



Digital Economy/ICT Update
18 November 2020. COVID – 19 Scheme – Border Opening
Guillotine; FBA

FOR CHAMBER MEMBERS - UNRESTRICTED

TWO PARTS: Digital Economy/ICT; GENERAL

Digital Economy/ICT

BEING DIGITAL is our mantra for digitalisation across the board. The webinar series, BEING DIGITAL reflects this.

- #1 – “Digital Tools – Electronic Meetings and Electronic Signatures”- 28 October
- #2 “Digital Government – the key building block for Thailand 4.0 and enabler for economic recovery – TBC – likely 8 Dec
- #3 – Privacy Summit
- #4 Cybersecurity and Trust Summit

Series Supporters include more than ten chambers so far. Please be a Supporter – please contact K Meaw at info@jfcct.org



We are asking TCEB for Non Financial support for the series.

On-line filing (which DEPA would call ‘digitisation’) – eg PDF file of a hard copy form may be a start but it does not allow for single-sign-on (SSO) across government agencies or other interactions. Process re-engineering and design (DEPA calls this ‘digitalisation’) is the longer-term and necessary solution. Under the 2019 Digital Government Facilitation and Services Act, DGA is mandated to make a whole-of-government plan and agencies are to be digital. But some agencies seem more reluctant than others.

Smart Visas

BOI is reviewing smart visas, in particular a ‘Freelancer’ visa. BOI planned is to use an existing category ‘T’ to make this for science and technology only. Our proposal is broader – an ‘Innovation Freelancer’. We made our submission dated 21 October which we are told was well received and is being reviewed.

Overall smart visa issuance is still low at about mid 300’s since Feb 2018 when the programme started.



Smart Visa relies on 13 industries / activities – being the ten ‘S’ curve industries plus an additional three introduced in 2019:

- Alternative Dispute Resolution (Arbitration in particular).
- Human Resource Development in Science and Technology, and
- Environmental Management / Renewable Energy.

We recommend making smart visa the standard for all skilled labour! The slow pace of change in traditional work permit and visas, with lack of digital solutions, means that the area will continue to be a bug bear for users – whether foreign or local.

BOI Software development

Software development involves many skills (not all technical), rarely all in the one company. Collaboration and short, project-based engagements are the norm. We have finalised a submission to BOI. Software development is an area which MOC proposes to remove from List 3 of the FBA (see later).

Digital Education / MoE engagement via OVEC

Following MoEs mid August announcements about changes to direction in education, we have written to OVEC about MoE’s DEEP (digital education) initiatives and sought a meeting and sent a new letter to the D-G. Date not confirmed.

Copyright and on-line intermediaries – DIP has finalised an MoU for on-line intermediaries but limited to on-line marketplaces. Updated draft Copyright Act changes confirmed to support on-line governance. We have been involved with both.

How to join us: see one pager + longer backgrounder on Committee page of website.

GENERAL TOPICS

ECONOMY

World Bank revised forecast from – 5%, to – 10.4%. Average of economists in 9% to 11% range. Exports and tourism = 70% GDP – 54% Exports, 18% Tourism (Dr Kirida 9 October). Short skills needed for Exports – Professionals / technical / business.

COVID 19 – compendium of government support updated as needed [on JFCCT website](#) – see first file.

COVID 19 Border Works – safe and structured opening of borders for short stays

JFCCT one pager and short supporting slide pack – [on JFCCT website](#) on COVID 19 page (see second and third file). There are different economic consequences and development pathways for (i) professional/technical/ business on the one hand and (ii) tourism on the other. The development of



the former should not be dependent on progress with the latter. Other economies have shown how a structured, focus set of SOPs can work.

Supporting Short Stays

Three groups of visitors with different risk profiles, economic impact and pathways to reduced overhead:

- i. **Short-stay professionals** (technical skills, engineering, arbitration, mediation, etc.), **short-stay businesspeople** for managing investments, FDI purposes, where, over time via a pathway no quarantine should be needed.
- ii. **Tourism**, with an accelerated reduction of quarantine time, from 14 days downward.
- iii. MICE (which could fit into either category).

