

Law of the People's Republic of China on the Prevention and Control of Environmental Noise Pollution

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Chapter I General Provisions

Article 1 This Law is enacted with a view to preventing and controlling environmental noise pollution, protecting and improving the living environment, safeguarding human health and promoting economic and social development.

Article 2 "Environmental noise" mentioned in this Law refers to the sound produced in industrial production, construction, traffic and transportation and social life so as to disturb the living environment in the neighbourhood.

"Environmental noise pollution" mentioned in this Law refers to an situation in which the noise is produced in excess of the standard set by the state on the discharge of environmental noise so as to disturb others' normal lives, work or study.

Article 3 This Law applies to the prevention and control of environmental noise pollution within the territory of the People's Republic of China.

This law is not applicable to the prevention and control of noise hazards suffered by persons who perform their duty in production or business operations.

Article 4 The State Council and local people's governments at all levels shall incorporate the prevention and control of environmental noise pollution into environmental protection plans, and take economic and technical policies and measures beneficial to the protection of sound environment.

Article 5 Local people's governments at all levels, when making plans for construction in cities, towns and villages, shall take into full account the impact of noise produced in construction projects and regional development and renovation on the neighbouring living environment, and shall make overall planning and rational arrangement for functional areas and distribution of constructions so as to prevent or diminish environmental noise pollution.

Article 6 The environmental protection department under the State council shall conduct unified supervision and management over the prevention and control of environmental noise pollution in the whole country.

Environmental protection departments of local people's governments at or above the county level shall conduct unified supervision and management over the prevention and control of environmental noise pollution within their respective administrative divisions.

Departments at all levels of public security, traffic and transportation, railroad, civil aviation and harbour superintendency agencies shall, in accordance with their respective responsibilities, conduct supervision and management of the prevention and control of environmental noise pollution caused by traffic and transportation and social life.

Article 7 All units and individuals shall have the obligation to protect the sound environment and have the right to report on or file charges against any unit or individual that causes environmental noise pollution.

Article 8 The state encourages and supports scientific research and technological development for the prevention and control of environmental noise pollution, promotes advanced prevention and control techniques, and popularize scientific knowledge of the prevention and control of environmental noise pollution.

Article 9 Units or individuals that have made marked achievements in the prevention and control of environmental noise pollution shall be rewarded by the people's governments.

Chapter II Supervision and Management of the Prevention and Control of Environmental Noise Pollution

Article 10 The environmental protection department under the State Council shall establish the national standards for sound environment quality respectively for various functional areas.

Local people's governments at or above the county level shall, in accordance with the national standards for sound environment quality, designate areas within their administrative divisions for the implementation of various standards for sound environment quality and conduct management accordingly.

Article 11 The environmental protection department under the State Council shall, in accordance with the national standards for sound environment quality and the country's economic and technological conditions, establish the national standards for the discharge of environmental noise.

Article 12 When determining the layouts for urban construction, city planning departments shall, in accordance with the national standards for sound environment quality and rules of sound insulation for civil buildings, set rational distances between buildings and main traffic lines for preventing noises and propose corresponding planning and design requirements.

Article 13 New construction projects, extensions or reconstruction projects shall conform to the state provisions concerning environmental protection for such projects.

For any construction project which is likely to produce environmental noise, the construction unit shall propose an environmental impact statement, with prevention and control measures provided therein, and shall, according to the procedure specified by the state, submit the same to the environmental protection department for examination and approval.

The environmental impact statement shall include views of units and residents in the place where the construction project is to be located.

Article 14 Facilities for the prevention and control of environmental noise at a construction project shall be designed, built and put into operation simultaneously with the principal part of the project.

Before a construction project is put into operation or use, its facilities for the prevention and control of environmental noise shall be inspected by the environmental protection department which examined and approved the environmental impact statement. If the facilities do not conform to the requirements specified by the state, the said project shall not be put into operation or use.

Article 15 Enterprises and institutions that produce environmental noise pollution shall maintain the normal operation of their facilities for the prevention and control of environmental noise pollution. Dismantlement or leaving idle of those facilities shall be approved in advance by the environmental protection department of local people's governments at or above the county level.

