



*The Ombudsman resolved a complaint about an impact from sand mining
in Yan Ta Khao district, Trang province*

In 2003 (B.E.2546), the government – in order to prevent recurring floods and drought – issued a policy concerning an execution of dredging brooks, streams, canals, ponds, lakes, coastal areas and rivers; and allowed the province to develop their comprehensive plans to efficiently and effectively prevent and resolve floods and drought as well as technically stated that relevant people or private sectors are applicable to scooped rocks, stones, soil and sand as a compensatory payment in dredging these items or that the provincial administration is applicable to use them for their advantages.

The execution of dredging public water resources – which are under the administration of Ministry of Interior and the Marine department – aims to resolve and to prevent floods and drought as well as to maximize profits for people living in the area.

Sand is considered a valuable natural resource and – currently – is in high demand of several industries, especially the construction that covers from small buildings to large infrastructures e.g., airports, buildings, highways etc. With this high level of demand, a license of sand extraction must be granted in order to protect environmental areas of sand resources. A sand mining without proper management normally generates impact on natural and environmental resources e.g., ecology problems, soil transformation, change in waterways, problems of water quality and problems of pollution from sand mining.

People living in Yan Ta Khao district, Trang province, filed a complaint into the Ombudsman and requested a fact finding about unlicensed sand mining that causes a riverside collapse and damaged roads from sand truck commuting which led to people undue burdens.

The investigation team was assigned to conduct fact findings and discussion with pertinent agencies. It was found that there are 6 licensed, authorized by Ministry of Industry, sand mines in that area – one mine located at Moo 5, Phrong Chorakae subdistrict; three mines respectively located at Moo 1, 6, 8, Khuan subdistrict; and 2 mines located at Moo 5,



Nong Bo subdistrict. Among these mines, 2 mines are still active while the other four were completely inactive. All mines are operated in the domains – with licenses from Ministry of Industry – and adjoin Lum Pikul canal, the main waterway that varies in width and depth along Yan Ta Khao and Na Yong districts.

The meeting resolution acknowledged the violation of the Factory Act regarding sand extraction and arranged the working group to perform random inspection of all sand mines in order to prevent recurring wrongdoings as well as assigned Trang Provincial Industry Office to meet entrepreneurs and clarify understanding about requirements and regulations of license and urge them to strictly follow. The resolution also requested the land office and sand mining entrepreneurs to proceed a boundary survey of domains and canal, set up visible signs of boundary and embankment between the domains and canal or public land to prevent any damages on the resources.

Afterward, the Ombudsman visited the site and followed up a progress in resolving complaint. He was reported that Yan Ta Khao district had arranged the committee to inspect sand mines in the area and the inspection was completed. The conclusion revealed 6 sand mining entrepreneurs, operated in domains in Yan Ta Khao district. 3 out of 6 are still active and improving their operations while the other 3 have already gone out of business. The one that caused the riverside collapse has gone out of business and the area is currently used for palm oil plantations.

In the same time at the site, the Ombudsman inspected the bridge-neck and roads – at Phrong Chorakae subdistrict, Yan Ta Khao district – which collapsed due to the operation of sand extraction, as complained by the people. It was found that the bridge-neck collapse was an impact of the mega flood in 2017 (B.E.2560) while the roads were safe. There was also a detection about violation in several cases which lead to resources damage, the Ombudsman then commanded the province to reconstruct the bridge-neck in order to prevent any structure glitches from possible recurring floods.



The Ombudsman had following conclusion and suggestions to relevant government agencies:

1. When the sand mining inspection committee has been set up in the district level, they should carry out following duties:

1.1 Perform inspection of 4 inactive sand mines to identify when they exactly were out of business.

1.2 Coordinate with relevant agencies to inspect the operation of sand mining in other domains to ensure they are legally licensed, especially the sand mines adjoining the canal.

1.3 Educate, publicize and promote laws, regulations, notifications, terms and requirements of sand mining operation in domain or in public domain.

2. Assign the branch of Marine office and the irrigation project to inspect the physical details of Lum Pikul canal and all adjoining sand mines.

3. Request the province – to urgently restore the bridge-neck at the temple area by filling rocks into the bridge-neck space – and the irrigation project to provide concrete mattress to protect the bridge-neck during the flood season.

4. Have the provincial industry office issue an order to survey and mark the boundary of active sand mines; especially the one that causes the riverside collapse must be surveyed, mark its boundary and refill embankment along the domain to return the canal to its original shape. This must be completed within 180 days as from the date of receiving the Ombudsman’s conclusion and suggestions.