including residues, sediments or remainders of such matters, either in the state of solid, liquid or gas.

“Wastewater” means waste in liquid state including polluting or contaminating substances contained in such liquid.

“Polluted Air” means waste in gaseous state in the form of vapor, steam, exhaust, fume, odor, smoke, gas, dust, soot, ash or other polluting substances in the form of particulate matters that can be suspended in the atmospheric air.

Unquote

Considering food truck activities and Section 4 of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), the author believes that the reader will agree with the author that there are pollutants arisen from food truck activities.

2.2.1 Garbage, Refuse, Waste from Food Truck Activities

Some food trucks in Thailand may prepare tables and chairs to service their customers at vicinity areas with the aforesaid food trucks but some food trucks may not do so. Moreover, some customers may choose to eat out or take away foods. Therefore, a lot of foam boxes, plastic bags, plastic spoons and plastic bands are used in food truck activities in which the aforesaid plastic materials can generate water pollution, soil pollution and air pollution to the environment of Thailand in form of refuse, garbage, filth and dirt.

2.2.2 Air Pollution from Food Truck Activities

Transportation and industrial factories may be a main source of polluted air. However, baking, grilling, roasting and other methods for cooking foods by using heat or open burning which take place in food truck activities can generate polluted air such as smoke, gas, dust and odor to the environment of Thailand as well. Some food trucks may use an electronic fan to reduce smoke, gas, dust and odor from open burning roasters but it does not help. The aforesaid pollutants still spread to the air and generate polluted air to the environment. Furthermore, raw materials that are discarded from food trucks' cooking and food scraps that are discarded by customers can generate water pollution, soil pollution and air pollution to the environment in form of refuse, garbage and odor as well.

In Thailand, air quality is measured from common pollutants including sulfur dioxide, nitrogen dioxide, carbon monoxide, ozone (O₃) and particulate matter sized smaller than 10 microns (PM₁₀). The air pollutant concentration exceeding standards is found in most areas of Thailand, the maximum of which is in the vicinity of Bangkok. The concentration of common air pollutants lower than the standards in 2013¹⁵ included sulfur dioxide, nitrogen dioxide and carbon monoxide. Comparing to the past, the concentration of nitrogen dioxide was rather stable, while that of sulfur dioxide and carbon monoxide was continually decreasing. Carbon monoxide (CO), sulfur dioxide (SO₂) and nitrogen dioxide (NO₂) are categorized as the primary air pollutants, whereas ozone (O₃) is the secondary pollutant originating from the primary pollutants or the chemical reaction of other pollutants in the air. Particulate matter sized smaller than 10 microns (PM₁₀) can be classified either primary or the secondary pollutant. Exposure to these pollutants is associated with numerous effects on individual health. For example, those who suffer from respiratory symptoms, coronary heart disease, the elderly and children may be affected by

¹⁵ Pollution Control Department, Ministry of Natural Resources and Environment, *“Thailand State of Pollution Report 2013”*.

moderate concentration of air pollutants. This could trigger some acute symptoms like chest tightness, shortness of breath, stroke, and acute heart failure, etc. Healthy people can also be affected by large concentration of pollutants. Moreover, air pollutant, particularly particles emitted from vehicles, industries, and open burning may contain carcinogens.

An area of air quality crisis is a particular part of a province filled with numerous sources of air pollutants, and its air quality level continually exceeds the standard. The area, therefore, is declared a pollution-control zone so that a management plan can be set up to solve the pollution problems. The following areas in Thailand are example areas that have been declared pollution-control zones:

1) Bangkok and its vicinity - the area around Bangkok have been declared as pollution-control zone since 1994.

2) Map Ta Phut Sub-district, Rayong Province has been in a pollution control zone since 2009.

Polluted air in form of smoke, gas, dust and odor that is arisen from food truck activities may look like a little problem in someone's idea when compared to polluted air from transportation system and industrial factories, but it cannot be argued that the aforesaid polluted air from food trucks activities is still one of the problems that happens daily.

2.3 Laws of Thailand to Be Applied with Food Truck

Nowadays, food trucks can be seen daily in different areas of Thailand but a wording about food truck cannot be seen in the laws of Thailand.

However, in the author's opinion, there are some provisions in the laws of Thailand that may be discussed and applied to food truck as follows:

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

Section 96¹⁶ of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) of Thailand states that *“If leakage or contamination caused by or originated from any point source of pollution is the cause of death, bodily harm or health injury of any person or has caused damage in any manner to the property of any private person or of the State, the owner or possessor of such point source shall be liable to pay compensation or damages therefor, regardless of whether such leakage or contamination is the result of a willful or negligent act of the owner or possessor thereof, except in case it can be proved that such pollution leakage or contamination is the result of : (1) Force majeure or war. (2) An act done in compliance with the order of the Government or State authorities. (3) An act or omission of the person who sustains injury or damage, or of any third party who is directly or indirectly responsible for the leakage or contamination. The compensation or damages to which the owner or possessor of the point source of pollution shall be liable according to the foregoing first paragraph shall mean to include all the expenses actually incurred by the government service for the clean-up of pollution arisen from such incident of leakage or contamination.”*, and Section 97¹⁷ of the Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992) provides that *“Any person who commits an unlawful act or omission by whatever means resulting in the destruction, loss or damage to natural resources owned by the State or belonging to the public domain shall be liable to make compensation to the State representing the total value of natural resources so destroyed, lost or damaged by such an unlawful act or omission.”*

¹⁶ The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), Section 96.

¹⁷ The Enhancement and Conservation of National Environmental Quality Act B.E. 2535 (1992), Section 97.

Therefore, in case the food trucks caused pollutants to the environment, the aforesaid food trucks must be liable to pay for compensation or damages according to the abovementioned provisions.

However, the aforesaid provisions shall be applied after pollutants has been discharged to the environment and may be insufficient to control pollutants generated from food trucks.

2.3.2 The Canal Maintenance Act B.E. 2445 (1902)

Section 6¹⁸ of the Canal Maintenance Act B.E. 2445 (1902) of Thailand provides that *“If other means are available, no one shall dump garbage, dust or filthy things into canals: nor shall any person dump the same into ditches which could drain such things into canals. A person violating this provision shall be fined 20 Baht or imprisoned not more than one month, or both.”*

It can be said that food truck cannot dump any garbage or dust or any filthy things into any canals or any ditches that can drain the aforesaid things into the canals. However, a fine specified in this provision may not be suitable with the current situation and the abovementioned provision cannot be applied to food trucks that discharge pollutants in other forms such as smoke, smell, heat, etc.

2.3.3 The Royal Irrigation Act B.E. 2485 (1942)

Section 28¹⁹ paragraph 1 of the Royal Irrigation Act B.E. 2485 (1942) of Thailand provides that *“No one shall discard garbage, carcass, dead plants, ash or filth into Irrigation Canals, or cause the water to be harmful to cultivation or consumption.”*

Therefore, food truck cannot dump any garbage or any filthy things into Irrigation Canals. However, the aforesaid provision can apply in case of discharging pollutants into Irrigation Canals only.

¹⁸ The Canal Maintenance Act B.E. 2445 (1902), Section 6.

¹⁹ The Royal Irrigation Act B.E. 2485 (1942), Section 28 paragraph 1.

2.3.4 The City Cleanliness and Orderliness Act B.E. 2535 (1992)

Section 20²⁰ of the City Cleanliness and Orderliness Act B.E. 2535 (1992) of Thailand provides that *“No one shall:*

- (1) cook, sell or vend goods on roads or in public place;*
- (2) use automobile or wheeled vehicle as cookery for sale or vend to people on road or in public place;*
- (3) sell or vend goods that are carried on automobile, motorcycle or wheeled vehicle on road or in public place;*

The first paragraph of this provision does not apply with cooking or sale of goods according to (1) or (2) on private road or in the area that the officials of local administration or government agency declare the permission during date and time subject to consent of traffic official.”

Therefore, food trucks cannot operate their businesses or activities on public roads or in public places without consent or approval from the local administration officer or the authorized Government agency.

In the case of violation, such food truck shall be fined not exceeding 2,000 Baht according to Section 54²¹ of the City Cleanliness and Orderliness Act B.E. 2535 (1992) which provides that *“A person violating or does not comply with Section 8 paragraph 1, Section 15, Section 20, Section 22, Section 26, Section 27, Section 29, Section 31, Section 32, Section 35, Section 39, Section 40 or Section 41 shall be fined not exceeding two thousand Baht.”*

Moreover, Section 21²² of the City Cleanliness and Orderliness Act B.E. 2535 (1992) provides that *“Whoever which is in automobile or driver or passenger of motorcycle are prohibited to buy goods that are sold or vending in public place or on road unless it is private road.”* Therefore, the consumer is prohibited to buy any goods that are sold on public places and public roads, nevertheless buying in private roads are excluded by the aforesaid provision. In the case of violation, the consumer

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

²¹ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 54.

²² The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 21.

shall be fined not exceeding 1,000 Baht according to Section 53²³ of the City Cleanliness and Orderliness Act B.E. 2535 (1992) which provides that *“A person violating or does not comply with Section 6, Section 21 or Section 28 shall be fined not exceeding one thousand Baht.”*

Furthermore, according to Section 33²⁴ paragraph 1 of the City Cleanliness and Orderliness Act B.E. 2535 (1992) provides that *“No one shall dump or discard filthy things, garbage, wastewater and the likes on roads or into waterways.”* Therefore, food truck cannot dump any garbage or any filthy things into waterways or on roads. However, this provision does not apply to the owners or possessors of boat or floating houses that berthed at a place where neither public toilet nor garbage collector is provided by the local administrations according to Section 33 paragraph 2 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).

To be noted that the City Cleanliness and Orderliness Act B.E. 2535 (1992) can be applied to food trucks that generate filthy things or garbage to roads or waterways. However, there is no provision regarding food truck control or minimization pollutants from food truck are specified in the City Cleanliness and Orderliness Act B.E. 2535 (1992).

2.3.5 The Public Health Act B.E. 2535 (1992)

Activities of food truck may cause dust, bad smell, odor, smoke, and sound to the environment or vicinity places, hence, food truck activities can be considered as nuisance according to Section 25(4), Section 27 and Section 28 of the Public Health Act B.E. 2535 (1992). Accordingly, a local administration has power and authority to order the owner of food truck who cause such nuisance to remove and prevent problem; for example, the owner of food truck must solve and prevent repetitious problem from smoke and dust arisen during cooking on food truck, etc.

In the case food truck fails to comply with an order of the local administration, the local officer may take a proper step or measure to solve the

²³ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 53.

²⁴ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 33 paragraph 1.

problem and the costs arising from the aforesaid measure will be borne by the owner of food truck who caused nuisances. Still, the pollutants have been discharged to the environment. The abovementioned provisions are therefore insufficient to control and reduce pollutants that are generated from food truck activities.

It is noted that Minister of the Ministry of Public Health has authority to proclaim a number of activities that considered as harmful to health in the Government Gazette. However, street vending such as food truck is not an activity that considered as harmful to health by virtue of the Notification of the Ministry of Public Health regarding Activities that Considered as Harmful to Health B.E. 2558 (2015), dated 3rd June 2015 which published in the Government Gazette, Vol.132 Special Part 165 Ngor., on 17th July 2015.

2.3.6 The Penal Code of Thailand

Section 237²⁵ of the Penal Code of Thailand provides that *“Whoever introducing the poisonous substance or any other substance likely to cause injury to health into the food or water into any well, pond or reservoir, and such food or water to be existed or to be provided for the public consumption, he shall be imprisoned as from six months to ten years and fined as from one thousand Baht to twenty thousand Baht, or both.”*

Therefore, food trucks cannot dump any solid waste or drain waste water into any well or pond of the village or community.

Moreover, Section 375²⁶ of the Penal Code of Thailand provides that *“Whoever obstructing or causing the inconvenience to the public drain, watercourse or sewer, he shall be fined not over five hundred Baht.”*. Hence, food trucks cannot do any activity, such as draining waste water, dumping garbage, or doing anything that causes obstruction or causes any inconvenience to the public drain, watercourse and sewer.

²⁵ The Penal Code of Thailand, Section 237.

²⁶ The Penal Code of Thailand, Section 375.

Section 380²⁷ of the Penal Code of Thailand provides that *“Whoever causing the water in the well, pond or reservoir provided for public using to be filthy, he shall be imprisoned not over one month or fined not over one thousand Baht, or both.”*. Thus, food trucks cannot do any activity such as cleaning dirty dishes or bowls in the pond of community or other public water resource.

Section 385²⁸ of the Penal Code of Thailand provides that *“Whoever without the lawful permission, unnecessarily obstructing the public way by placing or leaving thereon anything or by acting by any means up to it may interfere with the safety or convenience of traffic, he shall be fined not over five hundred Baht.”*. Therefore, food trucks cannot operate their business or activities that are interfered with safety or convenience of traffic; for instance, parking food truck on the public way or selling foods on the public way. (To be noted that “Public way”, according to Section 1(2)²⁹ of the Penal Code of Thailand, means a land or waterway used by the public for traffic, and includes a railway or tramway used for public conveyance.)

2.3.7 The Civil and Commercial Code of Thailand

In the case whereby food truck business or food truck activities cause pollutants and such pollutants cause damage or injury to any private person, food truck operator who cause such pollutants must be liable to pay for compensation or damages to such person according to provisions under the Civil and Commercial Code of Thailand; for examples,

Section 420³⁰ of the Civil and Commercial Code of Thailand which provides that *“A person who, willfully or negligently, unlawfully injures the life, body, health, liberty, property or any right of another person, is said to commit a wrongful act and is bound to make compensation therefor.”*, and

²⁷ The Penal Code of Thailand, Section 380.

²⁸ The Penal Code of Thailand, Section 385.

²⁹ The Penal Code of Thailand, Section 1(2).

³⁰ The Civil and Commercial Code of Thailand, Section 420.

Section 1337³¹ of the Civil and Commercial Code of Thailand which provides that *“If a person in the exercise of his rights causes to the owner of an immovable property greater injury or inconvenience than should naturally and reasonably be expected or anticipated, having regard to the nature and situation of such property, the owner is entitled without prejudice to any claim for compensation, to have such injury or inconvenience abated.”*

2.3.8 Laws and Regulations of Thailand regarding Sale of Goods in Public Places or on Public Ways

2.3.8.1 Introduction to Sale of Goods to Public

Thai people are familiar with buying goods from booths, stalls and pushcarts that are operated on public footpaths. It is usual to see Thai people buying fruits or garlands from sellers while cars waiting for traffic light at intersections.

According to Section 110 of the Land Traffic Act B.E. 2522 (1979),³² no person shall sell, buy, distribute or donate anything on the road without reasonable cause or in the manner of obstruction traffic and in case of violation of the aforesaid provision, a person who violated must be fined not exceeding five hundred Baht by virtue of Section 148 of the Land Traffic Act B.E. 2522 (1979). Therefore, it can be said that no person is allowed to operate food truck activities such as selling foods, buying foods, distributing foods, etc. on public ways in Thailand.

Even though there is such abovementioned law, a lot of food trucks still operate on public sidewalks, public roadsides and public roads without suitable management and punishment.

³¹ The Civil and Commercial Code of Thailand, Section 1337.

³² The Land Traffic Act B.E. 2522 (1979), published in the Government Gazette, Vol.96 Part 8, dated 29th January, B.E. 2522 (1979).

2.3.8.2 Laws of Thailand regarding Sale of Goods in Public Places or on Public Ways

In 1992, there are two interesting Thai laws that provide provisions in connection with sale of goods in public places or on public ways. The first one is the City Cleanliness and Orderliness Act B.E. 2535 (1992), and the second is the Public Health Act B.E. 2535 (1992).

(1) The City Cleanliness and Orderliness Act B.E. 2535 (1992)

The City Cleanliness and Orderliness Act B.E. 2535 (1992) (“the City Cleanliness and Orderliness Act”) was published in the Government Gazette on 28th February, B.E. 2535 (1992).³³

The City Cleanliness and Orderliness Act B.E. 2535 (1992) are adopted to replace the City Cleanliness and Orderliness Act B.E. 2503 (1960). The City Cleanliness and Orderliness Act B.E. 2535 (1992) is effective for Bangkok and Pattaya City from dated 30th March, B.E. 2535, and the enforcement for other areas in Thailand will depend on proclamation of the Ministry of Interior. The purpose of the City Cleanliness and Orderliness Act is to improve some provisions about the penalty in case of violations and improve provisions regarding power of the officer under the City Cleanliness and Orderliness Act.

