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

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing and controlling noise pollution, safeguarding public health, protecting and improving the living environment, maintaining social harmony, and promoting

the construction of ecological civilization and sustainable economic and social development.

Article 2 — For the purposes of this Law, “noise pollution” means the situation where noise emitted exceeds the noise emission standards or fails to comply with the requirements of laws and regulations for noise control, and thereby interferes with the normal life, work and study of others.

Article 3 — This Law applies to the prevention and control of noise pollution within the territory of the People’s Republic of China and other sea areas under the jurisdiction of the People’s Republic of China.

This Law does not apply to the prevention and control of noise generated in the course of production and business operations by employees of an entity.

Article 4 — Noise pollution prevention and control shall adhere to the principles of overall planning, prevention first, classified prevention and control, public participation, and accountability for damage.

Article 5 — The people’s governments at or above the county level shall incorporate noise pollution prevention and control work into their national economic and social development plans and environmental protection plans, and include the funds required for noise pollution prevention and control in their fiscal budgets at the corresponding level.

Article 6 — The ecological and environmental authorities of local people’s governments at or above the county level shall exercise unified supervision and administration over noise pollution prevention and control within their respective administrative regions.

The relevant departments of people’s governments at or above the county level, including those responsible for housing and urban-rural development, public security, transport, natural resources, market regulation, culture and tourism, and civil aviation, among others, shall, within the scope of their respective duties, supervise and administer noise pollution prevention and control.

Grassroots self-governing mass organizations shall assist the relevant competent authorities in the prevention and control of noise pollution within their respective areas.

Article 7 — The State shall encourage and support scientific and technological research on noise pollution prevention and control, and the development, popularization and application of advanced technologies, and shall strengthen the dissemination and education of scientific knowledge on noise pollution prevention and control.

Article 8 — All entities and individuals shall have the obligation to protect the acoustic environment and shall have the right to report or file complaints against entities or individuals that cause noise pollution in accordance with the law.

The ecological and environmental authorities and other departments responsible for the supervision and administration of noise pollution prevention and control shall make public the methods and channels for receiving reports and complaints, and shall handle the reports and complaints received in accordance with the law.

Article 9 — The State shall implement an environmental noise pollution prevention and control target responsibility system and an evaluation and assessment system, incorporating the completion of noise pollution prevention and control targets and tasks into the evaluation and assessment of the relevant departments of local people’s governments at or above the county level and their responsible persons.

Article 10 — Entities and individuals that have made outstanding achievements in noise pollution prevention and control shall be commended and rewarded by the people’s governments at or above the county level and their relevant departments in accordance with the relevant provisions of the State.

Chapter II — Standards and Planning for Noise Pollution Prevention and Control

Article 11 — The State shall set national standards for acoustic environmental quality and national standards for noise emission.

The acoustic environmental quality standards shall specify the limits for acoustic environmental quality in different functional areas, taking into account the protection of the living environment and public health. The noise emission standards shall specify the limits for noise emission of various types of noise sources, taking into account technical and economic feasibility.

Article 12 — Local people's governments at or above the county level shall, in accordance with the national acoustic environmental quality standards and the land spatial planning, delimit acoustic environmental functional areas and specify the applicable acoustic environmental quality standards for each area. The delimitation of acoustic environmental functional areas shall be made public.

Article 13 — The ecological and environmental authorities of local people's governments at or above the county level shall, in conjunction with the relevant departments, formulate plans for the prevention and control of noise pollution within their respective administrative regions in accordance with the national plans for the prevention and control of noise pollution and with reference to the actual conditions of their respective regions, and shall implement such plans after approval by the people's governments at the corresponding level. Such plans shall specify the prevention and control objectives, tasks and measures. The plans for the prevention and control of noise pollution shall be made public.

Article 14 — In preparing plans for land spatial planning, transport planning and other special plans, the overall planning of acoustic environmental quality shall be taken into account, and the impact on the acoustic environment shall be analyzed and assessed in accordance with the law. Opinions shall be solicited from the ecological and environmental authorities and other relevant departments and experts on the part of the relevant planning concerning the acoustic environment.

Article 15 — When constructing noise-sensitive buildings, the entity responsible for such construction shall maintain a distance in compliance with the relevant provisions of the State from sources of noise such as transport trunk lines, industrial enterprises and fixed facilities, and shall adopt measures such as reducing vibration and noise and optimizing building spacing in accordance with the relevant provisions of the State.