We focus here on **professionals / technical / business** visits.

A.Current situation – HOW TO

(1)Visas - All would need a non 'B' visa or substitute, such as ABTC. Groups:

- WP (eg WP 34) with Non B or ABTC
- Non B alone
- ABTC alone
- Smart visa alone

Unlike WP, smart visa and ABTC, holding a non B visa is not on the CCSA 30 June list of 11 categories for entry, or on subsequent lists. While applying for a visa can be done from overseas, gaining one then using it to enter can be difficult. Non B visa holders should be a category.

Many are entering under one off arrangements, supported by category 2 of the 30 June CCSA list. This is not ideal.

Those in Thailand need to be able to visit other countries as part of business etc, as part of being a regional economy.

(2)WP

Assuming if a WP is needed, the WP 34 process (was WP 10) is relevant. Many minor changes in a DoE (MoL) announcement 30 Sep (gazetted 20 October, in force 1 Nov).

(3)Other requirements: COE



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- COEOnlineRegistrationSystem <https://coethailand.mfa.go.th>
- Check passenger's eligibility and registration status <https://coethailand.mfa.go.th/regis/airs>
- RegistrationGuide(VDO) <https://youtu.be/1c1dNaXv0mM>
- ASQ / ALQ / AHQ info www.hsscovid.com
- COVID-19 Insurance <http://covid19.tgia.org>

(4)Other requirements: Other

There are other documents needed

B. The future: a Pathway to Safe Border Opening from 14 day quarantine downwards

1.To support short stays, safe substitutes for quarantine are needed. Infection levels in the point of origin for example are relevant. For professional, technical and business people, thus starting with safe economies: green lane and bubble economies can be identified (and others by exception in special cases of lack of skills locally or essential business travel):

- i. PCR test before departure (co-operation with foreign governments needed to work out protocols, availability and mutual recognition);
- ii. PCR tests at arrival airport;
- iii. observe local hygiene practices (see below);
- iv. visitors should be contactable at all times. The proposed smart wristband needs checking, in some cases allow for an 'escort'
- v. report symptoms daily
- vi. some areas may be off limits (e.g. 'hotel-to-factory' / 'hotel to office' model);

2. Basic personal and group hygiene (no exceptions) for all: masks; hand washing; respect social distancing.

3. Where quarantine of some period may still be needed, allow it to be done safely at home with PCR test at end.

4. Public health infra can support small number of infected arrivals and prevent community spread. There is also unspent economic recovery budget should that be needed. Procedures (SOP) in place.

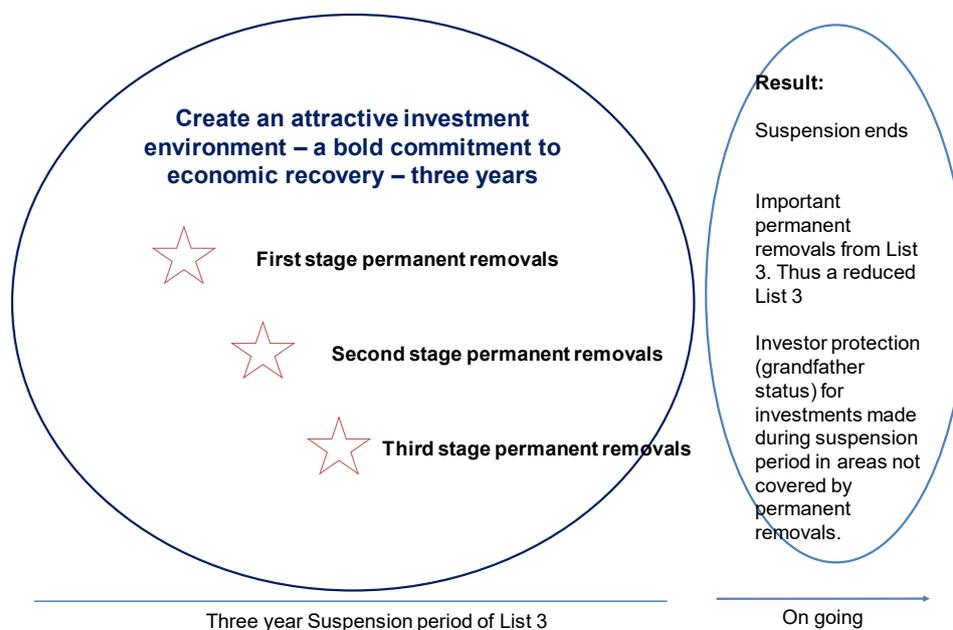
5. Public and private sector-supported campaign to highlight the importance of enacting these measures so as to contribute to the economic recovery and well-being of the Thai people.