Summary of the City Cleanliness and Orderliness Act B.E. 2535 (1992) regarding sale of goods in public places or on public ways are as follows:

(1.1) Drivers and whoever is in car, including bikers and whoever rides on a bike pillion, are prohibited to buy goods that sell or distribute in public places or on public ways.³⁴ Any person who violates must be fined not exceeding Baht 1,000 according to Section 53 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).

³³ The City Cleanliness and Orderliness Act B.E. 2535 (1992), published in the Government Gazette, Vol.109 Part 15, dated 28th February, B.E. 2535 (1992).

³⁴ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 21.

(1.2) Cooking, selling or distributing goods on public ways or in public places are prohibited unless permission for trading in the allowance area from the local officer is received.³⁵ Any person who violates must be fined not exceeding Baht 2,000 according to Section 54 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).

(1.3) Using car and wheeled vehicle as the cookery for selling foods or distributing foods to people on public ways or in public places are prohibited unless permission for trading in the allowance area from the local officer is received.³⁶ Any person who violates must be fined not exceeding Baht 2,000 according to Section 54 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).

(1.4) Selling or distributing goods that carried by car, bike or wheeled vehicle on public way or in public place are prohibited.³⁷ Any person who violates must be fined not exceeding Baht 2,000 according to Section 54 of the City Cleanliness and Orderliness Act B.E. 2535 (1992).

From provisions stipulated in the City Cleanliness and Orderliness Act B.E. 2535 (1992), it can be concluded that food trucks are not allowed to operate on public ways or in public places unless such food trucks receive permission for operating from the local officer.

However, no details regarding the application for food truck license are provided in the City Cleanliness and Orderliness Act B.E. 2535 (1992).

(2) The Public Health Act B.E. 2535 (1992)

The Public Health Act B.E. 2535 (1992) (“the Public Health Act”) was published in the Government Gazette on 5th April, B.E. 2535 (1992) and effective on 6th April, B.E. 2535 (1992).³⁸

³⁵ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 20 (1).

³⁶ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 20 (2).

³⁷ The City Cleanliness and Orderliness Act B.E. 2535 (1992), Section 20 (3).

³⁸ The Public Health Act B.E. 2535 (1992), published in the Government Gazette, Vol.109 Part 38, dated 5th April, B.E. 2535 (1992).

The purpose of the Public Health Act is to improve provisions about public health and improve provisions for controlling the use of stools to be fertilizer.

To be noted that the Public Health Act B.E. 2535 (1992) was amended in B.E. 2550 (2007) and B.E. 2660 (2017) respectively.

The Public Health Act provides a lot of activities that effect to public health; for instance, sanitary of building, market, nuisance, sale of goods in public places or on public ways, etc.

Details regarding sale of goods in public places or on public ways stipulated in the Public Health Act B.E. 2535 (1992) can be summarized as follows:

(2.1) According to Section 4 of the Public Health Act, “Public Places or Public Ways”³⁹ means places or ways that do not belong to private, and people can exploit or can use for travelling.

(2.2) No person shall sell or distribute any goods in public places or on public ways unless they have already received a license from the local officer. The aforesaid selling and distributing are inclusive of the selling by peddle.⁴⁰

(2.3) For the purpose of public interest, the local officer has duty to control public place and public way. Therefore, the local officer has authority to specify the type of goods, category of selling, and place of selling (in the case of selling at specific location) in the license for sale of goods in public place or on public way. Furthermore, the local officer has authority to specify any reasonable conditions in such license.⁴¹

(2.4) The local officer has authority, subject to consent of the traffic officer, to specify strictly public area or strictly public way that are prohibited for selling or buying goods. Moreover, the local officer has authority to

³⁹ The Public Health Act B.E. 2535 (1992), Section 4.

⁴⁰ The Public Health Act B.E. 2535 (1992), Section 41 paragraph 2.

⁴¹ The Public Health Act B.E. 2535 (1992), Section 41 paragraph 1 and paragraph 3.

specify the type of goods that will be allowed to distribute in such public place and public way, period of time in order to distribute goods in such public place and public way, category of selling and conditions of selling in such public place and public way.⁴²

(2.5) For the purpose of public interest, the local administration has authority to issue any legislation for controlling any distribution of goods in public place or on public way⁴³ as follows;

(2.5.1) The local administration has authority to specify any regulation in connection with personal sanitary of the seller or distributor, and any regulation in connection with personal sanitary of the assistance of such seller and distributor.

(2.5.2) The local administration has authority to specify any sanitary regulation regarding process of distribution, making and cooking process, keeping and collecting foods or goods, and any sanitary regulation in connection with cleanliness of containers, water and appliances.

(2.5.3) The local administration has authority to specify any regulation in connection with the emplacement of goods, and peddle of goods in public place or on public way.

(2.5.4) The local administration has authority to specify any regulation regarding period of time for goods distribution.

(2.5.5) The local administration has authority to specify any regulation for keeping cleanliness, health protection including protection of any nuisance and contagious disease.

(2.5.6) The local administration has authority to specify rule, process and condition for the license application and renewal.⁴⁴ The license issued by the local administration will be expired within 1 year from the date of

⁴² The Public Health Act B.E. 2535 (1992), Section 42.

⁴³ The Public Health Act B.E. 2535 (1992), Section 43.

⁴⁴ The Public Health Act B.E. 2535 (1992), Section 54.

issuance and the license can be used in such local administration jurisdiction only.⁴⁵
Any fees for issuing the license including fees for renewal are deemed to be income of such local administration.⁴⁶

(2.6) In case the licensee fails to comply with provisions stipulated in the Public Health Act or fails to comply with ministerial regulations issued under the Public Health Act or fails to comply with local legislations issued under the Public Health Act or fails to comply with any conditions specified in the license, the local officer has authority to suspend the use of license which issued under the Public Health Act.⁴⁷ Moreover, the local officer has authority to revoke the license⁴⁸ when it was appeared that;

(2.6.1) The licensee used to be suspended the use of license 2 times and there is reason to suspend the use of license again; or

(2.6.2) There is the final court judgment showing that the licensee has committed an offence under the Public Health Act.

(2.6.3) The licensee fails to comply with provisions stipulated in the Public Health Act or fails to comply with ministerial regulations issued under the Public Health Act or fails to comply with local legislations issued under the Public Health Act or fails to comply with any conditions specified in the license and such violation cause grave danger to public health or cause effect to public livelihood.

However, after 1 year from the date of revocation, the operator has the right to submit the application for such license again.⁴⁹

(2.7) The licensee must display the license that received under the Public Health Act at his business place and must display such

⁴⁵ The Public Health Act B.E. 2535 (1992), Section 55.

⁴⁶ The Public Health Act B.E. 2535 (1992), Section 64.

⁴⁷ The Public Health Act B.E. 2535 (1992), Section 59.

⁴⁸ The Public Health Act B.E. 2535 (1992), Section 60.

⁴⁹ The Public Health Act B.E. 2535 (1992), Section 62.

license the whole time of doing business.⁵⁰ In case of loss or damage of such license, the licensee has to apply for the substitute of such license within 15 days from the day when the loss or damage became known.⁵¹

(2.8) Any person who violates provisions, legislations, or regulations regarding sale of goods in public place or on public way, must be fined by virtue of the Public Health Act as follows:

(2.8.1) Any person who sells or distributes goods in public place or public way without license from the local officer must be fined not exceeding Baht 10,000.⁵²

(2.8.2) Any person who distributes or buys goods in the public place or public way in which the local officer strictly prohibit any selling or buying in such place or such way, the aforesaid person must be fined not exceeding Baht 10,000.⁵³

(2.8.3) Any person who violates the local officer's regulations regarding the type of goods that will be allowed to distribute in public place and on public way, period of time that will be allowed to distribute goods in public place and on public way, category of selling and conditions of selling in public place and on public way, the aforesaid person must be fined not exceeding Baht 5,000.⁵⁴

(2.8.4) Any person who violates the local administration's legislations provided for the purpose of public interest and provided for controlling any distribution of goods in public place or on public way; for instance, not complying with regulation regarding the emplacement of goods and peddle of goods, not complying with regulation regarding period of time for goods distribution, not complying with sanitary regulation regarding cleanliness of

⁵⁰ The Public Health Act B.E. 2535 (1992), Section 57.

⁵¹ The Public Health Act B.E. 2535 (1992), Section 58 paragraph 1.

⁵² The Public Health Act B.E. 2535 (1992), Section 77.

⁵³ The Public Health Act B.E. 2535 (1992), Section 77.

⁵⁴ The Public Health Act B.E. 2535 (1992), Section 78.

containers, water and appliances, etc., the aforesaid person must be fined not exceeding Baht 5,000.⁵⁵

(2.8.5) The licensee who fails to display the license at his business place or fails to display such license the whole time of doing business, the aforesaid licensee must be fined not exceeding Baht 2,500.⁵⁶

(2.8.6) In case of loss or damage of the license, the licensee who fails to apply for the substitute must be fined not exceeding Baht 2,500.⁵⁷

(2.8.7) Any licensee who is still doing his business during his license is suspended, the aforesaid licensee shall be imprisoned not exceeding 6 months or fined not exceeding Baht 50,000, or both. Furthermore, the aforesaid licensee must also be fined not exceeding Baht 25,000 per day at the whole time of violation.⁵⁸

It can be noticed that the Public Health Act B.E. 2535 (1992) and the City Cleanliness and Orderliness Act B.E. 2535 (1992) have provided many provisions regarding sale of goods in public places or on public ways including the punishment in case of violations. However, there are some observations regarding food truck business as follows:

(1) The City Cleanliness and Orderliness Act B.E. 2535 (1992) and the Public Health Act B.E. 2535 (1992) mention about sale of goods in public place or on public way. Therefore, food truck business which operates in public place or on public way must comply with such Acts. Nevertheless, both Acts do not mention on standard preventive measure for controlling pollutants such as, heat, smoke, nuisance smell, dust, etc. that are arisen from food truck activities. Furthermore, both Acts cannot be applied to food trucks which are operated in

⁵⁵ The Public Health Act B.E. 2535 (1992), Section 78.

⁵⁶ The Public Health Act B.E. 2535 (1992), Section 83.

⁵⁷ The Public Health Act B.E. 2535 (1992), Section 83.

⁵⁸ The Public Health Act B.E. 2535 (1992), Section 84.

private places or on private ways. Thus, pollutants from food truck activities may not be managed and controlled with suitable preventive measure.

(2) The City Cleanliness and Orderliness Act B.E. 2535 (1992) and the Public Health Act B.E. 2535 (1992) allow a food truck operator to apply for the license for selling of goods in public place or on public way by submitting an application to the authorized department such as the local administration. However, the aforesaid license can be used in jurisdiction of the local administration who issues such license only. Thus, there may be problems and loophole for food trucks that operate their businesses as the caravan and move from one place to other places as usual.

(3) Section 41 (paragraph 2) of the Public Health Act B.E. 2535 (1992) has mentioned about “peddle”. However, there is no meaning of peddle provided in the Public Health Act B.E. 2535 (1992).

2.3.8.3 Regulations of Thailand regarding Sale of Goods in Public Places or on Public Ways

In 1976, the Governor of Bangkok had proclaimed the Bangkok Metropolitan Legislation to Control the Peddler B.E. 2519 (1976).⁵⁹ The aforesaid legislation was issued to enforce within Bangkok Metropolitan’s area since 21st May, B.E. 2519 (1976). Such legislation provides regulations regarding the peddler and there are important details as follows;

(1) The aforesaid legislation was issued according to Section 43 of the Public Health Act B.E. 2484 (1941) and Section 67 of the Bangkok Metropolitan Administrative Organization Act B.E. 2518 (1975). The purpose of legislation is to combine many regulations regarding the peddler who operates within Bangkok Metropolitan’s area.

⁵⁹ The Bangkok Metropolitan Legislation to Control the Peddler B.E. 2519 (1976), published in the Government Gazette, Vol.93 Part 77, dated 20th May, B.E. 2519 (1976).

(2) This legislation has mentioned that “the peddler” is a person who takes foods, ice in order to peddle in any place whatever taking by overland or taking by waterway.

(3) No person shall be the peddler unless he received an approval from the Governor of Bangkok. Everyone who acts as the peddler before the effective of this legislation must apply for the license within 90 days from the effective date. The Peddler Application Form is as attached in Appendix B.

(4) The licensee must express his license between such peddle.

(5) The licensee must not abandon any materials that are used for peddle without any control.

(6) The licensee including his assistant must not operate peddle within restricted areas that proclaimed by the Governor of Bangkok.

(7) Time of operation allowed for the licensee to peddle is 04.00 hours until 24.00 hours.

However, the Governor of Bangkok may order to extend time of operation in case of the festival.

(8) The licensee including his assistant must comply with instructions provided by the Bangkok Metropolitan Administrative Organization. For example:

(8.1) The licensee including his assistant must wear clean and polite clothing.

(8.2) The licensee including his assistant must keep cleanliness of tools and equipment that will be used for his peddle.

(8.3) The licensee including his assistant must use any covers to protect foods, ice, seasoning, food containers, and food appliances from dust, flies and disease carriers. Moreover, such covers must be in good condition and clean.

(8.4) The licensee including his assistant must use clean water for ice cleaning and use clean water for cooking or cleaning foods and wares.

(8.5) The licensee including his assistant must use clean wares for cooking or packing food.

(8.6) The licensee including his assistant must arrange a sanitary bin to keep trash.

(9) The licensee including his assistant must not be contagious diseases during operating such peddle, for instance, tuberculosis, cholera, typhoid, dysentery, varicella, mumps, leprosy and other disgusting skin diseases. Furthermore, the licensee including his assistant must not be carrier of such contagious diseases.

(10) Any licensee who violates this legislation must be fined not exceeding Baht 50 according to Section 67 of the Public Health Act B.E. 2484 (1941).

In 2002, the Governor of Bangkok proclaimed the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002)⁶⁰ to enforce within Bangkok Metropolitan's area since 7th May, B.E. 2545 (2002).

Important details on sale of goods in public place or on public way stipulated in the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002) can be summarized as follows:

(1) The Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002) is the legislation in which the Governor of Bangkok

⁶⁰ The Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002), published in the Government Gazette, Vol.119 Special Part 29 Ngor, dated 7th March, B.E. 2545 (2002).

proclaimed on 30th January, B.E. 2545 (2002) to enforce with sale of goods in public place or sale of goods on public way. The aforesaid legislation was issued according to Section 43, Section 54, Section 55, Section 58 of the Public Health Act B.E. 2535 (1992) and Section 97 of the Bangkok Metropolitan Administrative Organization Act B.E. 2528 (1985). The purpose of legislation is to control the sale of goods in public place or on public way within Bangkok Metropolitan's area.

- (2) According to the legislation, "Public Place or Public Way" means places or ways that do not belong to private, and people can exploit or can use for travelling. The aforesaid meaning has the same meaning with the meaning of public place or public way that are stipulated in Section 4 of the Public Health Act B.E. 2535 (1992).
- (3) The important principle of this legislation is prohibition of sale of goods in public place or sale of goods on public way, no matter what it is selling by emplacement or selling by peddle, unless such selling has been granted the license by the local officer.
- (4) To apply for the license from the local officer according to this legislation, there are primary conditions as follows:
 - (4.1) The applicant for sale of goods in public place or on public way including his assistant must have Thai nationality.
 - (4.2) The applicant for sale of goods in public place or on public way including his assistant must not have contagious diseases; for instance, tuberculosis, cholera, typhoid, dysentery, varicella, mumps, leprosy and other diseases specified by the administrative organization,

etc. Furthermore, the applicant and his assistant must not be a carrier of such contagious diseases as well.

(4.3) The applicant and his assistant must comply with other conditions specified by the Bangkok Metropolitan Administrative Organization.

(5) The licensee including his assistant who distributes foods in public place or on public way must comply with instructions provided by the Bangkok Metropolitan Administrative Organization. For example:

(5.1) The licensee including his assistant must wear clean and polite clothing.

(5.2) All properties of the licensee must be laid in order and the licensee including his assistant must not trespass traffic area.

(5.3) The licensee including his assistant must always maintain cleanliness of the distributing area.

(5.4) The licensee including his assistant must maintain cleanliness of his hand and nail.

(5.5) The licensee including his assistant must not smoke cigarette, chew or eat any kind of foods during preparing, cooking or distributing foods.

(5.6) Stall for selling, places for preparing and cooking foods must be high of at least 60 centimetres above the floor. Furthermore, the licensee must arrange any procedure to prevent any danger to health or to prevent any nuisance that is arisen from distributing, cooking and keeping foods.

(5.7) The licensee including his assistant must not discard water that is contaminated with fat on the floor or discard to public drain or public overflow.

(5.8) The licensee including his assistant must always keep cleanliness of food container, tools & equipment, and food appliances that are used for distributing foods. Moreover, such things must be in good condition.