Chapter III — Supervision and Administration of Noise Pollution Prevention and Control

Article 16 — Local people's governments at or above the county level shall organize the ecological and environmental authorities and other relevant departments to strengthen supervision and inspection of noise pollution prevention and control, establish and improve mechanisms for sharing information and coordinating law enforcement, and promptly investigate and address noise pollution.

Article 17 — The ecological and environmental authorities and other departments responsible for the supervision and administration of noise pollution prevention and control shall have the authority, within the scope of their statutory duties, to supervise and inspect the entities emitting noise. The entities under inspection shall truthfully report the situation and provide the necessary information. The departments conducting supervision and inspection shall keep confidential the trade secrets of the entities under inspection.

Article 18 — When conducting supervision and inspection, the ecological and environmental authorities and other departments responsible for the supervision and administration of noise pollution prevention and control shall produce their law enforcement credentials and shall not charge any fees.

Article 19 — The ecological and environmental authorities of people's governments at or above the level of a city divided into districts shall, in accordance with the plans for the prevention and control of noise pollution, reasonably set up acoustic environmental quality monitoring stations (points) within their respective

administrative regions and carry out routine monitoring. The monitoring stations (points) and monitoring results shall be made public.

Article 20 — The provincial-level ecological and environmental authorities and other relevant departments shall strengthen the development of noise pollution prevention and control information technologies, establish management platforms for noise pollution prevention and control information, promote the sharing of monitoring and supervision information, and utilize modern information technologies to raise the level of noise pollution prevention and control.

Article 21 — The ecological and environmental authorities may, in conjunction with the relevant departments, install automatic noise monitoring equipment in places such as squares, parks and other public places where noise-sensitive buildings are concentrated. They shall strengthen the maintenance and management of the automatic monitoring equipment to ensure its normal operation and the truthfulness and accuracy of the monitoring data.

Chapter IV — Prevention and Control of Industrial Noise Pollution

Article 22 — Industrial enterprises discharging noise into the living environment shall comply with the noise emission standards prescribed by the State and shall adopt noise reduction measures such as sound insulation and vibration reduction for their noise emission equipment.

Article 23 — New construction, renovation or expansion projects that may generate noise pollution shall have supporting facilities for noise pollution prevention and control designed, constructed and put into use simultaneously with the main project. Before the project is put into production or use, the entity shall be responsible for the acceptance inspection of the supporting facilities for noise pollution prevention and control, and shall prepare an acceptance inspection report and make it public to the public in accordance with the provisions.

Article 24 — Industrial enterprises shall use low-noise equipment and processes, and phase out outdated equipment and processes that generate serious noise pollution in accordance with the provisions of the State.

Article 25 — The State shall implement a catalogue-based management system for elimination of outdated equipment and processes that generate serious noise pollution. The catalogue of equipment and processes that generate serious industrial noise pollution and are to be phased out within a prescribed time limit shall be formulated by the department in charge of ecological and environmental matters under the State Council in conjunction with the relevant departments of the State Council.

Article 26 — Industrial enterprises shall rationally arrange their equipment and workshops, and separate high-noise equipment and workshops from low-noise equipment and workshops, and separate noise-producing areas from non-noise-producing areas such as office areas, living areas and public areas.

Article 27 — Industrial enterprises shall take measures such as vibration isolation and noise reduction for fixed equipment that generates vibration during industrial production; the vibration generated shall comply with the relevant standards.

Chapter V — Prevention and Control of Construction Noise Pollution

Article 28 — Construction units shall include the costs of construction noise pollution prevention and control in the project cost and shall specify the responsibilities of the construction unit for noise pollution prevention and control in the construction contract. The construction unit shall formulate and implement a plan for the prevention and control of construction noise pollution in accordance with the relevant provisions of the State and the requirements of the construction unit.

Article 29 — During construction, the construction unit shall use low-noise construction equipment and processes, set up noise barriers, and take other measures to reduce noise. The construction unit shall not engage in construction activities that generate noise pollution during the night, except for emergency repair or rescue operations or continuous operations required by the construction process and approved by the competent authorities.

Where continuous night operations are required by the construction process, the construction unit shall obtain a certificate from the competent housing and urban-rural development authority or the authority designated by the local people's government at or above the county level, and shall make a public announcement at the construction site and in the vicinity thereof, or notify the residents in the vicinity by other means.

Article 30 — For construction projects that may generate noise pollution, the construction unit shall install noise monitoring equipment at the construction site in accordance with the provisions, monitor the construction noise in real time, and take effective measures to reduce noise where the noise emission exceeds the standards or fails to comply with the requirements for noise control.

