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

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

(adopted on October 29, 1996)

(Adopted at the 22nd Meeting of the Standing Committee of the Eighth National People's Congress on October 29, promulgated by Order No. 77 of the President of the People's Republic of China on October 29, and effective as of March 1, 1997)

CHAPTER I GENERAL PROVISIONS

Article 1 This Law is enacted for the purpose of preventing and controlling environmental noise pollution, protecting and improving the living environment, ensuring human health and promoting economic and social development.

Article 2 For purposes of this Law, "environmental noise" means the sound that is emitted in the course of industrial production, construction, transportation and social activities and that impairs the living environment of the neighbourhood. "environmental noise pollution", as used in this Law, means that the environmental noise emitted exceeds the environmental noise emitted limits set by the State on the environmental noise emitted and impairs people's daily life, work and study.

Article 3 This Law shall apply to prevention and control of environmental noise pollution in the territory of the People's Republic of China. This Law shall not apply to prevention and control of noise hazards incurred in the course of production or business operation one is engaged in.

Article 4 The State Council and local people's governments at various levels shall incorporate prevention and control of environmental noise pollution into their environmental protection plans and adopt economic and technological policies and measures to protect the acoustic environment.

Article 5 Local people's governments at various levels shall, when drawing up urban and rural development plans, give full consideration to the impact of noise emitted by construction projects and regional development and renovation projects on the living environment of the neighbourhood, make unified plans and rationally arrange the layout of the function areas and the buildings, in order to prevent or minimize environmental noise pollution.

Article 6 The competent administrative department for environmental protection under the State Council shall exercise unified supervision and administration of the prevention and control of environmental noise pollution throughout the country. The competent administrative departments for environmental protection of the local people's governments at or above the county level shall exercise unified supervision and administration of the prevention and control of environmental noise pollution within their respective administrative regions. The competent administrative departments for public security, communications, railways and civil aviation as well as harbour superintendency administration at various levels shall, within their respective functions and duties, exercise supervision and administration of the prevention and control of noise pollution by traffic and social activities.

Article 7 All units and individuals shall have the obligation to protect the acoustic environment and shall have the right to inform against and accuse any unit or individual that pollutes the environment with noise.

Article 8 The State encourages and supports scientific research and technological development relating to the prevention and control of environmental noise pollution, promotes wide adoption of advanced technologies in this area and disseminates scientific knowledge about prevention and control of such pollution.

Article 9 The people's governments shall give awards to units and individuals that have achieved outstanding successes in preventing and controlling environmental noise pollution.

CHAPTER II SUPERVISION AND ADMINISTRATION OF THE PREVENTION AND CONTROL OF ENVIRONMENTAL NOISE POLLUTION

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Article 10 The competent administrative department for environmental protection under the State Council shall establish national standards for acoustic environmental quality for different function areas. Local people's governments at or above the county level shall, in accordance with the national standards for acoustic environmental quality, divide their respective administrative regions into different zones for application of different standards for acoustic environmental quality and exercise control accordingly.

Article 11 The competent administrative department for environmental protection under the State Council shall, in accordance with the national standards for acoustic environmental quality and the State's economic and technological conditions, fix national limits for environmental noise emission.

Article 12 When determining the layout of buildings, urban planning departments shall, in accordance with the national standards for acoustic environmental quality and the sound insulation design standards for civil architecture, decide on the rational distance between the structures and the traffic trunk lines in order to keep the structures away from noise as well as the requirements on planning and design accordingly.

Article 13 Every project under construction, renovation or expansion must conform to the regulations of the State governing environmental protection. Where a construction project might cause environmental noise pollution, the unit undertaking the project must prepare an environmental impact statement which includes the measures it takes to prevent and control such pollution, and submit it, following the procedures prescribed by the State, to the competent administrative department for environmental protection for approval. The environmental impact statement shall include the comments and suggestions of the units and residents in the place where the construction project is located.

Article 14 Facilities for prevention and control of environmental noise pollution must be designed, built and put into use simultaneously with the main part of a construction project. Before a construction project is put into production or use, its facilities for prevention and control of environmental noise pollution must be inspected by the competent administrative department for environmental protection that originally approved the environmental impact statement; if such facilities fail to meet the requirements of the State, the construction project may not be put into production or use.