(5.9) The licensee including his assistant must use clean water for cooking or washing foods and appliances.

(5.10) Foods, food containers, appliances for preparing foods must be prevented from dust, flies, animals and disease carriers.

(6) The licensee including his assistant who distributes foods by peddle in public place or on public way must comply with instructions provided by the Bangkok Metropolitan Administrative Organization. For example:

(6.1) The licensee including his assistant must wear clean and polite clothing, and must use clean and polite apron.

(6.2) The licensee including his assistant must maintain cleanliness of his hand and nail.

(6.3) The licensee including his assistant must not smoke cigarette, chew or eat any kind of foods during preparing, cooking or distributing foods.

(6.4) Stall for selling, places for preparing and cooking foods must be high of at least 60 centimetres above the floor.

Furthermore, the licensee must arrange any procedure to prevent any danger to health or to prevent any nuisance that is arisen from distributing, cooking and keeping foods.

(6.5) Foods must be clean and safe.

(6.6) Food containers or food packages must be clean and safe.

(6.7) The licensee including his assistant must always keep cleanliness of tools & equipment, and appliances that are used for distributing food by peddle. Moreover, such things must be in good condition.

(7) The licensee must display the license the whole time of distributing goods or the whole time of selling goods by peddle. Moreover, the licensee or his assistant must put on the identification card of the licensee or the identification card of the assistant at his left chest the whole time of distributing goods.

(8) The license can be used by the licensee as specified in such license only, and the license will be expired within 1 year from the date of issuance. However, the licensee can apply for the renewal before the license is expired.

(9) The licensee and his assistant must distribute goods within period of time specified by the Bangkok Metropolitan Administrative Organization.

(10) Any person who violates the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way must be punished by virtue of the Public Health Act B.E. 2535 (1992).

(11) To be noted that the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way do not mention about meaning of peddle.

However, on 24th April 2015 the Nonnhon Subdistrict Administrative Organization, Ubonratchathani Province proclaimed the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public

Place or on Public Way B.E. 2558 (2015)⁶¹ to enforce within the Nonnhon Subdistrict Administrative Organization's area.

Important details on sale of goods in public place or on public way stipulated in the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015) can be summarized as follows:

(1) This legislation was issued according to Section 43, Section 54, Section 55, Section 58, Section 63, Section 65 of the Public Health Act B.E. 2535 (1992) and Section 71 of the Subdistrict Council and Subdistrict Administrative Organization Act B.E. 2537 (1994). The purpose of legislation is to control the sale of goods in public place or on public way within the Nonnhon Subdistrict Administrative Organization's area since the date of proclamation.

(2) According to this legislation, "Public Place or Public Way" means places or ways that do not belong to private, and people can exploit or can use for travelling. The aforesaid meaning is the same with meaning of public place or public way that specified in Section 4 of the Public Health Act B.E. 2535 (1992) and the Bangkok Metropolitan Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2545 (2002).

(3) To be noted that Clause 4 of the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015) provides the meaning of peddle. According to Clause 4 of the Nonnhon Subdistrict Administrative Organization Legislation

⁶¹ The Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015), published in the Government Gazette, Vol.132 Special Part 297 Ngor, dated 16th November, B.E. 2558 (2015).

regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015), “peddle” is the distribution of goods in public place or on public way without emplacement of goods at any place as usual and whatever it is the distribution by overland or by waterway.

(4) Subject to the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015), the peddle is classified into 2 types in which the first type is flea market and the second type is peddle vehicle.

“Flea Market” is any place on public roadside or any place in public area including litter, table, stand, booth, mat, ground that is arranged for distribution of meats, vegetables, fresh foods, prepared foods or perishable foods and whatever it is temporary distribution or distribution on any specific time.

“Peddle Vehicle” is the distribution of meats, vegetables, fresh foods, prepared foods or perishable foods by using conveyance whatever such conveyance will be motorized or not and such peddle vehicle will move from one point to other points whatever it is the same direction or not.

From the author’s opinion, the peddle vehicle stipulated in the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015) is very similar to food truck or mobile food vending vehicle in foreign countries.

However, there are some differences between food truck or mobile food vending vehicle in foreign countries and peddle vehicle stipulated in the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015); for example, food truck or mobile food vending vehicle in foreign countries will

be parked at specific area according to the license approved by the local officer, but peddle vehicle according to the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015) can move from one place to other places as salesman. In addition, most of food trucks or mobile food vending vehicles are in form of cars or trucks which propelled by mechanism, but peddle vehicle according to the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015) may be bicycles, bikes, cars, trucks, etc.

(5) This legislation defined “Goods” is merchandise and all type of material which can be sold or distributed, for instance, drinks, foods, tools and appliances, etc. However, such goods must not be illegal things.

(6) The important principle of this legislation is to forbid any distribution of goods in public place or on public way whatever it is distribution of goods by emplacement or by peddle vehicle, unless it received the license from the local officer.

(7) To apply for the license from the local officer according to the Nonnhon Subdistrict Administrative Organization Legislation regarding Sale of Goods in Public Place or on Public Way B.E. 2558 (2015), there are primary conditions as follows:

(7.1) The applicant including his assistant must not have contagious diseases, for instance, tuberculosis, cholera, typhoid, dysentery, varicella, mumps, leprosy and other diseases specified by the administrative organization, etc.

(7.2) The applicant and his assistant must comply with other conditions specified by the Nonnhon Subdistrict Administrative Organization.

(7.3) To be noticed that this legislation do not mention on nationality of the applicant and his assistant.

(8) The vendor and his assistant whoever distribute foods in public place or on public way by peddle vehicle must comply with instructions provided by the Nonnhon Subdistrict Administrative Organization. For example:

(8.1) The vendor and his assistant must distribute goods in permitted areas and must not distribute goods in restricted areas as specified by the local officer.

(8.2) The vendor and his assistant must wear clean and polite clothing. Foods must clean and safe.

(8.3) The vendor and his assistant must not use amplifier or open radio cassette recorder or make a loud noise that causing nuisance to another people.

(8.4) The vendor and his assistant must not park his car, motorcycle or wheeled vehicle on any footpath in order to sell his goods.

(8.5) The vendor and his assistant must not smoke cigarette and must not cough or sneeze on foods.

(8.6) The vendor and his assistant must separate type of goods and lay goods in tidy condition.

(8.7) Food packages and food wares must be clean and safe.

(8.8) The vendor and his assistant must distribute goods within period of time specified by the Nonnhon Subdistrict Administrative Organization.

(9) The vendor and his assistant must display his license during operating.

(10) The license can be used by the licensee as specified in such license only and cannot be transferred. Furthermore, the license will be expired within 1 year from the date of issuance. However, the licensee can apply for the renewal within 20 days before the license is expired.

(11) In case of loss or damage of the license, the licensee must apply for the substitute of such license within 15 days from the day when the loss or damage became known.

(12) The local officer has authority to revoke the license when it is appeared that;

(12.1) The licensee used to be suspended the use of license 2 times and there is reason to suspend the use of license again; or

(12.2) There is the final court judgment showing that the licensee has committed an offence under the Public Health Act B.E. 2535 (1992).

(12.3) The licensee fails to comply with provisions stipulated in the Public Health Act B.E. 2535 (1992) or fails to comply with ministerial regulations issued under the Public Health Act B.E. 2535 (1992) or fails to comply with this legislations or fails to comply with any conditions specified in the license and such violation cause grave danger to public health or cause effect to public livelihood. However, after 1 year from the date of revocation, the operator has the right to submit the application for such license again.

(13) The licensee who fails to comply with conditions regarding type of goods and characteristic of distribution specified in the license must be fined not exceeding Baht 10,000 by virtue of Section 76 of the Public Health Act B.E. 2535 (1992).

(14) Any person who sells or distributes goods in public place or on public way without license from the local officer must be fined not exceeding Baht 10,000 by virtue of Section 77 of the Public Health Act B.E. 2535 (1992).

(15) Any person who distributes or buys goods in the public area or on public way in which the local officer strictly prohibit any selling or buying in such area or way, the aforesaid person must be fined not exceeding Baht 10,000 by virtue of Section 77 of the Public Health Act B.E. 2535 (1992).

(16) Any person who violates the local officer's proclamations regarding the type of goods that will be allowed to distribute in public place and public way, period of time that will be allowed to distribute goods in public place and public way, category of selling and conditions of selling in public place and public way, the aforesaid person must be fined not exceeding Baht 5,000 by virtue of Section 78 of the Public Health Act B.E. 2535 (1992).

(17) The licensee who fails to display the license at his business place or fails to display such license the whole time of doing business, the aforesaid licensee must be fined not exceeding Baht 2,500 by virtue of Section 83 of the Public Health Act B.E. 2535 (1992).

(18) In case of loss or damage of the license, the licensee who fails to apply for the substitute must be fined not exceeding Baht 2,500 by virtue of Section 83 of the Public Health Act B.E. 2535 (1992).

(19) Any licensee who is still doing his business during his license is suspended, the aforesaid licensee shall be imprisoned not exceeding 6 months or fined not exceeding Baht 50,000, or both. Furthermore, the aforesaid licensee must be fined not exceeding Baht 25,000 per day the whole

time of violation by virtue of Section 84 of the Public Health Act B.E. 2535 (1992).

2.4 Conclusions

After scrutinized the aforesaid laws and regulations, it can be said 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 and regulations 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.

Therefore, food truck activities in Thailand still generate pollutants without suitable management and controls.

The author opines that 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.

CHAPTER 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. For example, in the City of Toronto, Canada, food trucks are considered as Food Premises and must be inspected by Toronto Public Health⁶² in which Toronto Public Health will use different standards for inspection of food trucks depending on what kind of food that will be prepared and what kind of equipment that will be used. To operate a food truck business in Toronto, all food truck operators are required to have a business license. If the operator would like to operate a food truck on public roads, the operator must obtain a motorized refreshment vehicle owner license and a mobile food vending permit. Furthermore, a Green P permit is additionally required in the case of food truck operation in Green P parking lots. In case of operating a food truck on private property and commercial parking lots, the operator must obtain the permission of the owner in areas that allow food trucks. Even though the operator has such required license or permit, there are some restrictions in which the operator must comply with such as the amount of food truck will be limited at no more than 2 food trucks per block; maximum of operation period will be limited to 5 hours at any one time; food truck cannot be operated within 30 linear metres from an opened operating restaurant but excluding food courts or entrances to buildings containing food courts. In addition, the Food Handler Certification issued by Toronto Public Health is also needed for the food handler in which such certification can be completed in a classroom or by a self-study or take home examination.

⁶² Toronto Food Trucks, “*How to Start a Food Truck in Toronto 101*”,
<<http://torontofoodtrucks.ca/how-to-start-a-food-truck-in-toronto-101>>, accessed 7th January 2018.

Therefore, in the case that the operator would like to start his food truck business, the operator must comply with laws, rules and regulations regarding food truck business that are enforced in such country. Hereafter, the author would like to present laws, rules and regulations in connection with food truck business in some countries that can be used for controlling food truck business, including rules and regulations that can be used for reducing and preventing pollutants generated from food truck activities.

3.1 City of Sydney, Australia

3.1.1 Applicable Laws

Sydney is the capital city of New South Wales (NSW), Australia. The City of Sydney local area is one of the largest local government area in Australia. In June 2017, there was the resident population in the local area of the City of Sydney around 224,211 people.⁶³

Any person who uses food truck to store, prepare or sell food for human consumption in the City of Sydney, Australia will be considered as a food business even though it is non-profit operation. The Food Standards Code defines a food business as any business or activity that involves selling food or handling any type of food for sale in Australia, with the exception of some primary food production activities.⁶⁴ A food business must sell safe and suitable food in accordance with the provisions of the New South Wales Food Act 2003, the Food Regulation 2015 and the Food Standards Code.

Regarding food truck, it can be said that food truck is a kind of mobile food vending vehicle that will be used for selling food. Furthermore, a mobile food vending vehicle includes vehicles used for on-site food preparation (such as

⁶³ City of Chicago, *“People and places”*,

<<http://www.cityofsydney.nsw.gov.au/learn/research-and-statistics/the-city-at-a-glance>>, accessed 20th May 2018.

⁶⁴ Department of Primary Industries Food Authority, New South Wales Government, *“Guidelines for Mobile Food Vending Vehicles”*, January 2017. Page 4

hamburgers, hot dogs), one-step food preparation (such as popcorn, coffee) and any type of food selling including pre-packaged food. However, food vending machines or food transport vehicles are not considered as a mobile food vending vehicle.

Before selling foods, food businesses have to notify their businesses to the enforcement agency and such notification will help the Food Authority and councils in the case of food recalls and complaints. Furthermore, all food businesses in the New South Wales (NSW) must hold a current Food Authority license (this applies only to specific food businesses in sectors covered by a Regulation under the Food Act 2003 of NSW).

With respect to mobile food businesses, they must notify the local council about their business including food activity details⁶⁵. From 1st September 2015, such notification will be satisfied by sending notification to councils in form of applications for services, permits and approvals, and through rates notice registrations.

However, mobile food vending vehicles do not require a Food Authority license, unless they operate the activities listed⁶⁶ as follows;

- (1) Businesses that conduct food service to vulnerable persons;
- (2) High risk plant product businesses;
- (3) Businesses that handle or process meat;
- (4) Businesses that further process seafood;
- (5) Businesses that handle shellfish;
- (6) Dairy producers, factories and vendors;
- (7) Businesses that produce or process eggs and egg related products.

3.1.2 License and Category of Mobile Food Vending Vehicle

In the City of Sydney, the local council will be responsible for the approval of mobile food vending vehicles in which there may be costs in connection

⁶⁵ Department of Primary Industries Food Authority, New South Wales Government, *“Guidelines for Mobile Food Vending Vehicles”*, January 2017. Page 7

⁶⁶ Department of Primary Industries Food Authority, New South Wales Government, *“Guidelines for Mobile Food Vending Vehicles”*, January 2017. Page 5

with the approval. The operators should check all requirements with the local council before starting their operation. For instance, a premise for garaging or maintaining the mobile food vending vehicle is required under the laws, especially where such premise is used for storing food supplies or storing equipment used in connection with the vehicle's food business operation.

To replace the Food Trucks Local Approvals Policy 2014, on 7th August 2017, the City of Sydney Council adopted the Local Approvals Policy for Mobile Food Vending Vehicles.⁶⁷ The Local Approvals Policy for Mobile Food Vending Vehicles was issued under §158 of the Local Government Act 1993 and will be applied with Council owned roads including other public places within the City of Sydney Local Government Area. The Local Approvals Policy for Mobile Food Vending Vehicles will provide framework for the mobile food vending vehicles operation.

However, the aforesaid policy will not be applied to (i) mobile food vending vehicles that are not operated as a food business, (ii) mobile food vending vehicles that are trading on public land with an approved event, and (iii) mobile food vending vehicles that trade with a development consent or the provisions of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 on private land.

According to the Policy, authorized officers of the Council will issue approvals to operate a mobile food vending vehicle in which the operators of the mobile food vending vehicle must obtain an approval to operate on Council owned roads before operating at the aforesaid locations. Furthermore, the officers will enforce the terms and conditions under such approval, as well as monitoring and regulating any non-compliances with the Policy and relevant legislation.

In order to ensure that foods are safe for consumers, there is no exemption from obtaining approval under the Policy for mobile food vending vehicles that are used for the sale of food and drink in public places within the City of Sydney Local Government Area.

⁶⁷ City of Sydney, "*Mobile Food Vending Vehicles Local Approvals Policy*", August 2017. Page

Regarding objectives of the Local Approvals Policy for Mobile Food Vending Vehicles, the Policy was adopted to (i) control and ensure that the operation of mobile food vending vehicles will not adversely impact on the environment or the surrounding sensitive land uses and residential amenity, (ii) control operating of the mobile food vending vehicle to follow road rules and curbside parking restrictions on Council owned roads, (iii) control safety and suitability of foods that will be sold to consumer, (iv) help any person who is interested in mobile food vending vehicle business within the City of Sydney Local Government Area, (v) control suitability of mobile food vending vehicle for preparation and storage food for sale, (vi) reduce impacts that are occurred from mobile food vending vehicles activities, (vii) control and ensure the safe operation of mobile food vending vehicle for staff, patrons, pedestrians and public, and (viii) control litter or waste around the trading location of mobile food vending vehicles.

In the City of Sydney, approvals on mobile food vending vehicle are categorized into 2 types, the first category is Food Vans and the second category is Food Trucks. The category will be considered base on the menu of food to be served by such mobile food vending vehicle in which the aforesaid mobile food vending vehicle must serve menu items within its approval category.