Article 31 — In noise-sensitive building concentration areas, it is prohibited to engage in construction activities that generate noise pollution during the daytime of rest days, school holidays or statutory holidays, or during the time periods prescribed for prohibition of construction at night, except for emergency repair or rescue operations, continuous operations required by the construction process or other special circumstances.

Chapter VI — Prevention and Control of Traffic Noise Pollution

Article 32 — The people's governments at or above the county level and their relevant departments shall, in accordance with the plans for the prevention and control of noise pollution, take measures such as sound insulation and noise reduction when constructing, renovating or expanding transport trunk lines to reduce traffic noise pollution.

Article 33 — Newly-built, renovated or expanded transport trunk lines that pass through noise-sensitive building concentration areas shall be separated from noise-sensitive buildings by a distance in compliance with the provisions of the State, and facilities for noise reduction such as noise barriers shall be constructed simultaneously where conditions so require. Where it is not possible to avoid the impact of traffic noise on surrounding areas, sound insulation measures shall be taken for noise-sensitive buildings.

Article 34 — Motor vehicles and vessels such as motor vehicles, railway rolling stock, urban rail transit vehicles, and civil aircraft shall be equipped with mufflers and take other measures to reduce noise in accordance with the provisions of the State. Sound signalling devices of motor vehicles shall comply with the provisions of the State.

Article 35 — Motor vehicles shall be regularly inspected for noise emission during their safety and technical inspection period. Motor vehicles that fail to meet the noise emission standards shall not be permitted to operate on roads.

Article 36 — The road management authority of the public security organ may, based on the needs of acoustic environmental quality protection, designate areas and time periods within which motor vehicles are prohibited from using sound signalling devices or restricted from passing. Such designations shall be marked with signs and made public to the public.

Article 37 — The people's governments at or above the county level and the relevant authorities shall optimize traffic flow and improve road traffic management, and shall rationally plan traffic signal installations and road layout to reduce noise generated by traffic congestion.

Source: https://www.danyoungcpa.com/noise-pollution-prevention-law-prc-2021/

Article 38 — Operators of railways, urban rail transit, airports, ports and docks shall monitor noise in accordance with the relevant provisions of the State and take effective measures to reduce noise pollution. Enterprises operating civil aircraft shall take measures to prevent and control noise pollution in accordance with the relevant provisions of the State.

Article 39 — No noise-sensitive buildings shall be constructed in the vicinity of main traffic trunk lines on both sides of the roads, unless necessary protective distances are maintained and noise reduction measures are adopted.

Chapter VII — Prevention and Control of Community Noise Pollution

Article 40 — In noise-sensitive building concentration areas, commercial and business activities shall not use loudspeakers, audio equipment or other equipment that generates noise to attract customers. Operators of entertainment venues and other public places shall control the volume and take other measures to reduce noise.

Article 41 — Air conditioners, cooling towers, water pumps, exhaust fans, elevators, boilers and other equipment used in buildings shall comply with the relevant standards for noise emission, and vibration reduction, sound insulation and other measures shall be taken to prevent noise pollution.

Article 42 — Renovation and decoration activities in residential buildings and commercial and office buildings already completed and put into use shall be conducted during the prescribed time periods, and effective measures shall be taken to prevent and reduce noise pollution.

Article 43 — The use of loudspeakers and other audio equipment in public places such as streets, squares and parks shall control the volume to avoid excessive noise interfering with the life of surrounding residents. Local people's governments at or above the county level may, as needed, specify the areas, time periods and volume limits for activities generating noise from loudspeakers and other audio equipment in public places.

Article 44 — The use of loudspeakers and other audio equipment in indoor public places such as shops, shopping malls, restaurants, bars and karaoke halls shall control the volume to avoid interference with the normal life of others.

Article 45 — Property service providers in residential areas shall manage and maintain the shared facilities and equipment to prevent noise pollution. Where noise pollution is caused by decoration, entertainment, fitness or other activities of the owners or residents, the property service provider shall promptly discourage or stop such activities, and where such discouragement or stopping is ineffective, shall report to the relevant competent authorities in a timely manner.

Article 46 — Keeping pets such as dogs shall be in compliance with the relevant provisions, and effective measures shall be taken to prevent noise generated by pets from interfering with the normal life of others.

Article 47 — Family activities such as playing musical instruments and entertainment and fitness activities shall control the volume or take other effective measures to avoid noise pollution that interferes with the normal life of neighbors in the surrounding area.