Article 16 Units producing environmental noise pollution shall take measures to eliminate and control the pollution and shall pay a fee for excessive discharge according to the state provisions.

The fee thus levied shall be used for the prevention and control of pollution and shall not be embezzled for other uses.

Article 17 Enterprises and institutions that produce serious environmental noise pollution in areas where noise-sensitive buildings concentrate shall be ordered to eliminate and control the pollution within a time limit.

Those units subject to such an order shall accomplish the task as scheduled. The determination of a time limit for elimination and control of pollution shall be made by people's governments at or above the county level within the jurisdiction set by the State Council.

For small-sized enterprises and institutions, the determination of a time limit for elimination and control of pollution shall be made by environmental protection departments authorized by people's governments at or above the county level within the jurisdiction set by the State Council.

Article 18 The state shall adopt a system of eliminating backward equipment that produces serious environmental noise pollution.

The comprehensive economic administrative department under the State Council shall, in consultation with other relevant departments under the State council, publish a catalogue of backward equipment which produces serious environmental noise pollution and thus the production, sale and importation of which shall be prohibited within a time limit.

Producers, sellers and importers of backward equipment listed in such a catalogue as described in the preceding paragraph shall respectively stop production, sale and importation of them within a time limit set by the comprehensive economic department under the State Council in consultation with other departments concerned.

Article 19 In the cases where the discharge of fortuitous strong noise is really necessary in the urban districts due to productive activity, an application shall be filed with the local public security organ and the noise may be discharged with an approval. The local public security organ shall publicly announce the discharge.

Article 20 The environmental protection department under the State Council shall establish a monitoring system for environmental noise, work out monitoring rules and, together with other departments concerned, organize a monitoring network.

Monitoring organs of environmental noise shall report the monitoring results of environmental noise as required by the environmental protection department under the State Council.

Article 21 The environmental protection departments and other supervisory and management departments or organs for the prevention and control of environmental noise of local people's governments at or above the county level shall, according to their respective responsibilities, have the right to conduct on-site inspections of units under their jurisdiction that discharge environmental noise. The units being inspected must truthfully report the situation and provide the necessary information. The inspecting departments or organs shall keep confidential the technological and business secrets of the units inspected.

The inspectors shall show their certificates when conducting on-site inspections.

Chapter III Prevention and Control of Industrial Noise

Article 22 "Industrial noise" mentioned in this Law refers to the sound produced in the use of fixed equipment in industrial productive activities so as to disturb the living environment in the neighbourhood.

Article 23 The discharge of industrial noise to the neighbouring living environment in the urban districts shall conform to the boundary environmental noise discharge standards set by the state for industrial enterprises.

Article 24 Industrial enterprises that produce environmental noise pollution by using fixed equipment in industrial production must, pursuant to the provisions of the environmental protection department under the State Council, report to the environmental protection departments of local people's governments at or above the county level the types and numbers of their existing equipment producing

environmental noise pollution, the ranges of noise produced by the equipment under normal operation conditions, and the situation of facilities for the prevention and control of environmental noise pollution, and also provide technical data concerning the prevention and control of environmental noise pollution.

Enterprises shall report in time and take necessary prevention and control measures if any substantial change occurs in the types and numbers of the equipment producing environmental noise pollution, the ranges of noise produced, and the prevention and control facilities.

Article 25 Industrial enterprises that produce environmental noise pollution shall take effective measures to reduce the impact of noise on the neighbouring living environment.

Article 26 When establishing the national and trade standards for products according to law, the competent departments under the State Council shall, in accordance with the requirements of sound environment protection and the country's economic and technological conditions, gradually impose restrictions on the ranges of noise for industrial equipment that is likely to produce environmental noise pollution.

The ranges of noise produced in the use of industrial equipment as mentioned in the preceding paragraph shall be clearly noted in the relevant technical documents.

Chapter IV Prevention and Control of Noise in Construction

Article 27 "Noise in construction" mentioned in this Law refers to the sound produced in the construction of buildings and structures so as to disturb the living environment in the neighbourhood.