For food vans⁶⁸, menu items for food vans are foods that are not potentially hazardous with the exception of processes that have a minimal food safety risk for instance, the frothing of milk, or the serving of frozen dairy. Foods may be pre-packaged, or served directly from its package or container in which no heating or cooking is needed. The vehicle must meet relevant design and layout standards to ensure that food safety requirements are achieved. Examples of food types include tea, coffee, drinks, cakes, sweets, frozen yoghurt, pre-packaged ice-cream, soft serve ice-cream or any other similar foods.

⁶⁸ City of Sydney, *“Mobile Food Vending Vehicles Local Approvals Policy”*, August 2017, Page

With respect to food trucks⁶⁹, menu items for food trucks include the service of any potentially hazardous food, excluding low-risk processes included in Category 1 (Food Vans). This vehicle is usually a mobile kitchen and must have access to a separate fixed food handling premises or commercial kitchen. Examples of menu item that food trucks can serve such as dumplings, pasta, tacos, flame-grilled meats, stir fry noodles, grilled skewers, fish & chips, or any other similar foods.

To be noted that without an approval of the City of Sydney Council, the operation of a mobile food vending vehicle or the selling of any food from a mobile vehicle in a public place within the City of Sydney's Local Government Area is an offence under the Local Government Act 1993. The approvals for operation will expire within 12 months after the date of approval or any other time as stated on the approval, but no greater than 12 months. Even though the operation of mobile food vending vehicle has been approved, the operation time is still limited by the City of Sydney Council's policy as follows:

1. Stopping time for food vans⁷⁰: Each food van is able to trade for a maximum period of 1 hour in one location at one time on Council owned roads (set up and pack down times are included in such stopping time). Furthermore, the vehicle must comply with the relevant curbside parking restrictions and road rules at all times of operation.

2. Stopping time for food trucks⁷¹: Each food truck is able to trade for a maximum period of 5 hours in one location at one time on Council owned roads (set up and pack down times are included in such stopping time). The vehicle must comply with the relevant curbside parking restrictions and road rules at all times of operation.

⁶⁹ City of Sydney, "*Mobile Food Vending Vehicles Local Approvals Policy*", August 2017, Page 10

⁷⁰ City of Sydney, "*Mobile Food Vending Vehicles Local Approvals Policy*", August 2017, Page 10

⁷¹ City of Sydney, "*Mobile Food Vending Vehicles Local Approvals Policy*", August 2017, Page 10

In order to acquire the approval from the City of Sydney Council, a person or corporation who intend to operate the mobile food vending vehicle can submit Food Truck Application or Food Van Application to the City of Sydney Council. Examples of Food Van Application and Food Truck Application are as attached in Appendix D and Appendix E respectively. To be noted that an approval sticker will be provided to such mobile food vending vehicle when final approval has been granted, and the approval sticker has different color subject to category of mobile food vending vehicle. Operators have to attach and display the approval sticker on the approved vehicle in a location clearly visible to the customers at all times of operation.

The approval will be issued specifically to each mobile food vending vehicle and it cannot be transferred to other mobile food vending vehicles.

3.1.3 Locations of Trading & Parking⁷²

After the approval license from the City of Sydney Council is obtained, a mobile food vending vehicle can operate its trading in locations as follows:

(1) Street vending: All mobile food vending vehicles who have already received the approval can operate on Council owned roads within existing lawful car parking spaces and such mobile food vending vehicles must comply with the local car parking restrictions of that parking space including all other applicable road rules. All approved mobile food vending vehicles is allowed to have trucks to pull up to a curb, into a parking spot and to trade onto the footpath but vehicles are not allowed to park on the footpath or on driveways, as well as are not allowed to trade onto the street, bike lane or an adjacent car parking spot.

(2) Off-street trading: Food trucks can operate on nominated Council owned sites. For instance, food trucks can park within the Local Government Area when such food trucks has obtained an approval to do so, either through

⁷² City of Sydney, “*Mobile Food Vending Vehicles Local Approvals Policy*”, August 2017, Page 12-13

development consent, conditions of an event approval, or in accordance with the exempt provisions.

In summary, mobile food vending vehicles cannot trade on private land without a prior consent from such private landowner and cannot trade on Council land without a prior approval from the City of Sydney Council.

Furthermore, a maximum of three food trucks are permitted to trade on the same lawful car parking space at different times within the same 24 hours period in which mobile food vending vehicles must comply with road rules and parking restrictions when they are operating on Council owned roads, and mobile food vending vehicles cannot park on footpaths or across driveways. Moreover, any advertising boards, stands, heaters, tables, chairs or other seating apparatus will not be placed at any time. In addition, mobile food vending vehicles have to arrive with full equipment at all trading locations without receiving any deliveries, and serving of mobile food vending vehicles must not create potential hazards to customers and staffs. Mobile food vending vehicles must not sell by opening window onto any part of a roadway including adjoining car parking space to ensure the safety of pedestrians.

To minimize pedestrian traffic across the cycling way and for safety of pedestrians, mobile food vending vehicles cannot vend with serving window opening onto a cycling way as well.

To be noted that mobile food vending vehicles cannot trade within 50 metres of an existing takeaway food or drink premises open for business that is serving the same or similar food types. The aforesaid distance will be measured in a straight line from the closest point of the mobile food vending vehicle's location to the main entrance of the takeaway food and drink premises.

3.1.4 Pollutions Control⁷³

All mobile food vending vehicle operators must comply with the Protection of the Environment Operations Act 1997, making all operators must control pollutants discharging from their activities, for instance, offensive noise, smoke and odour, waste water, garbage, etc.

3.1.4.1 Air Pollution

To prevent air pollution from food truck activities, enhanced filtration may be needed to manage smoke and odour from cooking processes within the mobile food vending vehicle.

If the mobile food vending vehicle or its equipment is producing smoke or odour that is considered to be air pollution according to the Protection of the Environment Operations Act 1997, the authorized officer may order that the use of the mobile food vending vehicle or its equipment must be suspended or moderated to prevent nuisance or air pollution until the mobile food vending vehicle operator completed attenuation measures and the City of Sydney Council has confirmed in writing that the use of such mobile food vending vehicle may resume.

Furthermore, solid fuel cooking within the mobile food vending vehicle will be approved when a suitable smoke and odour control system is installed, and charcoal cooking is not allowed to occur within the mobile food vending vehicle.

Moreover, the mobile food vending vehicle operator must submit the design, specifications and certification of smoke and odour control system as a part of the application. Such certification is required to confirm that the design of the system will control smoke, odour and other air impurities so as not to adversely impact the surrounding environment, and will not create air pollution.

⁷³ City of Sydney, “*Mobile Food Vending Vehicles Local Approvals Policy*”, August 2017, Page

3.1.4.2 Noise Pollution

The mobile food vending vehicle must not create an offensive noise. Moreover, all mobile food vending vehicles must control and minimize the emission of noise that occur from their operations; for instance, noise from cooking facilities, noise from their discharging fans, noise from ancillary exhaust, etc.

In Sydney, food trucks must not use any amplified music, bells or a public address system. The use of public address system is prohibited for food vans in the same way as food trucks, however, food vans can use amplified music or bells in following matters:

- (1) When food van is outside the area that specified by the City of Sydney Council; and
- (2) Whilst food van is moving; and
- (3) Food vans can use amplified music or bells between 9 a.m. to 7 p.m.

If a mobile food vending vehicle emits any unreasonable noise to a public place or emits any noise that impact a noise sensitive receiver, the authorized officer has authority to request such mobile food vending vehicle to leave the area.

3.1.4.3 Waste

The mobile food vending vehicle must have a waste water tank that has sufficient capacity for containing all stored potable water with extra capacity for supporting other discarded liquid waste, with an outlet of sufficient diameter to facilitate easy flushing and cleaning.

Furthermore, the mobile food vending vehicle must not let waste water, grease, solid waste, litter, refuse or any pollutant to enter the storm water. To be noted that liquid waste is strictly prohibited to be discharged on the ground or to a storm water system.

Operators of mobile food vending vehicles must be responsible for waste materials that are generated during their trading period. All waste materials must also be collected in suitable receptacles, bagged or contained

that are stored within such mobile food vending vehicle until disposed of at the cost of the aforesaid operator.

The mobile food vending operator must be responsible for his trading area cleanliness in which the trading area must be clean and tidy at the end of each trading period.

3.1.5 Vehicle Specifications⁷⁴

3.1.5.1 The dimensions of a mobile food vending vehicle will not exceed 11 metres in length and will not exceed 2.5 metres in width. Due to mobile food vending vehicles must comply with the Road Rules at all times of trading, the operators should check any local restrictions regarding parking times based on truck dimension before their trading.

3.1.5.2 All mobile food vending vehicles must pass vehicle inspections for food safety requirements before issuing of an approval, and the authorized officer may conduct any random inspections with the mobile food vending vehicle between trading times at trading locations. Furthermore, a copy of vehicle's Plan of Management must be kept within the mobile food vending vehicle all times of trading and made available to the authorized officer when request.

3.1.5.3 Design and construction of a mobile food vending vehicle must be appropriate for the type of food produced and activities conducted.

3.1.5.4 A mobile food vending vehicle must have sufficient space for all activities.

3.1.5.5 A mobile food vending vehicle must have enough space for all equipment to be used or stored.

3.1.5.6 Design and construction of a mobile food vending vehicle must prevent entry of pests, dust, fumes, smoke and other contaminants.

3.1.5.7 A mobile food vending vehicle should accommodate a safe flow of product and waste to minimize risks of food and equipment contamination in

⁷⁴ City of Sydney, *"Mobile Food Vending Vehicles Local Approvals Policy"*, August 2017, Page

which separating particular processes must be considered such as hand washing facilities, wash-up area (with double sinks), raw and cooked foods, food preparation areas, and accommodate a sink, if required, cooking facilities, food assembling area, sufficient food storage and refrigerator facilities, waste disposal area. To be noticed that plans and specifications of mobile food vending vehicles must be submitted to the Council for the application process.

3.1.6 Equipment Requirements⁷⁵

3.1.6.1 Any exhaust or ventilation of the mobile food vending vehicle must effectively remove fume, smoke, steam, heat and vapour, and such exhaust must discharge vertically above the aforesaid mobile food vending vehicle.

Moreover, filters should be installed to prevent grease accumulations in ducting and additional filtration may be installed to minimize smoke and odour that discharge from food truck activities. The mobile food vending vehicle operator must keep cleanliness of the hood, filters and ducting to ensure that all components are in good working condition and clean, and will not create a fire risk.

3.1.6.2 Probe-type thermometers that will be installed in the mobile food vending vehicle must accurate to plus or minus 1°C available for the monitoring of potentially hazardous foods. The aforesaid thermometers must be readily accessible, cleaned before and after use, and not create any contamination issues.

3.1.6.3 Equipment that will be used for controlling the food temperature must hold cold food at 5°C or less, and hot food must be held at 60°C or greater.

3.1.6.4 All sinks and hand wash basins must be provided with sanitary traps. The mobile food vending vehicle operator must supply a separate dedicated hand wash basin for washing hand. The aforesaid hand basins must have suitable size for cleaning of hands and arms, and basins must be installed at bench height

⁷⁵ City of Sydney, *“Mobile Food Vending Vehicles Local Approvals Policy”*, August 2017, Page

and fixed to the wall. All basins must not be located under benches, and must not be obstructed by other equipment.

Furthermore, a single spout mixer water tap should be installed for mixing water to an appropriate temperature. In addition, a separate food preparation sink will be required where food items need washing as part of the preparation process.

3.1.6.5 Lighting from the mobile food vending vehicle must not create a nuisance or negatively affect the amenity of the surrounding neighborhood. Such lighting must not interrupt or distract traffic flows or be unreasonably observable from surrounding residential areas.

3.1.7 Miscellaneous

There are miscellaneous requirements in which mobile food vending operators should know as followings:

3.1.7.1 All mobile food vending vehicles must have public and product liability indemnity insurance and all food businesses must sell safe and suitable food in accordance with the provisions of the New South Wales Food Act 2003.

3.1.7.2 The mobile food vending vehicle cannot sell alcohol to the public.

3.1.7.3 The mobile food vending vehicle cannot trade directly in front of any residential building whatever such residential is house or apartment.

3.1.7.4 All food truck operators must use the Sydney Food Truck App at all times, and all food truck operators must record their trading locations when operating within the City of Sydney's Local Government Area. The aforesaid requirements will permit the authorized officer to notify the public of Mobile Food Vending, and to carry out compliance activities by monitoring their trading locations. Furthermore, all food truck operators who received the approval will have their business contact details displayed on the City of Sydney Food Truck Website.

3.1.7.5 The mobile food vending vehicle must keep cleanliness and must be in good order, ensuring it is road worthiness and its noise, fumes, smoke, foul odour and other contaminants are not generated.

3.1.7.6 The mobile food vending vehicle must ensure that there is enough supply of electricity, gas or power for food handling operations, especially for hot and cold holding and water heating.

3.1.7.7 Every mobile food vending vehicle which have cooking or heating activities must arrange a fire extinguisher and fire blanket. Furthermore, fire safety equipment must easily be accessed and the extinguisher should be suitable for dealing with the type of combustible material present. Such fire safety equipment must be tested annually and have current tag in accordance with the Australian Standards.

3.1.7.8 No animal shall enter any mobile food vending vehicle whether such vehicle is in operation or not, and the mobile food vending vehicle operator must take all practicable procedures to prevent pests from entering or remaining in the mobile food vending vehicle.

3.1.7.9 The mobile food vending vehicle must have a sufficient supply of potable water which stored in food grade water containers and suitably protected against contamination for hand washing, cleaning equipment and use for food preparation.

3.1.8 Penalties

Food truck activities are considered as activities that use a standing vehicle or any article for the purpose of selling any article in a public place, therefore, the approval from the City of Sydney Council according to Chapter 7 Part 1, Section 68⁷⁶ Table Part F Item 7 of the Local Government Act 1993 is required.

⁷⁶ The Local Government Act 1993, Chapter 7, Division 1: What activities require approval?, Section 68 What activities, generally, require the approval of the council? Table Approvals: Part F Other activities;

- (1) Operate a public car park
- (2) Operate a caravan park or camping ground

In case of violation, examples of offence are as follows:

3.1.8.1 A person who operates food truck activities without a prior approval from the City of Sydney Council is guilty of an offence by virtue of Chapter 16, Section 626 (3)⁷⁷ of the Local Government Act 1993 and will be subject to a maximum penalty of 20 penalty units.

To be noticed that penalties for offences are expressed in penalty units in which the amount of a penalty unit is currently \$ 110 by virtue of Section 117 of the Crimes (Sentencing Procedure) Act 1999.

3.1.8.2 A mobile food vending vehicle operator who has received the approval from the City of Sydney Council but he or she fails to comply with the terms of that approval is guilty of an offence. Maximum penalty is 20 penalty units by virtue of Chapter 16, Section 627 (3)⁷⁸ of the Local Government Act 1993.

-
- (3) Operate a manufactured home estate
 - (4) Install a domestic oil or solid fuel heating appliance, other than a portable appliance
 - (5) Install or operate amusement devices
 - (6) (Repealed)
 - (7) Use a standing vehicle or any article for the purpose of selling any article in a public place
 - (8) (Repealed)
 - (9) (Repealed)
 - (10) Carry out an activity prescribed by the regulations or an activity of a class or description prescribed by the regulations

⁷⁷ The Local Government Act 1993, Chapter 16, Section 626 (3) “A person who carries out an activity specified in Parts B-F of the Table to section 68 without having obtained a prior approval of the council under Part 1 of Chapter 7 required for the carrying out of that activity is guilty of an offence. Maximum penalty: 20 penalty units.”

⁷⁸ The Local Government Act 1993, Chapter 16, Section 627 (3) “A person who has obtained the approval of the council under Part 1 of Chapter 7 to the carrying out of an activity specified in Parts B-F of the Table to section 68 and who carries out that activity otherwise than in accordance with the terms of that approval is guilty of an offence. Maximum penalty: 20 penalty units.”

3.2 City of New York, United States of America

3.2.1 Applicable Laws

According to Chapter 6 of Title 24 of the Rules of the City of New York, §6-01 all mobile food vendors and the mobile food vending units operated in the City of New York are subject to and must comply with all applicable provisions of Articles 5, 71, 81, 89 and all other applicable provisions of the New York City Health Code (the “Health Code”); Title 17 of the Administrative Code of the City of New York (the “Administrative Code”); Part 14 of the New York City State Sanitary Code (the “Sanitary Code”); and the rules of the Department set forth in Chapter 6 and Chapters 20, 26 and other applicable provisions of Title 24 of the Rules of the City of New York. To be noted that “the Department”⁷⁹ means the Department of Health and Mental Hygiene of the City of New York and “the Commissioner”⁸⁰ means the Commissioner of Health and Mental Hygiene of the City of New York.