Article 15 Enterprises and institutions that produce environmental noise pollution must maintain normal operation of the facilities for prevention and control of such pollution; whoever intends to dismantle or leave idle such facilities must report the matter in advance to the competent administrative department for environmental protection of the local people's government at or above the county level for approval.

Article 16 Units that produce environmental noise pollution shall take measures to control it and pay fees for excessive emission of such pollution according to the regulations of the State. The fees collected from excessive emission of pollution must be used for prevention and control of pollution and may not be appropriated for any other use.

Article 17 Any enterprise or institution that produces serious environmental noise pollution in an area where noise-sensitive structures are concentrated shall be ordered to control the pollution within a time limit. The unit that is ordered to control the pollution within a time limit must accomplish the task on schedule. A decision on such control shall be made by the people's government at or above the county level within the limits of its power granted by the State Council. In the case of a small enterprise or institution, the decision on controlling pollution within a time limit may be made by the competent administrative department for environmental protection that is authorized by a people's government at or above the county level within the limits of its power granted by the State Council.

Article 18 The State applies an elimination system for out-dated equipment that produces serious environmental noise pollution. The competent department for comprehensive economic and trade affairs under the State Council shall, together with relevant departments of the State Council, publish catalogs of equipment that, because of the serious environmental noise pollution it produces, is forbidden to be manufactured, sold or imported within a time limit. The manufacturers, sellers and importers must stop manufacturing, selling or importing the equipment included in the catalogs mentioned in the preceding paragraph, within the time limit set by the competent department for comprehensive economic and trade affairs under the State Council together with the relevant departments of the State Council.

Article 19 In the case where sporadic strong noise is truly unavoidable in production conducted within an urban area, the matter must first be applied to the local public security organ for approval. Upon giving approval, the local public security organ shall make it known to the public.

Article 20 The competent administrative department for environmental protection under the State Council shall establish a system for monitoring environmental noise, establish monitoring standards, and set up a monitoring network with the relevant departments. The environmental noise monitoring institutions shall, as required, submit reports on the environmental noise

monitoring results to the competent administrative department for environmental protection under the State Council.

Article 21 The competent administrative departments for environmental protection of the people's governments at or above the county level and other departments or institutions in charge of supervision and administration of the prevention and control of environmental noise pollution shall, within the limits of their respective functions and duties, have the power to conduct on-the-spot inspection of the units that emit environmental noise within the areas under their jurisdiction. The units under inspection must give a true account of the actual situation and provide the necessary information. The departments or institutions conducting such inspection shall keep confidential the technological and business secrets of the inspected units. The inspectors shall produce their credentials before conducting on-the-spot inspection.

CHAPTER III PREVENTION AND CONTROL OF INDUSTRIAL NOISE POLLUTION

Article 22 For purposes of this Law, "industrial noise" means the sound that is emitted by the permanent equipment used in the course of industrial production and that impairs the living environment of the neighbourhood.

Article 23 The industrial noise emitted to the living environment of the neighbourhood within an urban area shall be kept within the limits set by the State on emission of environmental noise within the boundary of an industrial enterprise.

Article 24 Any industrial enterprise that produces environmental noise pollution due to the use of permanent equipment in the course of industrial production must, in accordance with the regulations of the competent administrative department for environmental protection under the State Council, report to the competent administrative department for environmental protection of the local people's government at or above the county level the types and quantity of its equipment that produces environmental noise pollution, the noise level produced under normal operation and the facilities installed for prevention and control of such pollution, and provide technical information relating to the prevention and control of noise pollution. Any industrial enterprise that intends to make a substantial change in the types or quantity of the equipment that produces environmental noise pollution, in the noise level or facilities for prevention and control of such pollution must submit a report without delay and take prevention and control measures as it should.

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

Article 26 With regard to industrial equipment that might produce environmental noise pollution, the relevant competent departments under the State Council shall, in accordance with the requirements for protection of the acoustic environment and the State's economic and technological conditions, gradually include the noise level limits in the national standards and trade standards for products established according to law. The level of noise emitted by the industrial equipment in operation mentioned in the preceding paragraph shall be specified in relevant technical documents.

CHAPTER IV PREVENTION AND CONTROL OF CONSTRUCTION NOISE POLLUTION

Article 27 "Construction noise", as used in this Law, means the sound that is emitted in the course of construction and that impairs the living environment of the neighbourhood.

Article 28 The construction noise emitted to the living environment of the neighbourhood within an urban area shall be kept within the limits set by the State on the emission of environmental noise within the boundary of a construction site.