Article 28 The discharge of noise in construction to the neighbouring living environment in the urban districts shall conform to the boundary environmental noise discharge standards set by the state for construction sites.

Article 29 In the cases where machinery and equipment used in the course of construction are likely to produce environmental noise pollution within urban districts, the construction unit shall, 15 days before the construction starts, report to the environmental protection department of local people's government at or above the county level in the place where the construction project is to be located, the name, site and time limit of the project, the range of environmental noise it is likely to produce and measures for the prevention and control of environmental noise.

Article 30 In urban districts where noise-sensitive buildings concentrate, it is prohibited to conduct construction operations at night which are likely to produce environmental noise pollution, except those for rush repairs or for rescue work and those which require continual work due to productive arts or some special needs.

A construction operation that requires continual work shall have a certificate issued by the people's government at or above the county level or the competent department concerned.

Operations at night mentioned in the preceding paragraph shall be announced to the neighbouring residents.

Chapter V Prevention and Control of Traffic and Transportation Noise

Article 31 "Traffic and transportation noise" mentioned in this Law refers to the sound produced by means of traffic and transportation in operation such as motor vehicles, locomotives, motor vessels and aircraft so as to disturb the living environment in the neighbourhood.

Article 32 It is prohibited to manufacture, sell and import automobiles that produce noise in excess of the restrictions imposed on the range of noise.

Article 33 Silencers and horns of motor vehicles that run in urban districts shall meet the requirements set by the state. Motor vehicles shall be well-maintained and well-kept to good technical conditions and functions for the prevention and control of environmental noise pollution.

Article 34 Motor vehicles running in urban districts, motor ships sailing along waterways in inland rivers within urban districts and locomotives running through or entering urban districts or recuperate districts shall use their sounding devices as stipulated.

The installation and use of sirens on motor vehicles such as police cars, fire engines, engineering salvage vehicles and ambulances shall conform to the provisions of the public security department under the State Council. When performing non-emergency duties, they shall be prohibited from using sirens.

Article 35 Public security organs of people's governments of cities may, according to the requirements for regional sound environment protection in their urban districts, determine the sections of roads and time periods on and during which drivers are prohibited from running motor vehicles and using their sounding devices, and then publicly announce them.

Article 36 In the cases where motorways and urban elevated or light track railroads to be built run through the areas where existing noise-sensitive buildings concentrate and are likely to produce environmental noise pollution, sound barriers shall be set up or other effective measures shall be taken for the prevention and control of environmental noise pollution.

Article 37 In the cases where noise-sensitive buildings are to be built on either side of existing main urban traffic lines, the construction unit shall set a proper distance in between as required by the state and shall take measures to reduce and eliminate the impact of traffic noise.

Article 38 Loudspeakers used for conducting operations in such places as stations, railroad marshalling yards, harbours, wharves and airports, shall be controlled in volume to reduce the impact of noise on the neighbouring living environment.

Article 39 In the cases where locomotives in operation cause environmental noise pollution to residential areas or cultural and educational areas in cities where

railroads pass through, local people's governments of the cities shall organize the railroad departments and other departments concerned to formulate plans for reducing environmental noise pollution. The railroad departments and other departments concerned shall, according to the requirements of the plans, take effective measures to reduce environmental noise pollution.

Article 40 Except in the case of its takeoff and landing or in other circumstances provided for by the law, civil aircraft may not fly over urban districts. People's governments of cities shall determine areas surrounding the obstacle clearance zones for aircraft's takeoff and landing and restrict the construction of noise-sensitive buildings within such areas. If noise-sensitive buildings are to be built within the said areas, the construction unit shall take measures to reduce and avert the impact of noise produced by aircraft in operation. Civil aviation departments shall take effective measures to reduce environmental noise pollution.

Chapter VI Prevention and Control of Noise in Social Life

Article 41 "Noise in social life" mentioned in this Law refers to the sound produced in human activities so as to disturb the living environment in the neighbourhood not including industrial noise, noise in construction and traffic and transportation noise.

Article 42 Commercial enterprises that produce environmental noise pollution by using fixed equipment in business operations in urban districts where noise-sensitive buildings concentrate shall, pursuant to the provisions of the environmental protection department under the State council, report to the environmental protection department of local people's governments at or above the county level the situation of their existing equipment producing environmental noise pollution and their facilities for the prevention and control of environmental pollution noise.