Chapter 6 of Title 24 of the Rules of the City of New York, §6-02⁸¹ defines the meaning of Mobile food vending unit as a food service establishment as defined in Article 81 of the New York City Health Code which located in a pushcart or truck, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or food truck is deemed a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. However, a mobile food vending unit does not mean a stand or a booth.

Prior to operate a mobile food vending activities, a mobile food vending unit must pass pre-permit inspection by the Department to ensure that a mobile food vending unit has been constructed and equipped in accordance with

⁷⁹ The New York City Health Code, Article 1 Short Title and General Definitions, §1.03 General definitions.

⁸⁰ The New York City Health Code, Article 1 Short Title and General Definitions, §1.03 General definitions.

⁸¹ Title 24 of the Rules of the City of New York, Chapter 6, §6-02.

the Chapter 6 of Title 24 of the Rules of the City of New York. Such pre-permit inspection is required⁸²:

- (1) Before the issuance of a new or renewed mobile food vending permit and decal;
- (2) When a permittee seeks to replace a mobile food vending unit with another unit;
- (3) When a permittee seeks to amend a permit classification from non-processing to processing or processing to non-processing;
- (4) When a mobile food vending unit has sustained a material alteration, as defined in §89.03(e) of the New York City Health Code; or
- (5) When any permit decal has been removed.

3.2.2 Classification of the Mobile Food Vending Unit⁸³

Subject to §6-03 of Chapter 6 of Title 24 of the Rules of the City of New York, classification of the mobile food vending unit will be classified by the foods, processing and packaging of foods served. Briefly, Class A and Class B units are processing units and Class C, Class D and Class E units are non-processing units for the purpose of payment of the permit fees set forth in §17-308(c) of the Administrative Code, or successor provision, and Article 5 of the New York City Health Code.

Class A means a processing unit on which raw, pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified in the New York City Health Code §81.09 are stored, prepared and provided for individual service.

Such foods include, but not limited to, grilled or fried meats, sausages, poultry, shish kebab, hamburgers, eggs and gyros.

Class B means a processing unit in or on which pre-cooked and/or manufactured potentially hazardous foods requiring temperature control as specified

⁸² Title 24 of the Rules of the City of New York, Chapter 6, §6-02.

⁸³ Title 24 of the Rules of the City of New York, Chapter 6, §6-03.

in the New York City Health Code §81.09 are stored, prepared and provided for individual service. Such foods include, but not limited to, sandwiches prepared on the unit, raw fruits, vegetables and salads, breads, bagels and rolls buttered or topped with cream cheese on the unit, smoothies and soft serve ice cream.

Class C means a non-processing unit in or on which only intact, prepackaged potentially hazardous foods requiring temperature control as specified in the New York City Health Code §81.09 are provided for individual service. Such foods include, but not limited to, prepackaged frozen desserts, prepackaged sandwiches, and prepackaged and pre-sliced fruits and vegetables.

Class D means a non-processing unit in or on which non-potentially hazardous packaged or unpackaged foods not requiring temperature control for safety are provided or served. Such foods include, but are not limited to, brewed coffee and tea, donuts, pastries, rolls and bagels buttered or topped with cream cheese at a commissary, popcorn, cotton candy, nuts, candied nuts, soft pretzels, and chestnuts, regardless of whether such foods are heated for aesthetic purposes. However, mobile food vending units that prepare and serve any potentially hazardous foods, including but not limited to, dairy products, pre-cooked or manufactured knishes, boiled frankfurters and sausages are Class D mobile food units that require equipment or other means of holding potentially hazardous foods at the temperatures required by Articles 81 and 89 of the New York City Health Code.

Class E means a green cart or other non-processing mobile food vending unit in or on which only non-potentially hazardous uncut fruits and vegetables are sold or held for sale or service.

However, a permit to distribute or sell food from a mobile food vending unit does not authorize the vendor to sell any other products or merchandise from the aforesaid mobile food vending unit. In the case that a vendor serves or prepares foods included in more than one Class of operation, the mobile food vending unit must be equipped in accordance with the classification that reflects the greater degree of food protection.

3.2.3 License and Permit Required⁸⁴

Regarding a license or a permit for a mobile food vending unit operating in the City of New York, there are some important definitions that provided in Article 89 of the New York City Health Code as follows;

Quote

“Decal” means the identifying plate, insignia, seal or other identifying device issuing by the Department authorizing the use of the mobile food vending unit for mobile food vending. Such decal is placed on a mobile food vending unit after such mobile food vending unit has been approved and inspected by the Department.

“License” means the paper or other license document and photo identification badge issuing by the Commissioner for authorizing a mobile food vendor to sell food from a mobile food vending unit.

“Permit” means the paper or other permit document including the decal affixed to a mobile food vending unit that issued by the Department to authorize the use of a specific mobile food vending unit for selling or distributing food.

“Private space” means all privately owned or leased property where use of the property for commercial purposes, including mobile food vending, is restricted to persons who have the written permission of the owner or lessee of the property.

“Public space” means all publicly owned property between the property lines on a street as such property lines are shown on City records including, but not limited to, a park, plaza, roadway, shoulder, tree space, sidewalk or parking space between such property lines.

“Mobile food vending” means the use of a mobile food vending unit for preparing food, storing food, holding and selling food, or distributing food free of charge, to the public.

⁸⁴ The New York City Health Code, Article 89, §89.05 and §89.07

“Mobile food vendor” means a person who sells or offers for sale food, or distributes food free of charge, from a mobile food vending unit in any public, private or restricted space.

“Mobile food vending unit” means a food service establishment that located in a pushcart or vehicle, self or otherwise propelled, used to store, prepare, display, serve or sell food, or distribute food free of charge to the public, for consumption in a place other than in or on the unit. Any such pushcart or vehicle shall be considered a mobile food vending unit whether operated indoors or outdoors, on public, private or restricted space. A mobile food vending unit shall not mean a stand or a booth.

“Temporary mobile food vending permit” means a seasonal permit issued for operating a mobile food vending unit from 1 April to 31 October in a calendar year.

“Pushcart” means a wheeled device that is approved by the Department for use as a mobile food vending unit. However, such pushcart is not required to be licensed as a vehicle and the pushcart shall not mean a stand or a booth.

Unquote

From the abovementioned definitions, it can be summarized as the principle that any person who would like to operate a mobile food vending unit in the City of New York must have a license issued by the Commissioner of Health and Mental Hygiene of the City of New York, and the mobile food vending unit, whatever it is a pushcart or a vehicle, must receive a permit issued by the Department of Health and Mental Hygiene of the City of New York to affirm the use of such unit as a mobile food vending.

To be noticed that in case the mobile food vending unit operates without a currently valid permit issued by the Commissioner, such mobile food vending unit may be seized by the Department and all foods therein may be denatured or disposed of. However, ice-cream trucks and other frozen dessert trucks do not need the decal unless such trucks are equipped with fully operational

warning beepers and signage arm as required by the State Vehicle and Traffic Law and the rules promulgated under such law.

In order to acquire a license or a permit for a mobile food vending operation in the City of New York, the applicant must comply with the followings:

(1) All applications for a license or permit must be submitted with the fee.

(2) All applications must be submitted in form and contain all information and documentation required by the Department, and must include the following information;

(2.1) Name, home and business address of the applicant;

(2.2) Name, home address and license number of every food vendor who will be authorized by the permittee to operate the mobile food vending unit;

(2.3) The applicant must specify a description of the food that will be vended, a description of the type of mobile food vending unit that will be operated pursuant to the permit;

(2.4) The applicant must submit at least 1 piece of current valid photo identification issued by a government agency of any jurisdiction;

(2.5) The applicant must submit any evidence to prove that the applicant has a certificate of authority to collect sales taxes pursuant to the Tax Law and the applicant has a tax clearance certificate from the State Tax Commission;

(2.6) In case the applicant is a partnership, limited liability company or other business entity, the applicant must provide the name, and address of each partner, member, officer or manager of such entity;

(2.7) In case the applicant is a corporation, the applicant must provide the names and addresses of the corporation, the name, home and business addresses of the principal stockholders, officers, directors and shareholders;

(2.8) The applicant must submit any evidence to prove that the applicant has obtained clearance from the Environmental Control Board that showing the payment of all penalties and fines pursuant to Chapter 6 of Title 24 of the Rules of the City of New York in connection with Mobile Food Vending;

(2.9) The applicant who would like to operate a mobile food vending unit in a private or restricted space must submit a copy of a written agreement with the owner of the private or restricted space specifying that the applicant has the right to operate in such space.

(2.10) Applications for a new, renewal or duplicate documents must sign by the applicant, not by a representative. Furthermore, every applicant must affirm or swear as to whether such applicant has or has not previously had a license or permit suspended or revoked by the Commissioner of Health and Mental Hygiene of the City of New York.

(3) The applicant to be a mobile food vendor must have Food Protection Certificate issued by the Department and only a currently licensed mobile food vendor may apply for or hold a mobile food vending unit permit.

(4) The mobile food vending unit must pass a pre-permit inspection that inspected by the Department. To be noted that the permit for a mobile food vending unit will be issued when the Department determines that such mobile food vending unit is of sanitary construction and design, and equipped with sanitary facilities for mobile food vending.

3.2.4 Pollution Control Requirements

3.2.4.1 Air Pollution

To prevent any nuisance from grease, heat, smoke, odours or fumes, the mechanical ventilation hoods and equipment must be installed on mobile food vending unit unless it is the Class C Mobile Food Vending Unit or the Class E Mobile Food Vending Unit. If filters of such ventilation equipment and other grease extracting equipment cannot be cleaned in place, they must be readily

removable for cleaning and replacement. The mobile food vendor must remove and clean the aforesaid equipment to prevent accumulations of grease.

3.2.4.2 Waste Water Control

Mobile food vending units, unless it is Mobile Food Vending Unit Class E (Non-potentially hazardous uncut fruit and vegetables), must have waste water system to keep and control waste water that is generated from its activities. All waste water that is generated from activities of mobile food vending unit must be stored in waste water tank and such waste water must not leak or spill on sidewalks or public streets. Mobile food vending units generating liquid waste, for example, mobile food vending unit who sells coffee or tea or boiling frankfurters or holding melting ice, must install a waste water tank with a minimum capacity of at least 15% greater than the amount of water used for brewing coffee, processing food or for other liquid waste. Furthermore, mechanical refrigerated equipment and containers where ice is used must be installed an indirect waste connection (no direct connection between the sewage system and any drains from plumbing fixtures and equipment used for hot and cold storage, or mechanical processing of food).

To be noted that plumbing shall be constructed and maintained to prevent contamination of or contact with the potable water supply, food, equipment, utensils, food contact surfaces and non-food contact surfaces, employees and patrons. Mobile food vending units must dispose of all sewage and liquid waste at the mobile food commissary or a sewage disposal system constructed and operated in a manner acceptable by the Department.

3.2.4.3 Garbage and Refuse Managements

Food truck activities can generate garbage and refuse daily. However, Mobile food vending units have duties to collect all garbage, refuse and other solid and liquid wastes at the vending site in a receptacle and dispose of the receptacle at the mobile food commissary or other facility authorized by the Department.

Moreover, the mobile food vending operator must remove and clean solid and liquid wastes, debris and food spillage caused by food truck activities and consumer littering nearby his operation site. In case the operator fails to collect,

remove, clean and dispose of garbage, refuse, debris, consumer litter, solid and liquid wastes, the authorized officers can order such operator to cleanup of wastes, and issue summons and notices of violations against the aforesaid operator.

3.2.5 Terms of Permits and Licenses⁸⁵

It can be summarized regarding terms of permits and licenses as follows:

(1) Mobile food vending unit permits shall be valid for 2 years unless such permits are suspended or revoked by the Commissioner.

(2) Mobile food vendor licenses shall be valid for 2 years unless such licenses are suspended or revoked by the Commissioner.

(3) Temporary mobile food vending permits shall be issued annually for operation since 1st April until 31st October of each calendar year, unless such temporary permits are suspended or revoked by the Commissioner.

(4) Mobile food commissary permits shall be valid for 1 year unless such permits are suspended or revoked by the Commissioner.

(5) Regarding mobile food vending units that only operating in restricted spaces or private spaces, permits of such units shall be valid subject to period of time specified in the written agreement between the mobile food vendor and the owner or lessee of the premises. However, such period of time must not exceed 2 years terms or seasonal terms.

3.2.6 Duties of Licensees and Permittees⁸⁶

(1) Licensees and permittees must cooperate with the Department for inspection of any mobile food vending unit including inspection of any premises that storing, preparing, processing, distributing or serving food.

Furthermore, licensees and permittees must provide to the Department upon request such as the names and home and business addresses of the owners of the mobile food commissaries, the address in which the food supplies

⁸⁵ The New York City Health Code, Article 89, §89.09

⁸⁶ The New York City Health Code, Article 89, §89.13

are stored, where his mobile food vending unit is serviced and where the mobile food vending unit is stored after operation, etc.

(2) When the Department ask for inspection, permittees and licensees must have documentation identifying the source of all foods being held, stored, offered for sale, sold or distributed free of charge from the mobile food vending unit in their possession and make available for inspection by the Department.

(3) Permittees and licensees must not use or allow any person to use a mobile food vending unit to vend any foods other than the foods authorized in writing by the Commissioner.

(4) When a permit or license is revoked or after expiration of such permit or license, and during any period of suspension the permit or license, permittees and licensees shall not operate a mobile food vending unit. Furthermore, licenses, permits, badges and decals must be surrendered to the Commissioner when revocation, suspension, termination or expiration.

(5) Permittees shall be jointly and severally liable for violations of the New York City Health Code and other applicable law, which take place in the course of mobile food vending unit operation.

A person operating a mobile food vending unit who is not the permittee shall be deemed an agent of the permittee, and the mobile food vending unit being operated by the aforesaid person shall be deemed the place of business of the permittee.

3.2.7 Suspension and Revocation of License or Permit⁸⁷

A mobile food vendor license or a mobile food vending unit permit may be suspended or revoked by the Commissioner in these following examples:

(1) Any material alteration of a mobile food vending unit after it has been inspected by the Department shall automatically void the permit issued to such unit;

⁸⁷ The New York City Health Code, Article 89, §89.33

(2) Fraud, misrepresentation or false statements contained in the application for the license or permit;

(3) Fraud, misrepresentation or false statements made in connection with the selling of any item of food.

3.2.8 Miscellaneous regarding Mobile Food Vending

(1) Any mobile food vending unit that has been damaged and repaired or materially altered must be re-inspected by the Department before re-use as a mobile food vending unit. The decal of mobile food vending unit cannot be transferred from any mobile food vending unit to another mobile food vending unit unless by the Department.

(2) Any person who operates a mobile food vending unit pursuant to a private or restricted area permit in any area other than the area specified in the permit shall be deemed to be operating without a permit.

(3) Except for charitable organizations, it shall be unlawful for any person to sell food or distribute food free of charge to any other mobile food vendor for resale or distribution if such vendor has no a valid permit and license for mobile food vending.

(4) A mobile food vending unit permit and a mobile food vending license including badge or decal cannot be transferred to any person without the Department's approval. Any unauthorized transfer or any attempt to transfer shall automatically void such permit, license, badge and decal.

(5) The mobile food vendor must arrange all condiments such as sugar, ketchup, mustard, salt and pepper in individual single-service containers with sealed by the manufacturer, unless such condiments will be directly dispensed by the mobile food vendor from a shaker or container with a pump. However, such shaker or container must be made with a food grade material.

(6) Mobile food vendors must maintain personal hygiene at all times of operating a mobile food vending unit such as vendors must not smoking, vendors must dress with fully cloth (no sleeveless shirts or bare midriffs) in clean outer garments, vendors must wash their hands after using toilets.

(7) All foods on a mobile food vending unit must be protected against any contamination. Water in which food is boiled, heated or otherwise processed shall not be used to heat containers of other foods.

(8) Any poisonous, toxic materials, pesticides and cleaning compounds shall not be kept on or in a mobile food vending unit. Any vehicle maintenance materials must be stored in parts that separate from food storing space, food preparing space and food serving space.

(9) All mobile food vending units must be cleaned and served at least daily at a mobile food commissary or other facility approved by the Department.

3.2.9 Authorized Enforcement Officers⁸⁸

To enforce all laws, rules and regulations regarding mobile food vendors and mobile food vending units, these following officers are considered as authorized enforcement officers:

- (1) Public health sanitarians;
- (2) Authorized officer or employees of the Department of Health and Hygiene of the City of New York and other City of New York's departments; and
- (3) Agencies having jurisdiction over matters applicable to the operations of mobile food vendors and mobile food vending units including, but not limited to, police officers.

