

PRC Law on Noise Pollution Prevention and Control

Dan Young Business Consultancy — www.danyoungcpa.com
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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 advancing

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

Article 2 — For the purposes of this Law, "noise pollution" means the situation where noise is emitted in excess of the noise emission standards or where noise is emitted without taking prevention and control measures in accordance with the law and disturbs the normal life, work, or study of others. This Law shall apply to the prevention and control of noise pollution within the territory of the People's Republic of China. Where noise is generated in the course of production and business operations and disturbs the surrounding living environment, the provisions of this Law shall apply.

Article 3 — The prevention and control of noise pollution shall adhere to the principles of overall planning, prevention first, prevention and control in combination, categorized management, public participation, and liability for damage.

Article 4 — The local people's governments at various levels shall be responsible for the quality of the acoustic environment within their respective administrative regions and shall adopt measures to improve the quality of the acoustic environment. The State shall implement a responsibility system and an assessment and evaluation system for the objectives of noise pollution prevention and control, and incorporate the fulfillment of the objectives into the assessment and evaluation content.

Article 5 — The ecological and environmental department under the State Council shall exercise unified supervision and administration over noise pollution prevention and control nationwide. The departments of housing and urban-rural development, public security, transport, railway supervision and administration, civil aviation, and maritime affairs, and other relevant departments under the State Council shall exercise supervision and administration over noise pollution prevention and control within their respective scopes of duties.

Article 6 — The local people's governments at or above the county level shall specify the division of duties of the relevant departments for noise pollution prevention and control. The ecological and environmental departments of the 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. All entities and individuals shall have the obligation to protect the acoustic environment and shall have the right to obtain information on the acoustic environment, and participate in and supervise noise pollution prevention and control in accordance with the law.

Article 7 — The State shall encourage and support scientific and technological research relating to the prevention and control of noise pollution, promote the research, development, and application of advanced technologies for noise pollution prevention and control, and promote scientific and technological progress in noise pollution prevention and control.

Chapter II — Standards and Planning for Noise Pollution Prevention

Article 8 — The State shall promote the construction of a standards system for noise pollution prevention and control. The ecological and environmental department under the State Council shall formulate national standards for the quality of the acoustic environment and national standards for noise emission. The people's governments of provinces, autonomous regions, and municipalities directly under the Central Government may formulate local standards for the quality of the acoustic environment and local standards for noise emission for matters not covered by national standards; they may also formulate local standards that are stricter than national standards for matters already covered by national standards. Local standards shall be reported to the ecological and environmental department under the State Council for the record.

Article 9 — The ecological and environmental department of the local people's government at or above the county level shall, in conjunction with the relevant departments, delineate functional zones for the acoustic environment within their respective administrative regions in accordance with the national standards for the quality of the acoustic environment and the national technical specifications for the delineation of functional

zones for the acoustic environment, and specify the maximum noise limits applicable to each zone. The delineation of functional zones for the acoustic environment shall be made public.

Article 10 — The local people's governments at or above the county level shall incorporate noise pollution prevention and control into their plans for national economic and social development and environmental protection plans. The local people's governments at or above the county level shall, in light of the national standards for the quality of the acoustic environment and the requirements for the improvement of the acoustic environment, formulate plans for noise pollution prevention and control, and organize their implementation.

Chapter III — Supervision and Administration of Noise Pollution Prevention

Article 11 — The ecological and environmental department under the State Council shall establish a national acoustic environment monitoring network, and organize the monitoring of the acoustic environment and advance the automation of acoustic environment monitoring. The local people's governments at or above the county level shall, in accordance with the provisions of the State, organize the construction of an acoustic environment monitoring network and carry out acoustic environment monitoring.

Article 12 — The ecological and environmental departments and other departments with supervisory and administrative duties over noise pollution prevention and control shall have the power to conduct on-site inspections of entities and individuals that emit noise. The entities and individuals being inspected shall truthfully report the situation and provide the necessary materials.

Article 13 — Noise emission entities shall adopt effective measures to ensure that noise emissions comply with the prescribed noise emission standards and shall not discharge noise in excess of the standards. Where noise emission standards are not prescribed at the national level, the local standards or the relevant provisions of the State shall apply.

Article 14 — Where noise emissions are subject to licensing in accordance with the law, the entity shall obtain a noise emission license. The State Council may prescribe the specific measures for the administration of noise emission licenses in accordance with the law. Noise emissions shall be carried out in accordance with the provisions of the noise emission license.

Article 15 — Noise emission entities shall faithfully fill in noise emission records, truthfully record the types of noise emission equipment, the noise value, the prevention and control facilities, and the operation status, and other information, and keep such records for future reference.

Chapter IV — Prevention and Control of Industrial Noise Pollution

Article 16 — Where noise is generated in the course of industrial production, the entity shall adopt measures such as rational layout, selection of low-noise equipment, improvement of production processes, sound insulation, noise elimination, vibration absorption, and damping, to reduce the impact of noise on the surrounding living environment. Where noise emissions exceed the standards, the entity shall formulate a treatment plan and complete the treatment within the prescribed time limit.

Article 17 — Where industrial enterprises and other entities with fixed noise sources cause serious noise pollution, the ecological and environmental department of the local people's government at or above the county level shall order them to make corrections within a prescribed time limit, and may, depending on the degree of noise pollution, order them to restrict production or suspend production for rectification.

Article 18 — The State shall implement mandatory elimination of industrial equipment that causes serious noise pollution. The list of industrial equipment subject to mandatory elimination shall be formulated by the department of development and reform under the State Council in conjunction with the ecological and environmental department and other relevant departments under the State Council. It is prohibited to produce, sell, or import industrial equipment included in the list of eliminated industrial equipment.