Article 43 The discharge of boundary noise produced in newly built places of culture and recreation must conform to the standards set by the state for the discharge of environmental noise. For those that fail to meet the standards set by the state for the discharge of environmental noise, the cultural administrative departments may not issue the permits for cultural business, and the industrial and commercial departments may not issue the business license.

Managers of cultural and recreational places in operation shall take effective measures to control their boundary noise not exceeding the state-set standards for the discharge of environmental noise.

Article 44 It is prohibited to use tweeters or other means that produce high noise in business operations to solicit customers.

In the cases where equipment or installations such as air-conditioners and cooling towers are used in business operations and are likely to produce environmental noise pollution, the managers shall take measures to control their boundary noise not exceeding the standards set by the state for the discharge of environmental noise.

Article 45 All units and individuals shall be prohibited from using tweeters in urban districts where noise-sensitive buildings concentrate.

In the cases where acoustic equipment is to be used in recreational activities or assemblies held in public places within urban districts such as streets, squares and parks and is likely to produce too high a volume of sound disturbing the neighbouring living environment, the organizers shall comply with the provisions of local public security organs.

Article 46 In the cases where anyone uses electrical household appliances or musical instruments or conducts other indoor activities of family recreation, he shall control the volume of sound or take effective measures to avert environmental noise pollution caused to neighbouring residents.

Article 47 In the cases where anyone conducts interior decoration and rehabilitation of residential houses already built and put into use, he shall restrict his operation time or take other effective measures to reduce and avert environmental noise pollution caused to neighbouring residents.

Chapter VII Legal Responsibility

Article 48 If, in violation of the provisions of Article 14 of this Law, a construction project is put into operation or use when its facilities for the prevention and control of environmental noise pollution have not been built as an auxiliary part or fail to meet the requirements set by the state, the environmental protection department responsible for the examination and approval of the environmental impact statement on the construction project shall order the suspension of its operations or use and may concurrently impose a fine.

Article 49 If anyone, in violation of the provisions of this Law, refuses to report or submits a false report on items for which registration is required for the discharge of environmental noise, the environmental protection department of local people's government at or above the county level may, according to the circumstances of the case, give him a warning or impose a fine.

Article 50 If anyone, in violation of the provisions of Article 15 of this Law, dismantles or leaves idle the facilities for the prevention and control of environmental noise pollution without prior approval by the environmental protection department and thereby discharges environmental noise in excess of the prescribed standards, the environmental protection department of local people's government at or above the county level shall order him to make corrections and concurrently impose a fine.

Article 51 If anyone, in violation of the provisions of Article 16 of this Law, refuses to pay the fee for excessive discharge of noise according to state provisions, the environmental protection department of local people's government at or above the county level may, according to the circumstances of the case, give him a warning or impose a fine.

Article 52 An enterprise or institution that fails to eliminate or control pollution within a time limit by violating the provisions of Article 17 of this Law shall, as provided for by the state, pay a fee for excessive discharge; in addition, a fine may be imposed on it on the basis of the damage incurred, or the enterprise or institution may be ordered to suspend its operations, move to a new site or close down.

The fine mentioned in the preceding paragraph shall be decided by the competent environmental protection department. Orders for the suspension of operations, moving to another site or shutdown of enterprises or institutions shall be decided by people's governments at or above the county level within the jurisdiction set by the State Council.

Article 53 If anyone, in violation of the provisions of Article 18 of this Law, produces, sells or imports prohibited equipment, the comprehensive economic administrative department of people's government at or above the county level shall order him to make corrections. When the cases are serious, the comprehensive economic administrative department of people's government at or above the county level shall propose to the people's government at the same level for an order of suspension of operations or shutdown made within the jurisdiction set by the State Council.

Article 54 If anyone, in violation of the provisions of Article 19 of this Law, conducts productive activity that discharges fortuitous strong noise without the approval of the local public security organ, the public security organ shall, according to the circumstances of the case, give him a warning or impose a fine.