3.2.10 Violations⁸⁹

Any person who would like to operate a food vending business shall have a license authorizing such person to be a mobile food vendor, and such person shall have a permit for mobile food vending unit. In case of violation, examples of punishment are as follows:

- (1) Any person who acts as a mobile food vendor without having received a license shall be guilty of a misdemeanor. The aforesaid person must be

⁸⁸ The New York City Health Code, Article 89, §89.31(d)

⁸⁹ Title 17 of the New York City Administrative Code, Subchapter 2 of Chapter 3, §17-325

punished by a fine not less than 150 dollars nor more than 1,000 dollars, or must be imprisoned not more than 3 months, or both fine and imprisonment.

(2) Any person who vends food from any vehicle or pushcart in a public space without having received a permit for such vehicle or pushcart shall be guilty of a misdemeanor. The aforesaid person must be punished by a fine not less than 150 dollars nor more than 1,000 dollars, or must be imprisoned not more than 3 months, or both fine and imprisonment.

(3) Any person who operates a food commissary, or place of food distribution, or a place wherein 5 or more pushcarts, or more than 1 vehicle are stored, without receiving a permit shall be guilty of a misdemeanor. The aforesaid person must be punished by a fine not less than 150 dollars nor more than 1,000 dollars, or must be imprisoned not more than 3 months, or both fine and imprisonment.

(4) In addition to the punishment mentioned in (1), (2) or (3), the aforesaid person who violates or any person aiding another to violate must be liable for a civil penalty of not less than 150 dollars nor more than 1,000 dollars together with a penalty of 150 dollars per day for everyday during which the unlicensed business operated.

3.3 City of Chicago, United States of America

3.3.1 Applicable Laws

In the City of Chicago, food trucks or “Mobile Food Vehicle” must comply with the Municipal Code of Chicago, and Rules and Regulations for Mobile Food Vehicles adopted by the Chicago Board of Health⁹⁰ which effective since 7th August 2014.

“Mobile Food Vehicle” is the official wording of food truck in the City of Chicago and definition of Mobile Food Vehicle (MFV) is a motorized vehicle

⁹⁰ Chicago Board of Health Rules and Regulations for Mobile Food Vehicles, adopted on 16th July 2014, published on 28th July 2014.

registered as a commercial vehicle that shall not be used for any purposes other than a Mobile Food Dispenser or Mobile Food Preparer business.

To be noted that Business Affairs and Consumer Protection of the City of Chicago will be responsible and considering for issuing of mobile food vehicle license.

Mobile Food Dispenser (MFD)⁹¹ means any person who, by traveling from place to place upon the public ways with a mobile food vehicle, serve individual portions of food that are totally enclosed in a wrapper or container and which has been manufactured, prepared or wrapped in a licensed food establishment in which such food may undergo a final preparation step immediately prior to service to a consumer in conformity with the rules and regulations of the board of health.

Mobile Food Preparer (MFP)⁹² means any person who prepares and serves food from a mobile food vehicle that traveling from place to place upon the public ways.

In the City of Chicago, mobile food vehicles must submit the license application to the Business Affairs and Consumer Protection (BACP). The BACP Business Consultant will determine type of license that will be applied to the applicant's business activities and discuss overall MFV operations, ordinance and operational requirements. Furthermore, the applicant must complete a Health Consultation with a Department of Public Health Sanitarian in order to consider the following:

- (1) Proposed menu including a list of all food items that will be served.
- (2) Blueprints (plans) of the mobile food vehicle.

⁹¹ City of Chicago: Mobile Food Truck Licenses,
<http://www.cityofchicago.org/city/en/depts/bacp/supp_info/mobile_food_vendorlicenses.html>,
accessed 7th January 2018.

⁹² City of Chicago: Mobile Food Truck Licenses,
<http://www.cityofchicago.org/city/en/depts/bacp/supp_info/mobile_food_vendorlicenses.html>,
accessed 7th January 2018.

(3) Specification sheets about equipment installed and used within the mobile food vehicle.

(4) Inspection report (within the last 90 days) from the state or local health authority where the food source or commissary is located, in the case that the applicant is from outside of City of Chicago.

(5) In the case that the mobile food vehicle has a gasoline, diesel or electric generator, propane or compressed natural gas, type II exhaust hood or fire suppression system, the license application will be submitted with an MFV Fire Safety Permit Application that has been approved by the Chicago Fire Department (CFD).

3.3.2 Mobile Food Vehicle Category and Requirements

3.3.2.1 Mobile Food Dispenser (MFD)

(1) The vehicle of the mobile food dispenser shall be enclosed with top and sides, hand wash sink, hot and cold water, equipment to maintain temperatures, waste water retention tank, and the business name and license number legibly painted in letters and figures at least 2 inches in height in a conspicuous place on each lateral side of the vehicle.

(2) The vehicle of the mobile food dispenser shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. However, the refuse receptacle shall be adjacent to the vehicle but not an integral part of the vehicle.

(3) The vehicle of the mobile food dispenser shall not be used for other purposes unless a mobile food vehicle.

(4) The vehicle of the mobile food dispenser shall be registered as a commercial vehicle, and any person who operates the aforesaid mobile food vehicle must have a valid driving license issued by the State of Illinois or another state, district or territory of the United States of America.

(5) The vehicle of the mobile food dispenser shall be inspected and maintained by a licensed professional, including mechanics and, if applicable, by professionals who install and maintain fire prevention equipment, and propane tanks on mobile food vehicles, as often necessary but not less than every

90 days, and copies of the last 4 maintenance reports must be kept in the vehicle at all time while the vehicle is in use.

Furthermore, in the case that propane is used in the vehicle, there shall be no more than 40 pounds of propane in the vehicle at any time in which the design and maintenance of the vehicle must comply with regulations of the Chicago Fire Department (CFD).

3.3.2.2 Mobile Food Preparer (MFP)

(1) The vehicle of the mobile food preparer shall be enclosed with top and sides, a 3 compartment sink, hand wash sink, hot and cold water, equipment to maintain temperatures, waste water retention tank, and the business name and license number legibly painted in letters and figures at least 2 inches height in a conspicuous place on each lateral side of the vehicle.

(2) Same as the mobile food dispenser, the mobile food preparer shall maintain a suitable, tight, non-absorbent washable receptacle for refuse. The refuse receptacle shall be adjacent to the vehicle but not an integral part of the vehicle.

(3) Same as the mobile food dispenser, the vehicle of the mobile food preparer shall not be used for other purpose unless a mobile food vehicle.

(4) Same as the mobile food dispenser, the vehicle of the mobile food preparer shall be registered as a commercial vehicle, and any person who operates the aforesaid vehicle must have a valid driving license issued by the State of Illinois or another state, district or territory of the United States of America.

(5) Same as the mobile food dispenser, the vehicle of the mobile food preparer shall be inspected and maintained by a licensed professional, including mechanics and, if applicable, by professionals who install and maintain fire prevention equipment, and propane tanks on mobile food vehicles, as often necessary but not less than every 90 days, and copies of the last 4 maintenance reports must be kept in the vehicle at all time while the vehicle is in use. Furthermore, in the case that propane is used in the mobile food vehicle, there shall

be no more than 40 pounds of propane in the mobile food vehicle at any time in which the design and maintenance of the mobile food vehicle must comply with regulations of the Chicago Fire Department (CFD).

3.3.3 Pollutions Control

To minimize pollutions from mobile food vehicle activities, mobile food vendors must comply with requirements as followings:

(1) Any mobile food vendor, who operates by using of propane or natural gas for cooking on a mobile food vehicle, must install a kitchen exhaust hood to minimize pollutant emission.⁹³

(2) The mobile food vehicle must be equipped with a working ventilation system and the ventilation system must operate at all times when the cooking equipment of the mobile food vehicle is being used. Moreover, all fan systems in the cooking area of the mobile food vehicle must have minimum-combined cubic feet per minute rating equal to twice the volume of the interior of the mobile food vehicle as measured in cubic feet.⁹⁴

(3) All mobile food vehicles must be equipped with a working carbon monoxide detector.⁹⁵

3.3.4 GPS Requirements⁹⁶

For controlling and monitoring a mobile food vehicle operation, Global Positioning System (GPS) device must be installed in or on all mobile food vehicles and such GPS device must comply with requirements as followings;

(1) The GPS device must be permanently installed in or on the mobile food vehicle.

(2) The GPS device must be an active device that sends real-time location data to a GPS service provider and the accuracy of such GPS device must

⁹³ Chicago Board of Health Rules and Regulations for Mobile Food Vehicles, Rule 4 (9)

⁹⁴ Chicago Board of Health Rules and Regulations for Mobile Food Vehicles, Rule 4 (10)

⁹⁵ Chicago Board of Health Rules and Regulations for Mobile Food Vehicles, Rule 4 (11)

⁹⁶ Chicago Board of Health Rules and Regulations for Mobile Food Vehicles, Rule 8

not less than 95% of the time. However, the aforesaid GPS device is not required to send location data direct to the City of Chicago.

(3) The GPS device must function, even though the mobile food vehicle's engine is off, while the mobile food vehicle is vending food or otherwise open for business to the public, or being serviced at a commissary.

(4) The GPS device must transmit GPS coordinates to the GPS service provider no less than one time per every 5 minutes and the GPS service provider must maintain at least 6 months of historical location information.

3.3.5 Miscellaneous

(1) An applicant who uses a propane tank or natural gas in the mobile food vehicle must prove to the Commissioner that the aforesaid applicant has obtained commercial general liability insurance with limits of liability not less than 350,000 dollars per occurrence, for bodily injury, personal injury and property damage and combined single limit, per occurrence for bodily injury and property damage arising in any way from the issuance of the license or activities conducted pursuant to the license. Please see Appendix F which is an example of Certificate of Liability Insurance that required for mobile food vehicles who use propane or natural gas.

(2) No food preparation can occur within the mobile food vehicle while the mobile food vehicle is moving.

(3) All windows, doors, awnings or other overhangs that may be used to cover the service area must be closed and secured while the mobile food vehicle is moving.

(4) No signs, chairs, tables or other accessories will be placed on the public way while the mobile food vehicle is parked. However, a refuse receptacle is exempted.

(5) The mobile food vehicle must report its operation to the commissary at least once per day.

(6) The food preparation area must be separated from the driver's area with seats designated for the cook and all passengers located outside of the food preparation area.

(7) All food storage, preparation and service must be contained within the mobile food vehicle. No trailers or other ancillary equipment for the storage, preparation or service of foods are allowed to be attached to the mobile food vehicle.

(8) The three-compartment sink must have a grease trap.

3.3.6 Violations⁹⁷

Any person who violates or resists enforcement of any provision regarding mobile food vendors that specified in § 4-8-068, Chapter 4-8 of the Municipal Code of Chicago or any rule duly promulgated thereunder shall be fined not less than 200 dollars nor more than 1,000 dollars for each offense. Furthermore, each day that a violation continues shall constitute a separate and distinct offense.

3.4 Conclusions

In foreign countries, 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:

(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.

(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

⁹⁷ The Municipal Code of Chicago, Chapter 4-8, § 4-8-068

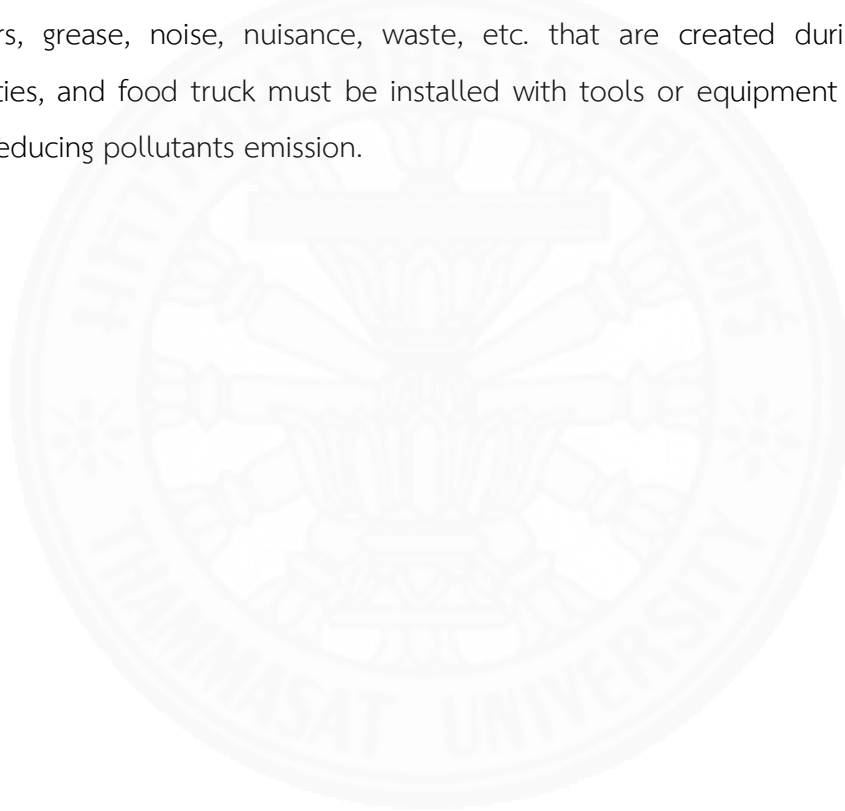
for selling foods. Furthermore, the food truck must be inspected by the authorized officer before issuing the permit.

(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.

(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.



CHAPTER 4

ANALYSIS AND RECOMMENDATION FOR REGULATING FOOD TRUCKS IN THAILAND

4.1 Food Truck Analysis

“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, for instance;

(1) Air pollution

Pollutants that are released every day from food truck activities in Thailand such as heat and dust from pork-grilled roasters, smoke and odour from fried noodles Thai style pans, cooked to order processes, and so on. can generate air pollution to the environment.

(2) Garbage, refuse, litter, waste water

2.1 Used vegetable oil, fresh garbage and waste water that are discarded from preparing food process and cooking food process, without suitable management, can generate soil pollution and water pollution to the environment.

2.2 Foam boxes, plastic bags, plastic spoons and rubber bands that are used for sale of foods can generate soil pollution and water pollution to the environment.

2.3 Used foam boxes, used plastic bags, used plastic spoons, used plastic cups, used plastic straws, used rubber bands and food scraps that are

discarded without suitable management by consumers can generate soil pollution, air pollution and water pollution to the environment.

(3) Nuisances

Food truck activities in Thailand generate nuisances to Thai people as follows;

3.1 Using amplifiers and CD player while food truck is moving for customer's attraction.

3.2 Parking and stopping food trucks on footpaths and roadsides that affect pedestrians, and obstruct the traffic.

3.3 Car Parking and car stopping of customers who would like to buy foods from food trucks on roadsides that obstruct the traffic. Furthermore, some food trucks operate at the same place without any moving, and lay illegally claim to roadsides as parking space for their customers.

3.4 Some food trucks lay their signboards and other standalone items such as roasters, gas stove, water tank, ice bucket, plastic basin for utensil washing on footpaths or roadsides for customer's attraction. In addition, some food trucks arrange tables and chairs on footpaths to service their customers.

3.5 Some food trucks cause footpaths to be disordered and disorganized; for example, some food trucks sell alcoholic drinks to their customers, and some food trucks provide street performance musician to attract customers on footpath.

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. For example;

(1) Minimum measures in which food trucks operated in private places or on private ways must comply with for minimizing pollutions created from such food truck activities.

(2) Food certificate of the food truck operator.

(3) Specifications of the food truck and standard equipment that should be installed in or on each food truck to minimize and control pollutions, and pre-permit inspection of the food truck.

(4) Daily report regarding the food truck operation.

(5) GPS device and food truck application for controlling and monitoring food truck business in Thailand.

Nevertheless, the abovementioned issues have been mentioned in laws and regulations of foreign countries as illustrated in Chapter 4 of this thesis.

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.

4.2 Food Truck Recommendations

Food trucks that generate pollutants can be considered as a point source of pollution. It is noted that the principle regarding controlling pollutants at the point source of pollution is specified in the environmental laws of Thailand e.g. Section 55 of the Enhancement and Conservation of National Environmental Act B.E. 2535 (1992). Therefore, in order to control and minimize pollutants generated from food

trucks, the standard equipment that are useful for pollutions control should be installed on each food truck.

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:

4.2.1 License of the Food Truck Operator

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.

Draft of Food Truck Application Form that should be applied to food trucks in Thailand is attached as Appendix G.

4.2.2 Permit of the Vehicle or Conveyance to Be Used as Food Truck

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.