The safe border opening approach involves some calculated some risk-taking. A small number of infected arrivers is manageable by isolating such people. Avoiding community infections should be an objective.



FBA

JFCCT's submission www.ifcct.org/major-business-issues/foreign-business-act/ following Presidents' working group (24 September) and many inputs. Sent to PM, MOC & DPM, D-G DBD, MoF.



Key advantages

- Flexibility will support **business continuity**- companies can take in new investment, new partners, restructure
- Stimulates **FDI** – new investments
- Enhances **competitiveness, ease of doing business**
- Saves **Thai jobs**
- Alleviates pressure on use of **economic recovery budget**.

Myths:

“FBA is only an issue for hairdressing and”

“BOI will take care of liberalisations”

Changes to List 3 : 2013, 2016, 2017, 2019; now proposed:

- **Telecommunications business** is limited to telecommunications operators that operate without their own network/doing applications (i.e., Type 1 telecommunication businesses as defined under the Telecommunication Business Law);
- **Treasury centre activities** relate to the management or exchange of foreign currencies between affiliated companies or within a conglomerate, and are regulated under the Exchange Control Law; and



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- **Software development business** (carried out by a juristic person incorporated in Thailand) is the development of software for data management or data analytics (including predictive analytics), for information technology and cybersecurity, or for use in controlling or enabling the operation of advanced technological equipment (in addition to business process management software), or in support of industrial manufacturing activities.

Of these, software development does not have another agency

Engagements: MOC 5 November, Board of Trade 10 Nov.

Next steps – FBA

- Updated one pager
- D-G DBD
- More visible in various circles

Guillotine or ‘fast track’ regulatory reform. We were concerned about the status of the 1,000+ licences processed but not implemented. So we got in touch with TDRI early August. TDRI with JFCCT and EABC, organised a Public Seminar 14 October write up [here](#). Follow up meeting with TDRI 28 October . The seminar re-kindled interest.

14 ต.ค. 9.30-12.00 น. f LIVE | TDRI | EABC

สัมมนาสาธารณะ
**กฤษฎีกาหมาย:
ฟันเศรษฐกิจได้ ไม่ต้องใช้เงิน**

ผู้บรรยาย:

- ดร.บวรנסัก จุรรณกุล (ประธานกรรมการบริหารหอการค้าไทย)
- ปกรณ์ อังระพันธ์ (ประธานหอการค้าไทย)
- กิติ สัจธรรมนิเทศา (ประธานหอการค้าไทย)
- Mr. Robert Fox (Vice President, European Association of Dr. Business and Commerce (EABC) and Joint Foreign Chambers of Commerce in Thailand (JFCCT))
- ดร.กรสิทวาร หนองบาลี (ประธานหอการค้าไทย)
- ดร.สมเกียรติ สัมภักดาธิษย์ (ประธานหอการค้าไทย)

Fast Track Law Reform Committee chaired by Dr.Bawornsak met recently. Four priority topics on their reform agenda for now:

- Legislation regarding the government's policies announced before the Parliament - Council of State (aka. Krisdika)
- Laws/regulations regarding the 20-year National Strategy Plan – Strategic Transformation Office (STO), and OPDC
- Regulatory Guillotine (priority topics will to be concluded)- Dr Kobsak (perhaps as a volunteer) in this role, supported by STO



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- Digital Transformation – DGA

We continue our engagement with TDRI and with OPDC (we met with OPDC once this year) and DGA (met twice this year, third meeting due soon). As reported previously, the work being done by OPDC is to digitise some licences, the list being chosen prior to the Guillotine work. Some licenses are reported not to have a legally supported digital format.

Please do add your name to supporter list to advance this effort (name / email / affiliation) to info@jfcct.org.

Information Flow for JFCCT members

A publicly usable update for Digital Economy / ICT Committee was issued August, September, October. The practice continues. These are also on the JFCCT website.

Meetings: #1 16 Jan, #2/20 Feb; #3/24 March (Zoom meeting); #4/21 April (Zoom meeting); #5 18 May (Zoom meeting), #6 16 June (Zoom)+ specials, #7 14 July (Zoom), #8 18 August (Zoom), #9 15 September (Zoom).; #10 20 October (Zoom), #11 17 Nov (Zoom), #12 likely 15 Dec. Participation is about 20; others welcome. See ‘how to participate’ one pager.

Select Recent Events (since Presidents’ Council 21 October)

- 26 October – briefing for EUD on Digital Economy/ICT group issues and activities
- 27 October – briefing for EUD on FBA
- 28 October – follow up discussion with TDRI on ‘Guillotine’
- 28 October – Telecoms World Asia (Terrapin) – 10am
- 28 October - BEING DIGITAL #1 ‘Digital Tools – Electronic Meetings, Electronic Signatures’ first in series 2pm
- 28 October – EU ASEAN Business Council – COVID 19 and Digital Transformation
- 29 October EU ASEAN Business Council, EGM then Supervisory Board Meeting. Release of Business Sentiment Survey 2020
- 30 October ISEAS – Asia Foundation “Thailand’s COVID-Induced Economic Crisis: An Opening for Reforms?”
- 12 November Roundtable 2 “Legal bases of data processing” in “Digital Dialogues on Privacy” series – Asian Governance Foundation (AGF), German-South East Asian Centre of Excellence for Public Policy and Good Governance (CPG) and Facebook. Closed door panel of 10 including DE/ICT chair. Watch out for Roundtables 3 and 4.
- 13 November ABIS Summit “Digital ASEAN”; RCEP signing
- 17 November – JSCCIB/BoT discussion on work permits including short stays
- 17 November – EU ASEAN Business Council with Thai Customs

Up coming Events

- 19 November – ASEAN-EU Business Summit – Fullerton Hotel SGP
- CEBIT ASEAN virtual 23-29 November
- TBC MoE (OVEC) / DEEP engagement - confirmation



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- Early December – DGA third meeting
- 8 Dec (TBC) BEING DIGITAL Webinar series #2 “Digital Government – the key building block for Thailand 4.0 and enabler for economic recovery”
- 9 Dec – BOI – JFCCT Consultation (date to be confirmed)
- 15 December – WEF Advancing Data Governance
- BEING DIGITAL series – Privacy Summit – Dec or Jan
- BEING DIGITAL series – Cybersecurity and On-line Confidence Summit - Jan

COVID 19 page <http://www.jfcct.org/major-business-issues/covid-19/>

BOI Consultative session 17 Feb – materials and follow up <http://www.jfcct.org/boi-foreign-chambers-of-commerce-consultative-meeting-17th-february-2020/>

See Past Events 9, 14, 28 October, 5 Nov <http://www.jfcct.org/jfcct-past-events/>

Laws portal for members www.jfcct.org/information-for-digital-economy-committee-members/
please use common DE/ICT password to access.

Updated Glossary - Glossary [here](#)- updated four times.