



[\[Home\]](#) [\[Databases\]](#) [\[WorldLII\]](#) [\[Search\]](#) [\[Feedback\]](#)

Laws of the People's Republic of China

You are here: [AsianLII](#) >> [Databases](#) >> [Laws of the People's Republic of China](#) >> PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION BY SOLID WASTE LAW

[\[Database Search\]](#) [\[Name Search\]](#) [\[Noteup\]](#) [\[Help\]](#)

PREVENTION AND CONTROL OF ENVIRONMENTAL POLLUTION BY SOLID WASTE LAW

Law of the People's Republic of China on Prevention and Control of Environmental Pollution by Solid Waste

(Adopted at the 16th Meeting of the Standing Committee of the Eighth National People's Congress on October 30, 1995; revised at the 13th Meeting of the Standing Committee of the Tenth National People's Congress and promulgated by Order No. 31 of the President of the People's Republic of China on December 29, 2004)

Contents

Chapter I General Provisions

Chapter II Supervision over the Prevention and Control of Environmental Pollution by Solid Waste

Chapter III Prevention and Control of Environmental Pollution by Solid Waste

Section 1 General Regulations

Section 2 Prevention and Control of Environmental Pollution by Industrial Solid Waste

Section 3 Prevention and Control of Environmental Pollution by Household Waste

Chapter IV Special Regulations for Prevention and Control of Environmental Pollution by Hazardous Waste

Chapter V Legal Responsibility

Chapter VI Supplementary Provisions

Chapter I

General Provisions

Article 1 This Law is enacted for the purpose of preventing and controlling environmental pollution by solid waste, ensuring human health, maintaining ecological safety and promoting the sustainable development of the economy and society.

Article 2 This Law is applicable to the prevention and control of environmental pollution by solid waste within the territory of the People's Republic of China.

This Law is not applicable to the prevention and control of marine environmental pollution by solid waste or of environmental pollution by radioactive solid waste.

Article 3 In preventing and controlling environmental pollution by solid waste, the State follows the principles of reducing the quantity of solid waste generated and its harmfulness, fully and rationally utilizing solid waste, and making it innocuous through treatment, in order to promote cleaner production and the development of a circular economy.

The State adopts economic and technical policies and measures that facilitate the comprehensive use of solid waste, in order to fully recover and rationally utilize solid waste.

The State encourages and supports the adoption of measures for concentrated treatment of solid waste for the benefit of environmental protection and promotes the development of the industry designed to prevent and control environmental pollution by solid waste.

Article 4 People's governments at or above the county level shall include the prevention and control of environmental pollution by solid waste in their plans for national economic and social development and adopt economic and technical policies and measures that facilitate the prevention and control of environmental pollution by solid waste.

When making arrangements for drawing up plans for town and township construction, land use, regional development, industrial development, etc., the relevant departments under the State Council, local people's governments at or above the county level and the relevant departments under them shall give overall consideration to the need of reducing the quantity of solid waste generated and its harmfulness, and promoting the comprehensive use of solid waste and making it innocuous through treatment.

Article 5 In preventing and controlling environmental pollution by solid waste, the State follows the principle whereby the polluter is held responsible in accordance with law.

Manufacturers, sellers, importers and users of products shall, in accordance with law, be responsible for preventing and controlling pollution by solid waste generated by the products.

Article 6 The State encourages and supports scientific research in and development of technologies for prevention and control of environmental pollution by solid waste, promotes the wide use of advanced

technologies for such prevention and control, and disseminates scientific knowledge in this field.

People's governments at various levels shall enhance publicity and education in the need of prevention and control of environmental pollution by solid waste and promote the mode of production and way of life that are conducive to environmental protection.

Article 7 The State encourages units and individuals to purchase or use recycled and recyclable products.

Article 8 The people's governments at various levels shall give awards to the units and individuals that have achieved outstanding successes in the prevention and control of environmental pollution by solid waste and in its multipurpose use.

Article 9 All units and individuals have the obligation to protect the environment and have the right to report or file charges against the units or individuals that cause environmental pollution by solid waste.