4.2.3 Standard Equipment must Be Installed in or on each Food Truck in order to Minimize Pollution Discharging from Food Truck Activities

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.

4.2.4 Standard Measure to Control and Monitor Food Truck in Thailand

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.

4.2.5 Food Truck Liability Insurance

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.



CHAPTER 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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APPENDICES



APPENDIX A

FOOD SANITATION INSPECTION FORM FOR FOODSERVICES

Food Sanitation Inspection Form for Foodservices

Name.....Owner.....

Passed food sanitation course () Yes () No

Address.....

Type of foodNumber of cook and food handler.....

License number.....Date of issue.....by (Authorized office).....

Food sanitation standard for foodservices	Results	Note
1. All areas for eating (service), preparing and cooking food must be clean and tidy.		
2. Food must not be prepared or cooked on the floor, in front of or inside toilet. Food must be prepared and cooked on tables or places at least 60 cm. above the floor.		
3. All food additives must be standardized, approved and registered by authorized offices for FDA or TIS food number.		
4. Fresh food must be washed or cleaned before cooking or storing. Food must be kept separately according to their types. Raw meat must be kept at temperature not higher than 5°C.		
5. Cooked food must be stored or covered in food grade and clean containers, placed on shelf or cabinet at least 60 cm. above the floor.		
6. Potable ice must be fit for human consumption, kept in clean and covered containers, placed at least 60 cm. above the floor. Proper utensil (long handle spoon) shall be used to pick up ice for serving.		
7. All utensils must be washed by detergent and rinsed thoroughly twice by clean tap water. Sinks and washing facilities must be set up at least 60 cm. above the floor.		
8. Cutting boards and knives must be in good condition, and being used separately for cooked food, raw meat, vegetable, and fruit.		
9. Spoons, forks and chopsticks must be stored with handle up or laid down neatly in clean and closed container or basket, placed at least 60 cm. above the floor.		
10. Food waste and wastewater must be disposed off in such a manner as sanitary system.		
11. Toilets must be provided in adequate number and properly located in a premise. The toilets shall be designed to ensure hygienic condition. Hand washing basin with soap or dispensers for hand disinfecting shall be provided adjacent to toilets. Toilets and hand washing facilities shall be always in good conditions.		

Food sanitation standard for foodservice	Results	Note
12. Food handlers must wear suitable protective clothing including short or long sleeves clothes, apron and hair covering (i.e., hat or net).		
13. Food handlers must wash their hands frequently and thoroughly before preparing, cooking or handling food or whenever else necessary. Bare hands must not apply directly to food. Proper utensil (i.e., tong, spoon, spatula or any other utensil) must be used for picking up ready-to-eat food.		
14. Any cut or wound on food handlers' hands or skin must be completely protected by water proof covering in order to avoid transmission of diseases.		
15. Food handler who suffers from or to be a carrier of any transmittable disease through water and food must not continue handling food or food contact surfaces until a complete recovery.		

Suggestion / Comment

.....

.....

.....

Next inspection.....

Inspector.....Date.....Owner.....

Bureau of Food and Water Sanitation

Department of Health

แบบตรวจร้านอาหาร

□□□□□□□□

แบบตรวจร้านอาหารทางแมคทีเรีย

ชื่อร้าน..... ชื่อเจ้าของร้าน..... วันที่เก็บตัวอย่าง.....

ชนิดตัวอย่าง	ผล	ชนิดตัวอย่าง	ผล	ชนิดตัวอย่าง	ผล	ชนิดตัวอย่าง	ผล	ชนิดตัวอย่าง	ผล

อีกตรวจรอบปรุ.....

แบบตรวจร้านอาหารตามข้อกำหนดด้านสุขาภิบาลอาหาร

□□□□□□□□

ชื่อร้าน..... ชื่อเจ้าของร้าน..... ที่อยู่.....

ประเภทอาหารที่จำหน่าย..... จำนวนผู้ปรุง..... คน , ผู้เสิร์ฟ..... คน ผ่านการอบรมด้านสุขาภิบาลอาหาร..... คน

ขนาดพื้นที่ () เกิน 200 ตร.ม. () ไม่เกิน 200 ตร.ม. โยนุญาตเลขที่..... ออกเมื่อวันที่..... โดย.....

ข้อกำหนดด้านสุขาภิบาลอาหารสำหรับร้านอาหาร	ผลตรวจ	หมายเหตุ
1. สถานที่รับประทานอาหาร สถานที่เตรียมปรุง ประกอบอาหาร ต้องสะอาดเป็นระเบียบ และจัดเป็นสัดส่วน		
2. ไม่เตรียมปรุงอาหารบนพื้น และบริเวณหน้าห้องน้ำ ห้องส้วม และต้องเตรียมปรุงอาหารบนโต๊ะที่สูงจากพื้นอย่างน้อย 60 ซม.		
3. ใช้สารปรุงแต่งอาหารที่มีความปลอดภัย มีเครื่องหมายรับรองทางราชการ เช่น เลขสารบบอาหาร 11-1-01722-2-0016 เครื่องหมายรับรองมาตรฐานของกระทรวงอุตสาหกรรม (มอก.)		
4. อาหารสดต้องล้างให้สะอาดก่อนนำมาปรุง หรือเก็บ การเก็บอาหารประเภทต่าง ๆ ต้องแยกเก็บเป็นสัดส่วน อาหารประเภทเนื้อสัตว์ดิบเก็บในอุณหภูมิที่ต่ำกว่า 5 องศาเซลเซียส		
5. อาหารที่ปรุงสำเร็จแล้ว เก็บในภาชนะที่สะอาดมีการปกปิด วางสูงจากพื้นอย่างน้อย 60 ซม.		
6. น้ำแข็งที่ใช้บริโภคต้องสะอาด เก็บในภาชนะที่สะอาดมีฝาปิด ใช้อุปกรณ์ที่มีสำหรับเก็บ หรือตกโดยเฉพาะ วางสูงจากพื้นอย่างน้อย 60 ซม.		
7. ล้างภาชนะด้วยน้ำมาล้างภาชนะ แล้วล้างด้วยน้ำสะอาด 2 ครั้ง หรือล้างด้วยน้ำไหล และที่ล้างภาชนะต้องวางสูงจากพื้นอย่างน้อย 60 ซม.		
8. เชียงและผัก ต้องมีสภาพดี แยกใช้ระหว่างเนื้อสัตว์สุก เนื้อสัตว์ดิบ และผัก ผลไม้		
9. ช้อน ส้อม ตะเกียบ วางตั้งเอาด้านขึ้นในภาชนะโปร่งสะอาด หรือวางเป็นระเบียบในภาชนะโปร่งสะอาดและมีการปกปิด เก็บสูงจากพื้นอย่างน้อย 60 ซม.		
10. มุลฝอย และน้ำเสียทุกชนิด ได้รับการกำจัดด้วยวิธีที่ถูกหลักสุขาภิบาล		
11. ห้องส้วมสำหรับผู้บริโภคและผู้สัมผัสอาหารต้องสะอาด มีอ่างล้างมือที่ใช้การได้ดี และมีสบู่ใช้ตลอดเวลา		
12. ผู้สัมผัสอาหารแต่งกายสะอาด สวมเสื้อมีแขน ผู้ปรุงต้องผูกผ้ากันเปื้อนที่สะอาด สวมหมวกหรือเน็ตคลุมผม		
13. ผู้สัมผัสอาหารต้องล้างมือให้สะอาดก่อนเตรียมปรุง ประกอบ จำหน่ายอาหารทุกครั้ง ใช้อุปกรณ์ในการหยิบจับอาหารที่ปรุงสำเร็จแล้วทุกชนิด		
14. ผู้สัมผัสอาหารที่มีบาดแผลที่มีต้องปิดแผลให้มิดชิด หลีกเลี่ยงการปฏิบัติงานที่มีโอกาสสัมผัสอาหาร		
15. ผู้สัมผัสอาหารที่เจ็บป่วยด้วยโรคที่สามารถติดต่อไปยังผู้บริโภค โดยมีน้ำและอาหารเป็นสื่อ ให้หยุดปฏิบัติงานจนกว่าจะรักษาให้หายขาด		

ข้อเสนอแนะ.....

.....

.....

.....

ผู้ตรวจ..... ตำแหน่ง/สังกัด..... วันที่ตรวจ..... เจ้าของร้าน.....

(.....)

สำนักสุขาภิบาลอาหารและน้ำ กรมอนามัย

APPENDIX B
THE PEDDLER APPLICATION FORM



เลขรับที่...../๒๕.....

เลขที่.....

เรื่อง รวบรวมใบอนุญาตเป็นผู้เร่ขาย

เขียนที่.....

วันที่.....เดือน.....พ.ศ.

ข้าพเจ้า.....อายุ.....ปี เชื้อชาติ.....

สัญชาติ.....อยู่บ้านเลขที่.....ตรอก, ซอย.....

ถนน.....แขวง.....เขต.....

กรุงเทพมหานคร ใกล้.....

ขอขึ้นเรื่องรวบรวมใบอนุญาตเป็นผู้เร่ขายตามประเภทของสินค้า.....

ลักษณะการเร่ขาย.....

นามผู้ช่วยขาย (๑)

(๒)

ขอรับรองว่าจะปฏิบัติตามข้อบัญญัติกรุงเทพมหานคร และเงื่อนไขที่ได้วางไว้ทุกประการ

(ลงชื่อ)

ผู้ขออนุญาตเร่ขาย

หมายเหตุ พร้อมนี้ได้แนบรูปถ่ายหน้าตรงไม่สวมหมวก ขนาด ๑" x ๑ ๑/๒" จำนวน ๒ รูป มาด้วยแล้ว

APPENDIX C

SALE OF GOODS IN PUBLIC PLACE OR ON PUBLIC WAY APPLICATION

FORM

เลขที่รับ.....

คำขอรับใบอนุญาต/ต่ออายุใบอนุญาตเป็นเป็นผู้จำหน่ายสินค้าในที่หรือทางสาธารณะ

เขียนที่ องค์การบริหารส่วนตำบลโนนโพน

วันที่.....เดือน.....พ.ศ.

ข้าพเจ้า.....อายุ.....ปี สัญชาติ..... อยู่บ้านเลขที่.....หมู่.....
ตำบล.....อำเภอ.....จังหวัด..... โทรศัพท์.....

ขอยื่นคำขอรับใบอนุญาตเป็นเป็นผู้จำหน่ายสินค้าในที่หรือทางสาธารณะ “เรขายประเภทที่ ๒”
คือ รถเร่ ต่อนายกองค้การบริหารส่วนตำบลโนนโพน ดังต่อไปนี้

๑. ชื่อผู้ช่วยจำหน่าย.....

๒. สถานที่จำหน่ายสินค้า.....

๓. พร้อมคำขอนี้ข้าพเจ้าได้แนบเอกสารต่าง ๆ มาด้วยแล้ว คือ

๓.๑ รูปถ่ายหน้าตรงครึ่งตัว ไม่สวมหมวก ไม่สวมแว่นตา ขนาด ๑x๑ นิ้ว ของผู้รับ
ใบอนุญาตและผู้ช่วยจำหน่าย จำนวนคนละ ๒ รูป

๓.๒ สำเนาบัตรประจำตัวประชาชนของผู้ขอรับใบอนุญาต

๓.๓ สำเนาบัตรประจำตัวประชาชนหรือสำเนาทะเบียนบ้านของผู้ช่วยจำหน่าย

๓.๔ อื่น ๆ (ระบุ).....

ขอรับรองว่าข้อความในแบบคำขอนี้เป็นความจริงทุกประการ

(ลงชื่อ).....ผู้ขอรับใบอนุญาต

(.....)/ต่ออายุใบอนุญาต



ใบอนุญาตจำหน่ายสินค้าในที่สาธารณะหรือทางสาธารณะ

ที่ติดรูป ๑x๑ นิ้ว	ผู้ได้รับใบอนุญาต ชื่อ - สกุล.....	ที่ติดรูป ๑x๑ นิ้ว	ผู้ช่วยจำหน่าย ชื่อ - สกุล.....
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เล่มที่.....เลขที่...../.....

(๑) องค์การบริหารส่วนตำบลโนนโพน อนุญาตให้.....สัญญาติ.....
 อยู่บ้านเลขที่.....หมู่ที่.....ตำบล.....อำเภอ.....จังหวัด.....
 หมายเลขโทรศัพท์..... เป็นผู้จำหน่ายสินค้าในที่หรือทางสาธารณะ “เรขายประเภทที่ ๒”
 สถานที่จำหน่ายสินค้าในเขตตำบลโนนโพน เสียค่าธรรมเนียมปีละ ๕๐ บาท (ห้าสิบบาทถ้วน)
 ตามใบเสร็จรับเงินเล่มที่.....เลขที่.....ลงวันที่.....

(๒) ผู้รับใบอนุญาตต้องปฏิบัติตามหลักเกณฑ์ วิธีการและเงื่อนไขที่กำหนดในข้อบัญญัติองค์การบริหารส่วนตำบลโนนโพน เรื่อง การจำหน่ายสินค้าในที่หรือทางสาธารณะ พ.ศ. ๒๕๕๘

(๓) หากปรากฏในภายหลังว่าการประกอบที่ได้รับอนุญาตนี้เป็นการขัดต่อกฎหมายอื่นที่เกี่ยวข้องโดยมิอาจแก้ไขได้ เจ้าพนักงานท้องถิ่น อาจพิจารณาให้เพิกถอนการอนุญาตนี้ได้

(๔) ผู้รับใบอนุญาตต้องปฏิบัติตามเงื่อนไขเฉพาะดังต่อไปนี้อีกด้วย คือ

๔.๑
 ๔.๒

(๕) ใบอนุญาตฉบับนี้ออกให้เมื่อวันที่.....เดือน.....พ.ศ.

(๖) ใบอนุญาตฉบับนี้สิ้นอายุวันที่.....เดือน.....พ.ศ.

(ลงชื่อ).....

(.....)

นายกองค์การบริหารส่วนตำบลโนนโพน

เตือน (๑) ผู้รับใบอนุญาตต้องแสดงใบอนุญาตนี้ไว้โดยเปิดเผยและเห็นได้ง่าย ณ สถานที่ประกอบกิจการตลอดเวลาที่ประกอบกิจการ หากฝ่าฝืนมีโทษปรับไม่เกิน ๕๐๐ บาท

(๒) หากประสงค์จะประกอบกิจการในปีต่อไปต้องยื่นคำขอต่ออายุใบอนุญาตก่อนใบอนุญาตสิ้นอายุ (มีด้านล่างต่อ)

(ด้านหลัง)

รายการต่ออายุใบอนุญาตและเสียค่าธรรมเนียม

วัน/เดือน/ปี ที่ออกใบอนุญาต	วัน/เดือน/ปี ที่สิ้นอายุใบอนุญาต	ใบเสร็จรับเงิน			(ลงชื่อ) เจ้าพนักงานท้องถิ่น
		เล่มที่	เลขที่	วัน/เดือน/ปี	

เลขที่รับ.....

**คำขอรับใบแทนใบอนุญาต
จำหน่ายสินค้าในที่หรือทางสาธารณะหรือเช่าขายสินค้าในที่หรือทางสาธารณะ**

เขียนที่.....

วันที่.....เดือน.....พ.ศ.

เรียน นายกองค์การบริหารส่วนตำบลโนนโพน

ข้าพเจ้า.....อายุ.....ปี สัญชาติ.....อยู่บ้านเลขที่.....หมู่.....
ตรอก/ซอย.....ถนน.....ตำบล.....อำเภอ.....จังหวัด.....
รหัสไปรษณีย์.....โทรศัพท์.....ขอยื่นเรื่องต่อเจ้าพนักงานท้องถิ่น
เพื่อขอรับใบแทนใบอนุญาตจำหน่ายสินค้าในที่หรือทางสาธารณะ หรือ เช่าขายสินค้าในที่หรือทางสาธารณะ
ประเภท.....
สถานที่จำหน่ายสินค้า.....
เนื่องจากใบอนุญาตฉบับเดิม เล่มที่.....เลขที่.....ลงวันที่.....เดือน.....พ.ศ.
เกิดการสูญหาย/ถูกทำลาย/ชำรุดในสาระสำคัญ.....
.....

ขอรับรองว่าจะปฏิบัติตามกฎหมาย ระเบียบและเงื่อนไขที่ได้วางไว้ทุกประการพร้อมนี้ได้แนบสำเนา
ทะเบียนบ้าน สำเนาบัตรประจำตัวประชาชน และเอกสารหลักฐานตามที่ข้อบัญญัติกำหนดมาด้วย

ลงชื่อ.....

(.....)