Article 29 The unit in charge of a construction project which may produce environmental noise pollution due to the use of machines and other equipment, must report, 15 days before commencement of construction, to the competent administrative department for environmental protection of the local people's government at or above the county level the name of the project, the construction site, the length of time needed for completion of the project, the possible level of environmental noise and the measures taken for prevention and control of such pollution.

Article 30 In an urban area where noise-sensitive structures are concentrated, construction operation that produces environmental noise pollution is forbidden at night, with the exception of rush repairs, rescue operations or continued operations required by production techniques or by special needs. For continued operation due to special needs, there must be a permit issued by the people's government at or above the county level or by the relevant competent department under it. Night operation mentioned in the preceding paragraph must be made known to the residents in the neighbourhood.

CHAPTER V PREVENTION AND CONTROL OF TRAFFIC NOISE POLLUTION

Article 31 "Traffic noise", as used in this Law means the sound that is emitted by such means of transport as motor vehicles, locomotives, motor vessels and aircraft in motion and that impairs the living environment of the neighbourhood.

Article 32 It is forbidden to manufacture, sell or import automobiles that emit noise beyond the limits set on noise level.

Article 33 Mufflers and horns of motor vehicles driven within urban areas must meet the requirements of the State. Motor vehicles must be regularly serviced and kept in good repair in order to maintain excellent technical performance and help prevent and control environmental noise pollution.

Article 34 When motor vehicles are driven in urban areas, motor vessels are navigated along inland rivers in urban areas, and locomotives are running through or entering urban areas or sanatorium areas, their sound-making apparatus must be used in compliance with regulations. Alarming sirens must be installed on such motor vehicles as police cars, fire engines, engineering rescue vehicles and ambulances and used in compliance with the regulations of the public security department under the State Council. It is forbidden to use the alarming sirens unless when urgent tasks are performed.

Article 35 The public security organs of municipal people's governments may, in line with the need to protect the local acoustic environment of the urban areas, demarcate no-motor-vehicle or no-horn road sections and hours, and make them known to the public.

Article 36 To build expressways, urban overhead road and light-tram lines that traverse areas where there are concentrated noise-sensitive structures and that might produce environmental noise pollution, sound barriers shall be erected or other effective measures shall be taken to control environmental noise pollution.

Article 37 To build noise-sensitive structures on both sides of existing urban traffic trunk lines, the construction unit shall, in accordance with the regulations of the State, keep such structures a certain distance away from the lines and take measures to mitigate or avoid the impact of traffic noise.

Article 38 Where loudspeakers are used to direct operations at transport terminals, railway marshal yards, ports, docks and airports, the sound volume shall be controlled so as to minimize the noise impact on the living environment of the neighbourhood.

Article 39 Where locomotives when traversing urban residential, cultural and education districts produce environmental noise pollution, the local municipal people's governments shall get the railway departments and other relevant departments together to work out plans for mitigating such pollution. The railway departments and other relevant departments shall act in accordance with such plans and take effective measures to mitigate environmental noise pollution.

Article 40 With the exception of take-off, landing or other situations as provided for by law, no civil aircraft may fly over the urban areas of cities. The municipal people's governments shall demarcate areas in the vicinity of obstacle clearance zones for the take-off and landing of aircraft where construction of noise-sensitive structures is restricted. To build noise-sensitive structures within such areas, the construction units shall take measure to mitigate or avoid the impact of the noise emitted by aircraft in motion. The civil aviation department shall take effective measures to mitigate environmental noise pollution.

CHAPTER VI PREVENTION AND CONTROL OF POLLUTION BY NOISE OF SOCIAL ACTIVITIES

Article 41 "Noise of social activities", as used in this Law, means the sound that is emitted by man-conducted activities and that impairs the living environment of the neighbourhood, other than industrial, construction and traffic noise.

Article 42 A commercial enterprise that, in an urban area where noise-sensitive structures are concentrated, produce environmental noise pollution as the result of its use of permanent equipment in the course of commercial activities must, in accordance with the regulations of the competent administrative department for environmental protection under the State Council, report to the competent administrative department for environmental protection of the local people's government at or above the county level the condition of the equipment that produces environmental noise pollution and provide information about the facilities for prevention and control of such pollution.

