

【Title】 Law of the People's Republic of China on Prevention and Control of Pollution From Environmental Noise**[现行有效]**

【法规标题】 中华人民共和国环境噪声污染防治法 **[Effective]**

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The Law of the People's Republic of China on Prevention and Control of Environmental Noise Pollution, adopted at the 22nd Meeting of the Standing Committee of the Eighth National People's Congress of the People's Republic of China on October 29, 1996, is hereby promulgated and shall enter into force as of March 1, 1997.

Jiang Zemin

President of the People's Republic of China

October 29, 1996

LAW OF THE PEOPLE'S REPUBLIC OF CHINA ON PREVENTION AND CONTROL OF

ENVIRONMENTAL NOISE POLLUTION

(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)

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中华人民共和国主席令
(第七十七号)

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《中华人民共和国环境噪声污染防治法》已由中华人民共和国第八届全国人民代表大会常务委员会第二十次会议于1996年10月29日通过,现予公布,自1997年3月1日起施行。

中华人民共和国主席 江泽民

1996年10月29日

中华人民共和国
环境噪声污染防治法

(1996年10月29日第八届全国人民代表大会常务委员会第二十二次会议通过)

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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

第一章 总则

第一条 为防治环境噪声污染，保护和改善生活环境，保障人体健康，促进经济和社会发展，制定本法。

第二条 本法所称环境噪声，是指在工业生产、建筑施工、交通运输和社会生活中所产生的干扰周围生活环境的声音。

本法所称环境噪声污染，是指所产生的环境噪声超过国家规定的环境噪声排放标准，并干扰他人正常生活、工作和学习的现象。

（相关资料: [部门规章 3 篇](#) [裁判文书 2 篇](#)）

第三条 本法适用于中华人民共和国领域内环境噪声污染的防治。

因从事本职生产、经营工作受到噪声危害的防治，不适用本法。

第四条 国务院和地方各级人民政府应当将环境噪声污染防治工作纳入环境保护规划，并采取有利于声环境保护的经济、技术政策和措施。

（相关资料: [相关论文 1 篇](#)）

第五条 地方各级人民政府在制定城乡建设规划时，应当充分考虑建设项目和区域开发、改造所产生的噪声对周围生活环境的影响，统筹规划，合理安排功能区和建设布局，防止或者减轻环境噪声污染。

（相关资料: [实务指南](#)）

第六条 国务院环境保护行政主管部门对全国环境噪声污染防治实施统一监督管理。

县级以上地方人民政府环境保护行政主管部门对本行政区域内的环境噪声

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

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

pollution prevention shall be implemented under unified supervision and administration.

各级公安、交通、铁路、民航等主管部门和港务监督机构, 根据各自的职责, 对交通运输和社会生活噪声污染防治实施监督管理。

(相关资料: [地方法规 7 篇](#) [裁判文书 4 篇](#))

第七条 任何单位和个人都有保护声环境的义务, 并有权对造成环境噪声污染的单位和个人进行检举和控告。

第八条 国家鼓励、支持环境噪声污染防治的科学研究、技术开发, 推广先进的防治技术和普及防治环境噪声污染的科学知识。

第九条 对在环境噪声污染防治方面成绩显著的单位和个人, 由人民政府给予奖励。

第二章 环境噪声污染防治的监督管理

第十条 国务院环境保护行政主管部门分别不同的功能区制定国家声环境质量标准。

县级以上地方人民政府根据国家声环境质量标准, 划定本行政区域内各类声环境质量标准的适用区域, 并进行管理。

(相关资料: [部门规章 1 篇](#) [裁判文书 1 篇](#) [实务指南](#))

第十一条 国务院环境保护行政主管部门根据国家声环境质量标准和国家经济、技术条件, 制定国家环境噪声排放标准。

(相关资料: [实务指南](#))

第十二条 城市规划部门在确定建

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.