Chapter V — Prevention and Control of Construction Noise Pollution

Article 19 — Where noise is generated in the course of construction operations, the construction entity shall adopt measures such as selection of low-noise construction equipment, improvement of construction processes, installation of sound barriers, and rational arrangement of construction time to reduce the impact of noise on the surrounding living environment. Construction noise emissions shall comply with the prescribed noise emission standards.

Article 20 — It is prohibited to conduct construction operations that generate noise pollution during the night hours on construction sites within noise-sensitive building concentration areas, except for emergency repair and rescue operations, emergency construction operations, and construction operations that require continuous operations due to production process requirements or special needs. Where continuous operations are required due to special needs, a supporting document from the relevant department of the local people's government at or above the county level or the people's government of the town or township shall be obtained, and a public notice shall be given at the construction site to inform nearby residents. The specific measures for night-time construction noise management shall be separately prescribed.

Chapter VI — Prevention and Control of Transportation Noise Pollution

Article 21 — The departments of public security, transport, railway supervision and administration, civil aviation, and maritime affairs shall, within their respective scopes of duties, strengthen the supervision and administration of the prevention and control of noise pollution from motor vehicles, railways, locomotives, urban rail transit vehicles, civil aircraft, and vessels.

Article 22 — The noise emitted by motor vehicles, railway locomotives, urban rail transit vehicles, and vessels shall comply with the prescribed noise emission standards. It is prohibited to illegally refit motor vehicles or vessels to increase noise levels. Where motor vehicles, railway locomotives, urban rail transit vehicles, or vessels emit noise in excess of the standards, measures shall be taken for repair and treatment.

Article 23 — The public security traffic management department of the people's government at or above the county level may, based on the requirements for the protection of the acoustic environment and the needs of noise pollution prevention and control, delimit areas and routes where honking and other noise-generating activities are prohibited or restricted, and set up corresponding signs. Where motor vehicles are driven in areas and on routes where honking is prohibited or restricted, the driver shall not sound the horn in violation of the regulations.

Article 24 — Where the construction of new roads, railways, or urban rail transit routes passes through noise-sensitive building concentration areas, the construction entity shall adopt measures such as the installation of sound barriers, the use of low-noise road surfaces, and the construction of noise-sensitive building isolation facilities to reduce the impact of traffic noise. The construction of sound barriers and other noise pollution prevention and control facilities on existing roads, railways, and urban rail transit lines that pass through noise-sensitive building concentration areas shall be organized and implemented by the operation and management entities of the roads, railways, and urban rail transit lines.

Chapter VII — Prevention and Control of Social Life Noise Pollution

Article 25 — The local people's governments at various levels and their relevant departments shall strengthen the publicity and education on the prevention and control of social life noise, guide the public to engage in entertainment, fitness, and other activities in a civilized manner, consciously maintain the quality of the living environment, and prevent noise from disturbing others.

Article 26 — The use of loudspeakers in commercial business activities is prohibited, except in emergency situations or as otherwise prescribed by the State. Where audio equipment is used in commercial business activities, the volume shall be controlled to avoid generating noise pollution that affects the surrounding living

environment.

Article 27 — The operation and management entities of public places shall reasonably define the areas and time period for entertainment, fitness, and other activities, and adopt measures such as setting up automatic noise monitoring and display facilities to strengthen management. Entities and individuals conducting entertainment, fitness, and other activities in public places such as streets, squares, and parks shall comply with the provisions of the operators and managers on the areas, time periods, and volume of such activities, and adopt effective measures to prevent noise pollution.

Article 28 — Where audio equipment such as household electrical appliances, musical instruments, or other equipment is used in the home for entertainment, physical exercise, or other activities, the volume shall be controlled or other effective measures shall be adopted to avoid generating noise pollution that disturbs the normal life of others. Where activities such as interior decoration are carried out in residential buildings where decoration has been completed and delivered for use, the operation time shall be limited in accordance with the regulations, and effective measures shall be adopted to reduce and avoid noise pollution that disturbs the surrounding living environment.

Chapter VIII — Legal Liability

Article 29 — Where any entity, in violation of the provisions of this Law, emits noise in excess of the noise emission standards or fails to adopt prevention and control measures as required and causes noise pollution, the ecological and environmental department or another department with supervisory and administrative duties shall order it to make corrections and impose a fine.

Article 30 — Where any entity emits noise in excess of the standards, refuses to make corrections, and causes serious noise pollution, the relevant department may order it to restrict production, suspend production for rectification, or close down, depending on the degree of noise pollution. Where an entity, in violation of the provisions of this Law, generates noise pollution in the course of construction operations, the relevant department shall order it to make corrections and impose a fine; where it refuses to make corrections, it may be ordered to suspend operations.

Article 31 — Where any entity or individual violates the provisions of this Law and causes noise pollution, the relevant department shall order it to make corrections and impose a fine on the entity; where a public security administration violation is constituted, public security administration penalties shall be imposed in accordance with the law; where a crime is constituted, criminal liability shall be pursued in accordance with the law. Where any entity or individual, in violation of the provisions of this Law, causes noise pollution and causes damage to others, it shall bear tort liability in accordance with the law.

Chapter IX — Supplementary Provisions

Article 32 — For the purposes of this Law: (1) "Noise emission" means the radiation of noise from a noise source into the surrounding living environment. (2) "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, and office buildings. (3) "Night hours" means the period from 10:00 p.m. to 6:00 a.m.; the people's governments of cities divided into districts and counties may, in light of local conditions, specify different night hours.

Article 33 — This Law shall come into force on June 5, 2022. The Law of the People's Republic of China on the Prevention and Control of Environmental Noise Pollution adopted at the 20th Session of the Standing Committee of the Eighth National People's Congress on October 29, 1996 shall be repealed simultaneously.

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