Article 43 Noise level at the boundary of newly-constructed profit-making cultural and entertainment centers must be kept within the limits of environmental noise emission set by the State. No competent administrative department for culture may issue cultural operation licence and no administrative department for industry and commerce may issue business licence to the centers that fail to keep such emission within the limits. Operators and managers of cultural and entertainment centers must take effective measures to keep noise at the boundary from exceeding the limits set by the State on emission of environmental noise.

Article 44 In commercial activities high-pitch loudspeakers and other loud-noise instruments are forbidden to be used for attracting customers. When using such equipment and facilities as air-conditioners and cooling towers in commercial activities which might produce environmental noise

pollution, the operators and managers shall take measures to keep the noise at the boundary from exceeding the limits set by the State on emission of environmental noise.

Article 45 All units and individuals are forbidden to use high-pitch loudspeakers in urban areas where noise-sensitive structures are concentrated. Where audio apparatus that might produce such excessive sound volume as to impair the living environment of the neighbourhood are used for entertainments arranged or gatherings held at such public places as streets, squares or parks in urban areas, the regulations of the local public security organ must be observed.

Article 46 Whoever uses household appliances or musical instruments or holds other indoor entertainment activities shall keep the sound volume under control or take other effective measures to avoid producing environmental noise pollution to the neighbours.

Article 47 Whoever makes indoor decoration and refitting in a residential building that is already completed and delivered for use shall do so in restricted hours and take other effective measures to mitigate or avoid producing environmental noise pollution to the neighbours.

CHAPTER VII LEGAL LIABILITY

Article 48 Anyone who, in violation of the provisions of Article 14 of this Law, puts into production or use a construction project before the necessary facilities for prevention and control of environmental noise pollution have been completed or meet the requirements laid down by the State, shall be ordered to stop production or use and may also be fined by the competent administrative department for environmental protection that originally approved the environmental impact statement regarding this construction project.

Article 49 Anyone who, in violation of the provisions of this Law, refuses to report or makes a false report on the particulars subject to report regarding the environmental noise emission, may be given a disciplinary warning or fined in light of the seriousness of the violation by the competent administrative department for environmental protection of the local people's government at or above the county level.

Article 50 Any enterprise or institution that, in violation of the provisions of Article 15 of this Law, dismantles or leaves idle the facilities for prevention and control of environmental noise pollution without approval of the competent administrative department for environmental protection, thereby emitting environmental noise in excess of the limits prescribed, shall be ordered to set it right and also be fined by the competent administrative department for environmental protection of the local people's government at or above the county level.

Article 51 Any unit that, in violation of the provisions of Article 16 of this Law, fails to pay, as required by the State, fees for excessive emission of noise, may be given a disciplinary warning or fined, in light of the seriousness of the violation, by the competent administrative department for environmental protection of the local people's government at or above the county level.

Article 52 Any enterprise or institution that, in violation of the provisions of Article 17 of this Law, fails to put the pollution under control at the expiration of the time limit, may be fined or ordered to suspend production or to relocate or close down in light of the hazards so caused, in addition to paying fees for excessive emission of noise as required by the State. The decision on a fine mentioned in the preceding paragraph shall be made by the competent administrative department for environmental protection. The order for suspension of production, relocation or closedown shall be issued by the people's government at or above the county level within the limits of its power granted by the State Council.

Article 53 Anyone who, in violation of the provisions of Article 18 of this Law, manufactures, sells or imports equipment prohibited to be manufactured, sold or imported, shall be ordered by the competent department for comprehensive economic and trade affairs of the people's government at or above the county level to set it right; if the violation is serious, the said department shall submit a proposal to the people's government at the corresponding level for ordering, within the limits of its power granted by the State Council, the violator to suspend operation or close down.

Article 54 Anyone who, in violation of the provisions of Article 19 of this Law and without approval of the local public security organ, conducts activities that emit sporadic strong noise shall be given a disciplinary warning or fined by the said organ in light of the seriousness of the violation.

Article 55 Any unit emitting environmental noise that, in violation of the provisions of Article 21 of this Law, refuses to undergo on-the-spot inspection by the competent administrative department for environmental protection or by any other department or institution that exercises its power of supervision and control of environmental noise in accordance with the provisions of this Law, or resorts to fraud when being inspected, may be given a disciplinary warning or be fined in light of the seriousness of the violation by the said competent administrative department or the said department or institution.