设布局时，应当依据国家声环境质量标准和民用建筑隔声设计规范，合理划定建筑物与交通干线的防噪声距离，并提出相应的规划设计要求。

（相关资料: [部门规章 1 篇](#) [实务指南](#)）

第十三条 新建、改建、扩建的建设项目，必须遵守国家有关建设项目环境保护管理的规定。

建设项目可能产生环境噪声污染的，建设单位必须提出环境影响报告书，规定环境噪声污染的防治措施，并按照国家规定的程序报环境保护行政主管部门批准。

环境影响报告书中，应当有该建设项目所在地单位和居民的意见。

（相关资料: [部门规章 1 篇](#) [实务指南](#)）

第十四条 建设项目的环境噪声污染防治设施必须与主体工程同时设计、同时施工、同时投产使用。

建设项目在投入生产或者使用之前，其环境噪声污染防治设施必须经原审批环境影响报告书的环境保护行政主管部门验收；达不到国家规定要求的，该建设项目不得投入生产或者使用。

第十五条 产生环境噪声污染的企业事业单位，必须保持防治环境噪声污染的设施的正常使用；拆除或者闲置环境噪声污染防治设施的，必须事先报经所在地的县级以上地方人民政府环境保护行政主管部门批准。

（相关资料: [地方法规 2 篇](#) [实务指南](#)）

第十六条 产生环境噪声污染的单位，应当采取措施进行治理，并按照国家规定缴纳超标排污费。

征收的超标排污费必须用于污染的防治，不得挪作他用。

（相关资料: [部门规章 4 篇](#) [地方法规 2 篇](#)）

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

第十七条 对于在噪声敏感建筑物集中区域内造成严重环境噪声污染的企业事业单位，限期治理。

被限期治理的单位必须按期完成治理任务。限期治理由县级以上人民政府按照国务院规定的权限决定。

对小型企业事业单位的限期治理，可以由县级以上人民政府在国务院规定的权限内授权其环境保护行政主管部门决定。

（相关资料: [部门规章 4 篇](#) [地方法规 3 篇](#) [相关论文 1 篇](#)）

第十八条 国家对环境噪声污染严重的落后设备实行淘汰制度。

国务院经济综合主管部门应当会同国务院有关部门公布限期禁止生产、禁止销售、禁止进口的环境噪声污染严重的设备名录。

生产者、销售者或者进口者必须在国务院经济综合主管部门会同国务院有关部门规定的期限内分别停止生产、销售或者进口列入前款规定的名录中的设备。

（相关资料: [地方法规 1 篇](#)）

第十九条 在城市范围内从事生产活动确需排放偶发性强烈噪声的，必须事先向当地公安机关提出申请，经批准后方可进行。当地公安机关应当向社会公告。

（相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#)）

第二十条 国务院环境保护行政主管部门应当建立环境噪声监测制度，制定监测规范，并会同有关部门组织监测网络。

环境噪声监测机构应当按照国务院环境保护行政主管部门的规定报送环境噪声监测结果。

第二十一条 县级以上人民政府环境保护行政主管部门和其他环境噪声污

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

污染防治工作的监督管理部门、机构，有权依据各自的职责对管辖范围内排放环境噪声的单位进行现场检查。被检查的单位必须如实反映情况，并提供必要的资料。检查部门、机构应当为被检查的单位保守技术秘密和业务秘密。

检查人员进行现场检查，应当出示证件。

（相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#)）

第三章 工业噪声污染防治

第二十二条 本法所称工业噪声，是指在工业生产活动中使用固定的设备时产生的干扰周围生活环境的声音。

第二十三条 在城市范围内向周围生活环境排放工业噪声的，应当符合国家规定的工业企业厂界环境噪声排放标准。

（相关资料: [部门规章 1 篇](#) [裁判文书 3 篇](#)）

第二十四条 在工业生产中因使用固定的设备造成环境噪声污染的工业企业，必须按照国务院环境保护行政主管部门的规定，向所在地的县级以上地方人民政府环境保护行政主管部门申报拥有的造成环境噪声污染的设备的种类、数量以及在正常作业条件下所发出的噪声值和防治环境噪声污染的设施情况，并提供防治噪声污染的技术资料。