Chapter VIII — Legal Liability

Article 48 — Where an entity, in violation of the provisions of this Law, refuses or obstructs supervision and inspection, or commits fraud when receiving supervision and inspection, the ecological and environmental authority or other department responsible for the supervision and administration of noise pollution prevention and control shall order it to make corrections and may impose a fine of not less than 20,000 yuan but not more than 200,000 yuan.

Source: https://www.danyoungcpa.com/noise-pollution-prevention-law-prc-2021/

Article 49 — Where an entity, in violation of the provisions of this Law, discharges industrial noise in excess of the noise emission standards, the ecological and environmental authority shall order it to make corrections or impose restrictions on production or discharge, and may impose a fine of not less than 20,000 yuan but not more than 200,000 yuan; where the circumstances are serious, it shall report the matter to the people's government with the power of approval to order the suspension of operations, closure or removal.

Article 50 — Where an entity, in violation of the provisions of this Law, uses equipment or processes that generate serious noise pollution and are included in the catalogue of equipment and processes to be phased out within a prescribed time limit, the ecological and environmental authority shall order it to make corrections and may impose a fine of not less than 50,000 yuan but not more than 200,000 yuan; where the circumstances are serious, it shall report the matter to the people's government with the power of approval to order the suspension of operations or closure.

Article 51 — Where an entity, in violation of the provisions of this Law, engages in construction at night without authorization, or fails to install noise monitoring equipment at the construction site in accordance with the provisions, the competent housing and urban-rural development authority or the authority designated by the local people's government at or above the county level shall order it to make corrections and may impose a fine of not less than 10,000 yuan but not more than 100,000 yuan.

Article 52 — Where a motor vehicle driver, in violation of the provisions of this Law, drives a motor vehicle that fails to meet the noise emission standards on the road, the traffic management authority of the public security organ shall impose a penalty in accordance with the relevant provisions of the Road Traffic Safety Law of the People's Republic of China.

Article 53 — Where an entity, in violation of the provisions of this Law, uses loudspeakers or other audio equipment in commercial and business activities to attract customers or other activities that generate noise, the authority designated by the local people's government at or above the county level shall order it to make corrections and may impose a fine of not less than 5,000 yuan but not more than 50,000 yuan.

Article 54 — Where an entity or individual, in violation of the provisions of this Law, uses loudspeakers and other audio equipment in public places such as streets, squares and parks to organize entertainment, assembly and other activities, and the noise generated interferes with the normal life of others, the authority designated by the local people's government at or above the county level shall persuade and educate them, order them to make corrections, and may impose a fine of not more than 1,000 yuan.

Article 55 — Where an entity or individual, in violation of the provisions of this Law, causes noise pollution through family activities such as decoration, entertainment or fitness, and refuses to make corrections after being discouraged, the authority designated by the local people's government at or above the county level shall impose a fine of not less than 200 yuan but not more than 1,000 yuan.

Article 56 — Where the ecological and environmental authority or any other department responsible for the supervision and administration of noise pollution prevention and control, in violation of the provisions of this Law, fails to perform its duties in accordance with the law, the people's government at the corresponding level or the relevant authority at a higher level shall order it to make corrections, and the directly responsible person in charge and other directly responsible personnel shall be subject to sanctions in accordance with the law.

Article 57 — Where noise pollution causes damage, the party causing such damage shall bear tort liability in accordance with the law. Where mediation fails to resolve a dispute over liability for damage caused by noise pollution, the parties concerned may file a lawsuit with the people's court in accordance with the law.

Chapter IX — Supplementary Provisions

Article 58 — For the purposes of this Law, the following terms shall have the following meanings:

Source: https://www.danyoungcpa.com/noise-pollution-prevention-law-prc-2021/

(1) “Noise emission” means the radiation of noise from a noise source into the surrounding living environment;

(2) “Night” means the period from 10:00 p.m. to 6:00 a.m. the following morning; the people’s governments of cities divided into districts or at the county level may, based on local conditions, separately prescribe the night period applicable to their respective administrative regions;

(3) “Noise-sensitive buildings” means buildings that require a quiet environment, such as residential buildings, scientific research buildings, medical and health buildings, cultural and educational buildings, office buildings, and public welfare buildings; and

(4) “Transport trunk lines” means railways, expressways, Class I highways, Class II highways, urban expressways, urban trunk roads, urban secondary trunk roads, urban rail transit lines, and inland waterways.

Article 59 — This Law shall take effect on June 5, 2022. The Law of the People’s Republic of China on the Prevention and Control of Environmental Noise Pollution, adopted on October 29, 1996, shall be repealed simultaneously.

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