Article 56 Any construction unit that, in violation of the provisions of Paragraph 1 of Article 30 of this Law, conducts at night, in an urban area where noise-sensitive structures are concentrated, construction operation that produces environmental noise pollution and that is therefore prohibited,

shall be ordered to set it right and may also be fined by the competent administrative department for environmental protection of the people's government at or above the county level in the place where the construction project is located.

Article 57 Anyone who uses the sound apparatus on the motor vehicle in violation of the provisions of Article 34 of this Law shall be given a disciplinary warning or be fined by the local public security organ in light of the seriousness of the violation. If a motor vessel is involved in the commission of the unlawful act mentioned in the preceding paragraph, a disciplinary warning or fine shall be imposed by the harbour superintendency administration in light of the seriousness of the act. If a railway locomotive is involved in the commission of the unlawful act mentioned in the first paragraph, the competent railway department shall impose administrative penalty on the person who is responsible for the act.

Article 58 Anyone who, in violation of the provisions of this Law, commits any of the following acts, shall be given a disciplinary warning and may also be fined by the public security organ: (1) Using a high-pitch loudspeaker in an urban area where noise-sensitive structures are concentrated; (2) Using, in violation of the regulations of the local public security organ, audio apparatus which produce such excessive sound volume as to impair the living environment of the neighbourhood when offering entertainment or holding gatherings in such public places as streets, squares or parks in urban areas; or (3) Emitting from indoors environmental noise that seriously impairs life of the neighbours, without taking measures in accordance with the provisions of Article 46 or Article 47 of this Law.

Article 59 Any operators or managers who, in violation of the provisions of Paragraph 2 of Article 43 or Paragraph 2 of Article 44 of this Law, cause environmental noise pollution, shall be ordered to set it right and may also be fined by the competent administrative department for environmental protection of the local people's government at or above the county level.

Article 60 Any operators or managers who, in violation of the provisions of Paragraph 1 of Article 44 of this Law, cause environmental noise pollution shall be ordered to set it right and may also be fined by the public security organ. Where the people's governments at or above the provincial level have decided according to law that the competent administrative departments for environmental protection of the local people's governments at or above the county level exercise the power of administrative penalty mentioned in the preceding paragraph, such decision shall be abided by.

Article 61 Any unit or individual suffering from the hazards of environmental noise pollution shall have the right to demand the polluter to eliminate the hazards; if a loss has been caused, it shall be compensated according to law. Any dispute over the liability for losses or over the amount of compensation may, at the request of the parties concerned, be mediated by the competent administrative department for environmental protection or any other supervisory and administrative department or institution in charge of prevention and control of environmental noise pollution; if such mediation fails, the parties may bring a lawsuit in a People's Court. They may also directly bring a lawsuit in a People's Court.

Article 62 If any person who is in charge of supervision or administration of prevention and control of noise pollution abuses his power, neglects his duty or conducts malpractice for personal gain, the unit to which he belongs or the competent authority at the higher level shall give him administrative penalty. If a crime is constituted, criminal liability shall be investigated according to law.

CHAPTER VIII SUPPLEMENTARY PROVISIONS

Article 63 For purposes of this Law, the meanings of the following terms are: (1) "Noise emission" means emission of noise from the source to the living environment of the neighbourhood. (2) "Noise-sensitive structures" mean structures that require a quiet environment such as hospitals, schools, government offices, research institutions and residential buildings. (3) "Areas where noise-sensitive structures are concentrated" mean such areas as medical treatment areas, cultural, education and research districts and areas where government offices or residential buildings constitute the main buildings. (4) "At night" means the period from 10:00 p.m. to 6:00 a.m. (5) "Motor vehicles" mean automobiles and motorcycles.

Article 64 This Law shall enter into force as of March 1, 1997. The Regulations of the People's Republic of China on Prevention and Control of Environmental Noise" promulgated by the State Council on September 26, 1989 shall be repealed at the same time.

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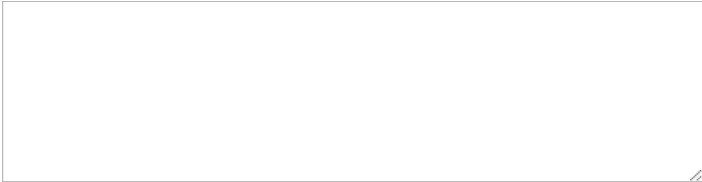
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