造成环境噪声污染的设备的种类、数量、噪声值和防治设施有重大改变的，必须及时申报，并采取应有的防治措施。

（相关资料: [部门规章 2 篇](#) [地方法规 2 篇](#) [裁判文书 1 篇](#) [实务指南](#)）

第二十五条 产生环境噪声污染的工业企业，应当采取有效措施，减轻噪

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

声对周围生活环境的影响。

(相关资料: [裁判文书 3 篇](#))

第二十六条 国务院有关主管部门对可能产生环境噪声污染的工业设备,应当根据声环境保护的要求和国家的经济、技术条件,逐步在依法制定的产品的国家标准、行业标准中规定噪声限值。

前款规定的工业设备运行时发出的噪声值,应当在有关技术文件中予以注明。

第四章 建筑施工噪声污染防治

第二十七条 本法所称建筑施工噪声,是指在建筑施工过程中产生的干扰周围生活环境的声音。

第二十八条 在城市市区范围内向周围生活环境排放建筑施工噪声的,应当符合国家规定的建筑施工场界环境噪声排放标准。

(相关资料: [部门规章 2 篇](#) [地方法规 1 篇](#))

第二十九条 在城市市区范围内,建筑施工过程中使用机械设备,可能产生环境噪声污染的,施工单位必须在工程开工十五日以前向工程所在地县级以上地方人民政府环境保护行政主管部门申报该工程的项目名称、施工场所和期限、可能产生的环境噪声值以及所采取的环境噪声污染防治措施的情况。

(相关资料: [部门规章 1 篇](#) [地方法规 5 篇](#))

第三十条 在城市市区噪声敏感建筑物集中区域内,禁止夜间进行产生环境噪声污染的建筑施工作业,但抢修、抢险作业和因生产工艺上要求或者特殊需要必须连续作业的除外。

因特殊需要必须连续作业的,必须有县级以上人民政府或者其有关主管部

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

门的证明。

前款规定的夜间作业，必须公告附近居民。

（相关资料: [部门规章 2 篇](#) [地方法规 5 篇](#) [实务指南](#)）

第五章 交通运输噪声污染防治

第三十一条 本法所称交通运输噪声，是指机动车辆、铁路机车、机动船舶、航空器等交通运输工具在运行时所产生的干扰周围生活环境的声音。

第三十二条 禁止制造、销售或者进口超过规定的噪声限值的汽车。

第三十三条 在城市市区范围内行使的机动车辆的消声器和喇叭必须符合国家规定的要求。机动车辆必须加强维修和保养，保持技术性能良好，防治环境噪声污染。

第三十四条 机动车辆在城市市区范围内行驶，机动船舶在城市市区的内河航道航行，铁路机车驶经或者进入城市市区、疗养区时，必须按照规定使用声响装置。

警车、消防车、工程抢险车、救护车等机动车辆安装、使用警报器，必须符合国务院公安部门的规定；在执行非紧急任务时，禁止使用警报器。

（相关资料: [部门规章 1 篇](#) [地方法规 3 篇](#)）

第三十五条 城市人民政府公安机关可以根据本地城市市区区域声环境保护的需要，划定禁止机动车辆行驶和禁止其使用声响装置的路段和时间，并向社会公告。

第三十六条 建设经过已有的噪声敏感建筑物集中区域的高速公路和城市

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.