Article 10 The administrative department for environmental protection under the State Council shall conduct unified supervision over the prevention and control of environmental pollution by solid waste throughout the country. The relevant departments under the State Council shall be responsible for supervision over the prevention and control of environmental pollution by solid waste within the scope of their respective duties.

The administrative departments for environmental protection under the local people's governments at or above the county level shall conduct unified supervision over the prevention and control of environmental pollution by solid waste within their own administrative areas. The relevant departments of the said people's governments shall be responsible for supervision over the prevention and control of environmental pollution by solid waste within the scope of their respective duties.

The administrative department for construction under the State Council and the administrative departments for environmental sanitation under the local people's governments at or above the county level shall be responsible for supervision over the cleaning up, collection, storage, transportation and treatment of household waste.

Chapter II

Supervision over the Prevention

and Control of Environmental Pollution by Solid Waste

Article 11 The administrative department for environmental protection under the State Council shall, in conjunction with the relevant administrative departments under the State Council and on the basis of the national standards for environmental quality and the country's economic and technological conditions, draw up the national technological standards for prevention and control of environmental pollution by solid waste.

Article 12 The administrative department for environmental protection under the State Council shall

establish a system for monitoring environmental pollution by solid waste, formulate unified monitoring norms and, in conjunction with relevant departments, set up a monitoring network.

The administrative departments for environment protection under the people's governments of large and medium-sized cities shall regularly publish information about the types of solid waste, the quantities generated and its treatment.

Article 13 For construction of a project where solid waste is generated or a project for storage, utilization or treatment of solid waste, its impact on the environment shall be assessed according to law, and the State regulations governing environmental protection in respect of construction projects shall be complied with.

Article 14 The necessary supporting facilities for prevention and control of environmental pollution by solid waste specified in the environmental impact assessment document of a construction project shall be designed, constructed and put into operation simultaneously with the main part of the project. The construction project may be put into production or use only after the facilities for prevention and control of environmental pollution by solid waste are checked and accepted as qualified by the original administrative department for environmental protection that examined and approved the environmental impact assessment document. The facilities for prevention and control of environmental pollution by solid waste shall be checked and accepted simultaneously with the main part of the project.

Article 15 The administrative department for environmental protection under the people's government at or above the county level and the administrative department for supervision over prevention and control of environmental pollution by solid waste shall have the right to conduct, in compliance with their respective duties, on-the-spot inspection of the units located within the scope of their jurisdiction that are involved in the prevention and control of environmental pollution by solid waste. The units under inspection shall give truthful reports of the situation and provide the necessary information. The inspection authority shall keep confidential the technological know-how and business secrets of the units inspected.

When conducting on-the-spot inspection, the inspection authority may adopt such measures as conducting on-the-spot monitoring, collecting samples, consulting or duplicating materials related to the prevention and control of environmental pollution by solid waste. Inspectors shall show their identification papers when they conduct on-the-spot inspection.

Chapter III

Prevention and Control of Environmental Pollution by Solid Waste

Section 1

General Regulations

Article 16 Units and individuals where solid waste is generated shall adopt measures to prevent or reduce environmental pollution by solid waste.

Article 17 Units and individuals that collect, store, transport, utilize or treat solid waste shall take measures

to prevent the scattering, running off and spilling of solid waste, or other measures to prevent pollution of the environment; they shall not dump or pile up, without authorization, or discard or litter solid waste.

No unit or individual may dump solid waste into rivers, lakes, canals, channels, reservoirs, or tidal flats and slopes below the highest waterline, or other places where dumping and piling up of waste is prohibited by laws and regulations.

Article 18 Products and packing materials shall be designed and manufactured in compliance with the State regulations governing cleaner production. The administrative department for standardization under the State Council shall, on the basis of the economic and technological conditions of the State, in light of the prevention and control of environment pollution by solid waste and in compliance with the technical requirements of the products, take charge of formulating relevant standards to prevent environmental pollution by over-packing.

The enterprises, which manufacture, sell or import products and packaging materials included in the compulsory recovery catalog according to law, shall recover the said products and packaging materials according to the relevant regulations of the State.