ผู้ขอรับใบแทนใบอนุญาต

APPENDIX D

FOOD VAN APPLICATION

Food Van Application

Local Government Act 1993 Section 68 Approval, Part 7F.

About this form

You may use this form to apply for approval to operate a Food Van (mobile food vending vehicle) within the City of Sydney Local Government Area.

How to complete this form

1. Ensure that all fields have been filled out correctly, and note that fields on this form marked with an * are mandatory and must be completed before submitting the application.
2. All required attachments are mandatory. Your application will not be accepted if these documents are not attached.
3. Once completed you can submit this form by mail or in person. Please refer to the Lodgement Details section for further information.
4. All fees to be paid when submitting this application.



Part 1: Type of application (please tick one option)

☐ New

☐ Renewal - Please advise your MFV number: ▶ MFV/

NOTE: If you do not have a Mobile Food Vending number, please proceed to Part 2.

Part 2: Applicant Details

Title	Given Name/s *	Family Name *
<input type="text"/>	<input type="text"/>	<input type="text"/>

Trading Name *

Business / Company name *	ABN/ACN *
<input type="text"/>	<input type="text"/>

If the van is associated with a fixed premise, please provide address:

Please tick one of the following * - ☐ Business ☐ Company ☐ Sole Trader

Postal Address*

Email Address *

Contact phone number*

Part 3: Vehicle Details

Vehicle make *	Vehicle model *
<input type="text"/>	<input type="text"/>

Vehicle registration number *	Registration expiry date *
<input type="text"/>	<input type="text"/>

Address where the vehicle is garaged *

Vehicle owner's name * (must be the same as the applicant and person/company insured)

Part 4: Application Checklist

Please tick applicable boxes below to confirm that you have provided copies of the documents requested. Please lodge copies with the completed application form.

Application checklist

- ☐ RMS Vehicle Registration (as proof of registration)
- ☐ Certificate of Currency of Third Party Property Damage Insurance to the value of \$10,000,000
- ☐ Certificate of Currency for Public and Product Liability Insurance to the value of \$10,000,000
- ☐ Operational Plan of Management
- ☐ Vehicle build and layout plans (this only applies to renewals if changes have been made to the layout)
- ☐ Suggested menu or list of foods being sold

NOTE: Failure to supply the required documents will result in your application being returned.

Part 5: Applicant Declaration

I declare that all the information I have provided is true and correct.

Applicant Name (please print) *

Applicant Signature*

Date *

Part 6: Privacy & Personal Information Protection Notice

Purpose of Collection:	To register a mobile food vending vehicle food business in the Council area. To contact the business as needed, to provide or request information.
Intended recipients:	Council staff and approved contractors of the City of Sydney Council.
Supply:	Mandatory. A mobile food vending application is required for the regulation of mobile food vending vehicles. A food business must register as per legislation.
Access/Correction:	Contact the City of Sydney Council Customer Service Team to access or correct this information.
Storage:	City of Sydney Council, 456 Kent Street Sydney NSW 2000.

Part 7: Annual Fees (all fees to be paid in full at time of lodgement)

Food Van approval fees

- ☐ \$400 Standard (street vending only)

Part 8: Lodgement Details

You can lodge the completed application by:

MAIL: City of Sydney
GPO Box 1591
Sydney NSW 2001

DX: 1251 Sydney

IN PERSON: CBD: Level 2, 456 Kent St, See website for current opening hours
Kings Cross: 50-52 Darlinghurst Rd, See website for current opening hours
Glebe: 186 Glebe Point Rd, See website for current opening hours
Green Square: 100 Joynton Ave, See website for current opening hours
Redfern: 158 Redfern St, See website for current opening hours

WHAT NOW: Once your application is received a Council Officer will contact you if further information is required. For further information regarding your application please contact us by:

TELEPHONE: (02) 9265 9333

or

WEBSITE: cityofsydney.nsw.gov.au

Office Use only

Application number or details

1. Payment

Customer Service Officer name

Receipt number

Amount

\$

Date receipted

NOTE:

The fees quoted on page 1 of this form include the \$400 application fee quoted in the City's corporate fees & charges schedule.

2. Health & Building Inspection report

Health Surveyor Name (print)

Address where assessment occurred

Date assessed

Please tick applicable box below:

☐ Approval has not been granted by the City

OR

☐ Section 68* Conditional Approval has been granted by the City

Valid from:

Valid to:

Application number: MFV/

Conditions of approval:

APPENDIX E

FOOD TRUCK APPLICATION

Food Truck Application

Local Government Act 1993 Section 68 Approval, Part 7F.

About this form

You may use this form to apply for approval to operate a Food Truck (mobile food vending vehicle) within the City of Sydney Local Government Area.

How to complete this form

1. Ensure that all fields have been filled out correctly, and note that fields on this form marked with an * are mandatory and must be completed before submitting the application.
2. All required attachments are mandatory. Your application will not be accepted if these documents are not attached.
3. Once completed you can submit this form by mail or in person. Please refer to the Lodgement Details section for further information.
4. All fees to be paid when submitting this application.
5. If you email your application and opt to pay by credit card one of our Customer Service Team members will contact you on the number provided to obtain payment.



Part 1: Type of application (please tick one option)

☐ New

☐ Renewal - Please advise your MFV number below:

MFV/

NOTE: If you do not have a Mobile Food Vending number, please proceed to Part 2.

Part 2: Applicant Details

Title	Given Name/s *	Family Name *
<input type="text"/>	<input type="text"/>	<input type="text"/>
Trading Name *		
<input type="text"/>		
Business / Company name *		ABN/ACN *
<input type="text"/>		<input type="text"/>
If the truck is associated with a fixed premise, please provide address:		
<input type="text"/>		
Please tick one of the following * -		
<input type="checkbox"/> Business	<input type="checkbox"/> Company	<input type="checkbox"/> Sole Trader
Postal Address*		
<input type="text"/>		
Email Address *	Contact phone number*	
<input type="text"/>	<input type="text"/>	

Part 3: Vehicle Details

Vehicle make *	Vehicle model *
<input type="text"/>	<input type="text"/>
Vehicle registration number *	Registration expiry date *
<input type="text"/>	<input type="text"/>
Address where the vehicle is garaged *	
<input type="text"/>	
Vehicle owner's name * (must be the same as the applicant and person/company insured)	
<input type="text"/>	

Part 4: Application Checklist

Please tick applicable boxes below to confirm that you have provided copies of the documents requested. Please lodge copies with the completed application form. **NOTE: Failure to supply the required documents will result in your application being returned.**

Application checklist

- ☐ RMS Vehicle Registration (as proof of registration)
- ☐ Certificate of Currency of Third Party Property Damage Insurance to the value of \$10,000,000
- ☐ Certificate of Currency for Public and Product Liability Insurance to the value of \$10,000,000
- ☐ Operational Plan of Management
- ☐ Vehicle build and layout plans (only applies to any renewal if changes have been made to the layout)
- ☐ Food Safety Supervisor Certificate
- ☐ Suggested menu or list of foods being sold
- ☐ Health inspection report by a Council Environmental Health Officer or qualified person or organisation of your commercial kitchen or other approved food hand facility

Part 5: Annual Fees (all fees to be paid in full at time of lodgement)

☐ New application (street vending only)

\$600 application fee + \$3400 licence
approval fee

Total: \$4000

☐ Renewal (street vending only)

\$600 application fee + \$3400 licence
approval fee

Total: \$4000

Part 6: Applicant Declaration

I declare that all the information I have provided is true and correct.

Applicant Name (please print) *

Applicant Signature*

Date *

Part 7: Privacy & Personal Information Protection Notice

Purpose of Collection:	To register a mobile food vending vehicle food business in the Council area. To contact the business as needed, to provide or request information.
Intended recipients:	Council staff and approved contractors of the City of Sydney Council.
Supply:	Mandatory. A mobile food vending application is required for the regulation of mobile food vending vehicles. A food business must register as per legislation.
Access/Correction:	Contact the City of Sydney Council Customer Service Team to access or correct this information.
Storage:	City of Sydney Council, 456 Kent Street Sydney NSW 2000.

Part 8: Lodgement Details

You can lodge the completed application by:

EMAIL: applications@cityofsydney.nsw.gov.au

MAIL: City of Sydney
GPO Box 1591
Sydney NSW 2001

IN PERSON:

CBD:	Level 2, 456 Kent St,	See website for current opening hours
Kings Cross:	50-52 Darlinghurst Rd,	See website for current opening hours
Glebe:	186 Glebe Point Rd,	See website for current opening hours
Green Square:	100 Joynton Ave,	See website for current opening hours
Redfern:	158 Redfern St,	See website for current opening hours

WHAT NOW: Once your application is received a Council Officer will contact you if further information is required. For further information regarding your application please contact us by:

TELEPHONE: (02) 9265 9333

or

WEBSITE: cityofsydney.nsw.gov.au

Office Use only

Application number or details

1. Payment

Customer Service Officer name

Receipt number

Amount

\$

Date receipted

2. Health & Building Inspection report

Health Surveyor Name (print)

Address where assessment occurred

Date assessed

Please tick applicable box below:

☐ Approval has not been granted by the City OR ☐ Section 68* Conditional Approval has been granted by the City

Valid from:

Valid to:

APPENDIX F

EXAMPLE OF CERTIFICATE OF LIABILITY INSURANCE

Required for Mobile Food Vehicles with Propane or Natural Gas

ONLY CERTIFICATES WITH ALL THE REQUIRED INFORMATION COMPLETED EXACTLY AS INDICATED BELOW WILL BE ACCEPTED

ACORD **CERTIFICATE OF LIABILITY INSURANCE** DATE (MM/DD/YYYY)

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER: CONTACT NAME: PHONE: FAX: (A/C, No):
E-MAIL: ADDRESS: INSURER(S) AFFORDING COVERAGE: NAIC #

INSURED: INSURER A: INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

Insured name and address must match the legal name and business location address listed on the City of Chicago Business License Application

Insurer must be authorized to insure in Illinois

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL. SUBR. INSD. WVD.	POLICY NUMBER	POLICY EFF. (MM/DD/YYYY)	POLICY EXP. (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:					EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJUR GENERAL AGGREGATE PRODUCTS - COMPOIP
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS HIRED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB EXCESS LIAB DED. RETENTION \$					EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A			PER STATUTE E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)						

Commercial general liability insurance with limits of not less than \$350,000, per occurrence, combined single limit, for bodily injury and property damage

Provide active policy number

Must provide coverage throughout the duration of the license period

CERTIFICATE HOLDER **CANCELLATION**

BACP must be listed as Additional Insured:
City of Chicago
Department of Business Affairs and Consumer Protection
121 N. LaSalle St., Rm. 805
Chicago, IL 60602

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN
Must indicate 10 days advance written notice

AUTHORIZED REPRESENTATIVE
Signature of Authorized Representative

ACORD 25 (2014/01)

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APPENDIX G
DRAFT OF FOOD TRUCK APPLICATION FORM

---ร่าง---

เลขรับที่.....

คำขอรับใบอนุญาตเป็นผู้ประกอบธุรกิจรถจำหน่ายอาหาร (Food Truck) แบบเร่ขาย

เขียนที่.....

วันที่.....เดือน.....พ.ศ.

ข้าพเจ้า (นาย/นาง/นางสาว).....อายุ.....ปี สัญชาติ.....

บัตรประจำตัวประชาชนเลขที่.....อยู่บ้านเลขที่.....หมู่บ้าน/อาคาร.....

ห้องเลขที่.....หมู่ที่.....ถนน.....ตรอก/ซอย.....ตำบล/แขวง.....

อำเภอ/เขต.....จังหวัด.....รหัสไปรษณีย์.....โทรศัพท์เคลื่อนที่.....

โทรศัพท์.....โทรสาร.....E-mail:

ขอยื่นคำขอรับใบอนุญาตเป็นผู้ประกอบธุรกิจรถจำหน่ายอาหาร (Food Truck) แบบเร่ขาย
(ระบุชนิด/ประเภทของสินค้าที่จำหน่าย).....

ทั้งนี้ เพื่อจำหน่ายสินค้าบริเวณพื้นที่ (โปรดระบุ)

☐ ๑. บริเวณที่จำหน่ายสินค้าเป็นปกติ (ถ้ามี).....ตรอก/ซอย.....

ถนน.....ตำบล/แขวง.....อำเภอ/เขต.....

จังหวัด.....จำหน่ายสินค้าตั้งแต่เวลา.....น. ถึงเวลา.....น.

(โปรดแนบแผนที่)

☐ ๒. ทุกพื้นที่ทั่วประเทศ ยกเว้น พื้นที่หวงห้ามตามกฎหมาย

จำหน่ายสินค้าตั้งแต่เวลา.....น. ถึงเวลา.....น.

/๒...

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โดยมีผู้ช่วยจำหน่ายสินค้า รวม.....คน ดังต่อไปนี้

๑.....

๒.....

๓.....

พร้อมคำขอนี้ ข้าพเจ้าได้แนบหลักฐานเพื่อประกอบการพิจารณาดังนี้

- ☐ ๑. รูปถ่ายหน้าตรงครึ่งตัว ไม่สวมหมวก ไม่สวมแว่นตาดำ ขนาด ๑x๑ นิ้ว ที่ถ่ายไว้ไม่เกิน ๖๐ วันของผู้ขอรับใบอนุญาตและผู้ช่วยจำหน่ายสินค้า จำนวนคนละ ๓ รูป
- ☐ ๒. สำเนาบัตรประจำตัวประชาชนและสำเนาทะเบียนบ้านของผู้ขอรับใบอนุญาตและผู้ช่วยจำหน่ายสินค้า
- ☐ ๓. ใบรับรองแพทย์ของผู้ขอรับใบอนุญาตและผู้ช่วยจำหน่ายสินค้า
- ☐ ๔. วุฒิบัตรหรือหลักฐานแสดงว่าผู้ขอรับใบอนุญาตและผู้ช่วยจำหน่ายสินค้าผ่านการอบรมหลักสูตรการสุขาภิบาลอาหารที่สำนักสุขาภิบาลอาหารและน้ำ กรมอนามัย กระทรวงสาธารณสุขให้การรับรอง
๕. รถจำหน่ายอาหาร (Food Truck) ได้ผ่านการตรวจพิจารณาและอนุมัติจากพนักงานเจ้าหน้าที่แล้ว เมื่อวันที่.....เดือน.....พ.ศ.
- ☐ ๕.๑ ติดตั้งอุปกรณ์ GPS (Global Positioning System) เพื่อบอกตำแหน่งเรียบร้อยแล้ว
- ☐ ๕.๒ ติดตั้งอุปกรณ์ดับจับ ดูด และ/หรือกรอง กลิ่น ควน เขม่า ฝุ่นละออง ชี๊ไ้ ไอ้ น้ำ ความร้อน คราบไขมัน ที่เกิดขึ้นจากการประกอบอาหารและ/หรือการปรุงอาหาร
- ☐ ๕.๓ มีการติดตั้งถังพักน้ำเสีย (Waste Water Tank) รองรับน้ำทิ้งจากการประกอบอาหาร และ/หรือการปรุงอาหาร หรือน้ำทิ้งจากการทำความสะอาดวัตถุดิบหรือภาชนะ

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๖. กรมธรรม์ประกันภัยความรับผิดชอบต่อบุคคลที่สาม (Third Party Liability Insurance)

☐ ๖.๑ กรณีใช้หรือติดตั้ง (ไม่ว่าถาวรหรือชั่วคราว) ถังแก๊สหรือถังเชื้อเพลิง บน food truck ทุนประกันภัยไม่น้อยกว่า ๑๐๐,๐๐๐ บาทต่อคนและต่ออุบัติเหตุแต่ละครั้ง

☐ ๖.๒ กรณีไม่ใช้หรือไม่ติดตั้งถังแก๊สหรือถังเชื้อเพลิงเป็นแหล่งพลังงานในการประกอบอาหาร ทุนประกันภัยไม่น้อยกว่า ๕๐,๐๐๐ บาทต่อคนและต่ออุบัติเหตุแต่ละครั้ง

☐ ๗. อื่น ๆ (ถ้ามี).....
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.....

ข้าพเจ้าขอรับรองว่าข้อความในแบบคำขอนี้เป็นความจริงทุกประการ

ลงชื่อ.....ผู้ขอรับใบอนุญาต
(.....)

BIOGRAPHY

Name	Mr. Yingyos Soonthornsaratool
Date of Birth	June 11, 1980
Education Attainment	2003: LL.B. Thammasat University
Work Position	Attorney, Special Case Litigation Siam Commercial Bank Public Co., Ltd.
Publication	Regulating Food Trucks in Thailand
Work Experiences	Jun 2004-July 2017 Partner Sukij Charoensuk Law Office Co., Ltd.