高架、轻轨道路，有可能造成环境噪声污染的，应当设置声屏障或者采取其他有效的控制环境噪声污染的措施。

（相关资料: [部门规章 1 篇](#)）

第三十七条 在已有的城市交通干线的两侧建设噪声敏感建筑物的，建设单位应当按照国家规定间隔一定距离，并采取减轻、避免交通噪声影响的措施。

（相关资料: [裁判文书 2 篇](#)）

第三十八条 在车站、铁路编组站、港口、码头、航空港等地指挥作业时使用广播喇叭的，应当控制音量，减轻噪声对周围生活环境的影响。

第三十九条 穿越城市居民区、文教区的铁路，因铁路机车运行造成环境噪声污染的，当地城市人民政府应当组织铁路部门和其他有关部门，制定减轻环境噪声污染的规划。铁路部门和其他有关部门应当按照规划的要求，采取有效措施，减轻环境噪声污染。

（相关资料: [部门规章 1 篇](#)）

第四十条 除起飞、降落或者依法规定的情形以外，民用航空器不得飞越城市市区上空。城市人民政府应当在航空器起飞、降落的净空周围划定限制建设噪声敏感建筑物的区域；在该区域内建设噪声敏感建筑物的，建设单位应当采取减轻、避免航空器运行时产生的噪声影响的措施。民航部门应当采取有效措施，减轻环境噪声污染。

第六章 社会生活噪声污染防治

第四十一条 本法所称社会生活噪声，是指人为活动所产生的除工业噪声、建筑施工噪声和交通运输噪声之外的干扰周围生活环境的声音。

（相关资料: [裁判文书 2 篇](#) [实务指南](#)）

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

第四十二条 在城市市区噪声敏感建筑物集中区域内，因商业经营活动中使用固定设备造成环境噪声污染的商业企业，必须按照国务院环境保护行政主管部门的规定，向所在地的县级以上地方人民政府环境保护行政主管部门申报拥有的造成环境噪声污染的设备的状况和防治环境噪声污染的设施的情况。

（相关资料: [地方法规 1 篇](#) [裁判文书 1 篇](#) [实务指南](#)）

第四十三条 新建营业性文化娱乐场所的边界噪声必须符合国家规定的环境噪声排放标准；不符合国家规定的环境噪声排放标准的，文化行政主管部门不得核发文化经营许可证，工商行政管理部门不得核发营业执照。

经营中的文化娱乐场所，其经营管理者必须采取有效措施，使其边界噪声不超过国家规定的环境噪声排放标准。

（相关资料: [部门规章 3 篇](#) [地方法规 2 篇](#) [裁判文书 2 篇](#) [实务指南](#)）

第四十四条 禁止在商业经营活动中使用高音广播喇叭或者采用其他发出高噪声的方法招揽顾客。

在商业经营活动中使用空调器、冷却塔等可能产生环境噪声污染的设备、设施的，其经营管理者应当采取措施，使其边界噪声不超过国家规定的环境噪声排放标准。

（相关资料: [地方法规 1 篇](#) [实务指南](#)）

第四十五条 禁止任何单位、个人在城市市区噪声敏感建设物集中区域内使用高音广播喇叭。

在城市市区街道、广场、公园等公共场所组织娱乐、集会等活动，使用音响器材可能产生干扰周围生活环境的过大音量的，必须遵守当地公安机关的规定。

（相关资料: [地方法规 1 篇](#) [实务指南](#)）

第四十六条 使用家用电器、乐器或者进行其他家庭室内娱乐活动时，应当控制音量或者采取其他有效措施，避

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.

免对周围居民造成环境噪声污染。

(相关资料: [实务指南](#))

第四十七条 在已竣工交付使用的住宅楼进行室内装修活动,应当限制作业时间,并采取其他有效措施,以减轻、避免对周围居民造成环境噪声污染。

(相关资料: [实务指南](#))

第七章 法律责任

第四十八条 违反本法第十四条的规定,建设项目中需要配套建设的环境噪声污染防治设施没有建成或者没有达到国家规定的要求,擅自投入生产或者使用的,由批准该建设项目的环境影响报告书的环境保护行政主管部门责令停止生产或者使用,可以并处罚款。

(相关资料: [部门规章 1 篇](#) [地方法规 2 篇](#))

第四十九条 违反本法规定,拒报或者谎报规定的环境噪声排放申报事项的,县级以上地方人民政府环境保护行政主管部门可以根据不同情节,给予警告或者处以罚款。

(相关资料: [部门规章 2 篇](#) [地方法规 2 篇](#))