Article 19 The State encourages research institutions and manufactures to conduct research in and manufacture thin-film sheetings and product packaging materials that are easy to be recycled or treated, or are degradable in the environment.

Units and individuals that use agricultural thin-film shall take measures to recycle it or other measures in order to prevent or reduce environmental pollution by such film.

Article 20 An entity engaged in raising livestock and poultry in a large scale shall, in conformity with relevant State regulations, collect, store, utilize or treat the excrement and urine discharge by the livestock and poultry, in order to prevent environmental pollution.

Open-air burning of stalks in densely-populated areas, in the neighboring areas of airports, on the peripheries of the main lines of communications and in the areas delimited by local people's governments is prohibited.

Article 21 Management and maintenance of facilities, equipment and grounds for collection, storage, transportation and treatment of solid waste shall be improved so as to ensure their normal operation and use.

Article 22 Constructing of facilities and grounds for concentrated storage and treatment of industrial solid waste or landfills for household waste within the nature reserves, scenic spots, historical sites, drinking water source reserves, capital farmland reserves as delimited by the State Council, the relevant competent departments under the State Council and the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government and within other zones that need special protection is prohibited.

Article 23 For transporting solid waste out of the administrative area of a province, autonomous region, or

municipality directly under the Central Government for storage or treatment, an application shall be submitted to the administrative department for environmental protection under the people's government of the province, autonomous region, or municipality directly under the Central Government of the area where the solid waste is to be moved out. The administrative department for environmental protection of the people's government of the province, autonomous region, or municipality directly under the Central Government of the area where the solid waste is to be moved out may give approval to the transporting of the solid waste out of its administrative area only after it has consulted with, and won the consent of the administrative department for environmental protection of the people's government of the province, autonomous region, or municipality directly under the Central Government of the area for acceptance of the solid waste. No solid waste may be transported elsewhere without approval.

Article 24 Importing of solid waste from outside of the territory of the People's Republic of China for dumping, piling up or treating is prohibited.

Article 25 Importing of solid waste that cannot be used as raw materials or utilized after being made innocuous is prohibited; as a means of control, the solid waste that can be used as raw materials shall be classified as solid waste the import of which is restricted and solid waste the import of which is automatically permitted.

The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of foreign trade under the State Council, the department in charge of comprehensive and macro-economic control under the State Council, the General Administration of Customs and the department in charge of quality supervision, inspection and quarantine under the State Council, formulate, readjust and publish the catalogs of solid waste the import of which is banned, restricted or automatically permitted.

Importing of solid waste placed in the catalog of solid waste the import of which is banned is prohibited. Importing of solid waste placed in the catalog of solid waste the import of which is restricted shall be subject to examination and approval by the administrative department for environmental protection under the State Council in conjunction with the department in charge of foreign trade under the State Council. For importing of solid waste placed in the catalog of solid waste the import of which is automatically permitted, the formalities for automatic permission shall be gone through according to law.

The solid waste imported shall conform to the national standards for environmental protection and shall be checked and accepted as qualified by the department in charge of quality supervision, inspection and quarantine.

The specific administrative measures for import of solid waste shall be formulated by the administrative department for environmental protection under the State Council, in conjunction with the department in charge of foreign trade under the State Council, the department in charge of comprehensive and macro-economic control under the State Council, the General Administration of Customs and the department in charge of quality supervision, inspection and quarantine under the State Council.

Article 26 Where an importer is not satisfied with the Customs for placing what he imports under its control over solid waste, he may apply for administrative reconsideration according to law or bring an

administrative suit before a people's court.

Section 2

Prevention and Control of Environmental Pollution by Industrial Solid Waste

Article 27 The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of comprehensive and macro-economic control under the State Council and the relevant departments, give a definition of environmental pollution by industrial solid waste, work out technical policies regarding the prevention and control thereof, and take charge of disseminating advanced production techniques and equipment for prevention and control of environmental pollution by industrial solid waste.

Article 28 The department in charge of comprehensive and macro-economic control under the State Council shall, in conjunction with the relevant departments under the State Council, take charge of research in, development of and promotion of the wide use of, the production techniques and equipment that will serve to reduce the quantity of industrial solid waste generated and its harmfulness, and publish the catalogs of the outdated production techniques and equipment that generate industrial solid waste which causes serious environmental pollution and that should be eliminated within a time limit.