Article 55 If any unit discharging environmental noise, in violation of the provisions of Article 21 of this Law, refuses an on-site inspection or resorts to trickery and fraud during inspection by the competent environmental protection department or another department or organ exercising supervision and management of environmental noise under this Law, the environmental protection department or another department or organ exercising supervision and management of environmental noise under this Law may, according to the circumstances of the case, give it a warning or impose a fine.

Article 56 If any construction unit, in violation of the provisions of the first paragraph of Article 30 of this Law, conducts prohibited construction operations at night which produce environmental noise pollution in urban districts where noise-sensitive buildings concentrate, the environmental protection department of local people's government at or above the county level in the place where the construction project is located shall order it to make corrections or may concurrently impose a fine.

Article 57 If motor vehicles, in violation of the provisions of Article 34 of this Law, fail to use sounding devices as stipulated, the local public security organs shall, according to the circumstances of the cases, give a warning or impose a fine.

For motor ships committing the illegal act mentioned in the preceding paragraph, the harbour superintendency agencies shall, according to the circumstances of the cases, give a warning or impose a fine.

For locomotives committing the illegal act mentioned in the first paragraph, the competent railroad departments shall impose disciplinary sanctions upon the person involved.

Article 58 Anyone who, in violation of the provisions of this Law, commits any of the following acts shall be given a warning and may be concurrently imposed a fine by the public security organ:

- (1) using a tweeter in the urban district where noise-sensitive buildings concentrate;
- (2) using acoustic equipment in recreational activity or assembly held in a public place within the urban district such as a street, square or park by violating the provisions of the local public security organ, and thereby producing too high a volume of sound that disturbs the neighbouring living environment; or
- (3) failing to take measures according to the provisions of Articles 46 and 47 of this Law and discharging environmental noise from his residential house that seriously disturbs the neighbouring residents' lives.

Article 59 If anyone, in violation of the provisions of the second paragraph of Article 43 or the second paragraph of Article 44 of this Law, produces environmental noise pollution, the environmental protection department of local people's government at or above the county level shall order him to make corrections and may concurrently impose a fine.

Article 60 If anyone, in violation of the provisions of the first paragraph of Article 44 of this Law, produces environmental noise pollution, the public security organ shall order him to make corrections and may concurrently impose a fine.

If people's governments at or above the provincial level decide according to law that the environmental protection departments of local people's governments at or above the county level exercise the right of imposing administrative sanctions as stipulated in the preceding paragraph, the decision shall prevail.

Article 61 Any unit or individual that suffers from an environmental noise pollution hazard shall have the right to demand the elimination of the hazard by the polluter. The polluter shall make compensation according to law if losses have caused.

A dispute over the responsibility for making compensation or the amount of compensation may, at the request of the parties, be settled under reconciliation by a competent environmental protection department or another supervisory and management department or organ for the prevention and control of environmental noise; if a party refuses to accept the decision, it may bring a suit before a people's court. The party may also bring a suit before the people's court directly.

Article 62 Any supervisory and management person for the prevention and control of environmental noise pollution who abuses his power, neglects his duty or engages in malpractices for personal gains shall be given disciplinary sanction by the unit to which he belongs or the competent higher authorities; if his act constitutes a crime, he shall be investigated for criminal responsibility according to law.

Chapter VIII Supplementary Provisions

Article 63 For the purpose of this Law, the definitions of the following terms are:

- (1) "Discharge of noise" means the radiation of noise from its source to the neighbouring living environment.

(2) "Noise-sensitive buildings" mean hospitals, schools, government organs, scientific research institutions, residential houses and other buildings which need to keep quietness.

(3) "Areas where noise-sensitive buildings concentrate" means medical areas, cultural and educational and scientific research areas and areas mainly composed of government organs or residential houses.

(4) "At night" means the time interval from 22:00 p.m. to 6:00 a.m..

(5) "Motor vehicles" mean automobiles and motorcycles.

Article 64 This Law comes into force on the date of March 1, 1997. The Regulations of the People's Republic of China on the Prevention and Control of Environmental Noise Pollution promulgated by the State Council on September 26, 1989 shall be annulled.