第五十条 违反本法第十五条的规定,未经环境保护行政主管部门批准,擅自拆除或者闲置环境噪声污染防治设施,致使环境噪声排放超过规定标准的,由县级以上地方人民政府环境保护行政主管部门责令改正,并处罚款。

(相关资料: [部门规章 4 篇](#) [地方法规 4 篇](#))

第五十一条 违反本法第十六条的规定,不按照国家规定缴纳超标准排污费的,县级以上地方人民政府环境保护行政主管部门可以根据不同情节,给予警告或者处以罚款。

(相关资料: [部门规章 2 篇](#) [地方法规 1](#)

[篇](#))

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

第五十二条 违反本法第十七条的规定,对经限期治理逾期未完成治理任务的企业事业单位,除依照国家规定加收超标排污费外,可以根据所造成的危害后果处以罚款,或者责令停业、搬迁、关闭。

前款规定的罚款由环境保护行政主管部门决定。责令停业、搬迁、关闭由县级以上人民政府按照国务院规定的权限决定。

(相关资料: [部门规章 1 篇](#) [地方法规 4 篇](#))

第五十三条 违反本法第十八条的规定,生产、销售、进口禁止生产、销售、进口的设备的,由县级以上人民政府经济综合主管部门责令改正;情节严重的,由县级以上人民政府经济综合主管部门提出意见,报请同级人民政府按照国务院规定的权限责令停业、关闭。

(相关资料: [地方法规 2 篇](#))

第五十四条 违反本法第十九条的规定,未经当地公安机关批准,进行产生偶发性强烈噪声活动的,由公安机关根据不同情节给予警告或者处以罚款。

(相关资料: [地方法规 6 篇](#))

第五十五条 排放环境噪声的单位违反本法第二十一条的规定,拒绝环境保护行政主管部门或者其他依照本法规定行使环境噪声监督管理权的部门、机构现场检查或者在被检查时弄虚作假的,环境保护行政主管部门或者其他依照本法规定行使环境噪声监督管理权的监督管理部门、机构可以根据不同情节,给予警告或者处以罚款。

(相关资料: [部门规章 2 篇](#) [地方法规 6 篇](#))

第五十六条 建筑施工单位违反本法第三十条第一款的规定,在城市市区噪声敏感建筑物集中区域内,夜间进行

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

禁止进行的产生环境噪声污染的建筑施工作业的，由工程所在地县级以上地方人民政府环境保护行政主管部门责令改正，可以并处罚款。

（相关资料: [部门规章 1 篇](#) [地方法规 10 篇](#)）

第五十七条 违反本法第三十四条的规定，机动车辆不按照规定使用声响装置的，由当地公安机关根据不同情节给予警告或者处以罚款。

机动船舶有前款违法行为的，由港务监督机构根据不同情节给予警告或者处以罚款。

铁路机车有第一款违法行为的，由铁路主管部门对有关责任人员给予行政处分。

（相关资料: [部门规章 1 篇](#) [地方法规 6 篇](#)）

第五十八条 违反本法规定，有下列行为之一的，由公安机关给予警告，可以并处罚款：

（一）在城市市区噪声敏感建筑物集中区域内使用高音广播喇叭；

（二）违反当地公安机关的规定，在城市市区街道、广场、公园等公共场所组织娱乐、集会等活动，使用音响器材，产生干扰周围生活环境的过大音量的；

（三）未按本法第四十六条和第四十七条规定采取措施，从家庭室内发出严重干扰周围居民生活环境的环境噪声的。

（相关资料: [地方法规 13 篇](#) [实务指南](#)）

第五十九条 违反本法第四十三条第二款、第四十四条第二款的规定，造成环境噪声污染的，由县级以上地方人民政府环境保护行政主管部门责令改正，可以并处罚款。

（相关资料: [部门规章 2 篇](#) [地方法规 11 篇](#) [实务指南](#)）

第六十条 违反本法第四十四条第一款的规定，造成环境噪声污染的，由公安机关责令改正，可以并处罚款。

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.

省级以上人民政府依法决定由县级以上地方人民政府环境保护行政主管部门行使前款规定的行政处罚权的，从其决定。

（相关资料: [部门规章 1 篇](#) [地方法规 8 篇](#) [实务指南](#)）

第六十一条 受到环境噪声污染危害的单位和个人，有权要求加害人排除危害；造成损失的，依法赔偿损失。

赔偿责任和赔偿金额的纠纷，可以根据当事人的请求，由环境保护行政主管部门或者其他环境噪声污染防治工作的监督管理部门、机构调解处理；调解不成的，当事人可以向人民法院起诉。当事人也可以直接向人民法院起诉。

（相关资料: [裁判文书 6 篇](#) [相关论文 2 篇](#) [实务指南](#)）

第六十二条 环境噪声污染防治监督管理人员滥用职权、玩忽职守、徇私舞弊的，由其所在单位或者上级主管机关给予行政处分；构成犯罪的，依法追究刑事责任。

第八章 附则

第六十三条 本法中下列用语的含义是：

（一）“噪声排放”是指噪声源向周围生活环境辐射噪声。

（二）“噪声敏感建筑物”是指医院、学校、机关、科研单位、住宅等需要保持安静的建筑物。

（三）“噪声敏感建筑物集中区域”是指医疗区、文教科研区和以机关或者居民住宅为主的区域。

（四）“夜间”是指晚二十二点至晨六点之间的期间。

（五）“机动车辆”是指汽车和摩托车。

（相关资料: [裁判文书 1 篇](#) [实务指南](#)）

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.

第六十四条 本法自 1997 年 3 月 1 日起施行。1989 年 9 月 26 日国务院发布的《[中华人民共和国环境噪声污染防治条例](#)》同时废止。

[中华人民共和国城市区域环境噪声标准](#)

1 主题内容与适用范围

本标准规定了城市五类区域的环境噪声最高限值。

本标准适用于城市区域。乡村生活区域可参照本标准执行。

2 标准值

城市 5 类环境噪声标准值如下：

类别	昼间	夜间
0 类	50 分贝	40 分贝
1 类	55 分贝	45 分贝
2 类	60 分贝	50 分贝
3 类	65 分贝	55 分贝
4 类	70 分贝	55 分贝

3 各类标准的适用区域

(1) 0 类标准适用于疗养区、高级别墅区、高级宾馆区等特别需要安静的区域。位于城郊和乡村的这一类区域分别按严于 0 类标准 5 分贝执行。

(2) 1 类标准适用于以居住、文教机关为主的区域。乡村居住环境可参照执行该类标准。

(3) 2 类标准适用于居住、商业、工业混杂区。

(4) 3 类标准适用于工业区。

(5) 4 类标准适用于城市中的道路交通干线道路两侧区域，穿越城区的内河航道两侧区域。穿越城区的铁路主、次干线两侧区域的背景噪声（指不通过列车时的噪声水平）限值也执行该类标准。

4 夜间突发噪声

夜间突发的噪声，其最大值不准超过标准值 15 分贝。

[工业企业厂界噪声标准](#)

1. 标准的适用范围

本标准适用于工厂及有可能造成噪声污染的企事业单位的边界。

2. 标准值

各类厂界噪声标准值如下：

类别	昼间	夜间
一类	5 5 分贝	4 5 分贝
二类	6 0 分贝	5 0 分贝
三类	6 5 分贝	5 5 分贝
四类	7 0 分贝	5 5 分贝

3．各类标准适用范围的划定

一类标准适用于以居住、文教机关为主的区域。

二类标准适用于居住、商业、工业混杂区及商业中心区。

三类标准适用于工业区。

四类标准适用于交通干线道路两侧区域。

4．各类标准适用范围由地方政府划定。

5．夜间频繁突发的噪声（如排气噪声）。其峰值不准超过标准值 1 0 分贝，夜间偶然突发的噪声（如短促鸣笛声），其峰值不准超过标准值 1 5 分贝。