Manufacturers, sellers, importers and users shall respectively stop manufacturing, selling, importing and using the equipment, included in the catalog mentioned in the preceding paragraph, within the time limit specified by the department in charge of comprehensive and macro-economic control under the State Council in conjunction with the relevant departments under the State Council. Users of the production techniques mentioned in the preceding paragraph shall stop using the same within the time limit specified by the department in charge of comprehensive and macro-economic control under the State Council in conjunction with the relevant departments under the State Council.

No equipment that is included in the catalog of the equipment to be eliminated within a time limit and that is eliminated accordingly shall be transferred to another entity for use.

Article 29 The relevant departments of the people's governments at or above the county level shall formulate work plans for prevention and control of environmental pollution by industrial solid waste, in order to promote the wide use of the advanced production techniques and equipment which can serve to reduce the quantity of industrial solid waste generated and its harmfulness and push forward the work for prevention and control of environmental pollution by industrial solid waste.

Article 30 Units where industrial solid waste is generated shall establish and improve the responsibility system for prevention and control of environmental pollution and adopt measures for prevention and control of environmental pollution by industrial solid waste.

Article 31 Enterprises and institutions shall rationally select and use raw materials, energy and other resources and employ advanced production techniques and equipment, in order to reduce the quantity of industrial solid waste generated and its harmfulness.

Article 32 The State institutes a system of report and registration for industrial solid waste.

Units where industrial solid waste is generated shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, provide information about the types, quantity, flow direction, storage, treatment, etc. of industrial solid waste to the administrative department for environmental protection of the local people's governments at or above the county level in the places where they are located.

Where substantial changes are to be made in the matters that need to be reported as mentioned in the preceding paragraph, the units shall report promptly.

Article 33 Enterprises and institutions shall, on the basis of their economic and technical conditions, recycle industrial solid waste generated; with regard to industrial solid waste that is not to be recycled temporarily or that cannot be recycled, they shall, in accordance with the regulations of the administrative department for environmental protection under the State Council, build facilities and grounds for its storage, classify it in different types for safe storage or adopt measures to make it innocuous through treatment.

The facilities and grounds for storage or treatment of industrial solid waste shall be built in conformity with the national standards for environmental protection.

Article 34 Closing down, leaving idle or dismantling, without authorization, facilities or grounds for prevention and control of environmental pollution by industrial solid waste is prohibited. Where it is really necessary to do so, the matter shall be subject to examination and approval by the administrative department for environmental protection of the local people's governments at or above the county level at the places where the facilities or grounds are located, and measures shall be taken to prevent environmental pollution.

Article 35 If a unit where industrial solid waste is generated need to be terminated, it shall, in advance, take measures to prevent and control pollution from the facilities and grounds for storage or treatment of industrial solid waste and make proper arrangements in respect of the untreated industrial solid waste to prevent environmental pollution.

Where the unit where industrial solid waste is generated is changed, the new unit shall, in accordance with the State regulations for environmental protection, make safety treatment of the industrial solid waste that has not been treated and of the facilities and grounds for its storage or treatment, or adopt measures to ensure the safe operation of such facilities and grounds. Where the parties before the change is made have agreed otherwise in respect of their responsibilities for prevention and control of pollution by industrial solid waste and by the facilities and grounds for its storage and treatment, their agreement shall prevail; but they shall not thus be relieved of their duty to prevent and control pollution.

The expenses for safe treatment of the industrial solid waste that has been left untreated by the unit terminated before implementation of this Law and for safe treatment of the facilities and grounds for storage or treatment of such waste shall be borne by the people's government concerned; but if the land use right enjoyed by such unit has been transferred according to law, the said expenses shall be borne by the transferee of the said right. If the parties have agreed otherwise, their agreement shall prevail; but they

shall not thus be relieved of their duty to prevent and control pollution.

Article 36 Mining enterprises shall adopt scientific mining and dressing techniques in order to reduce the quantity of mining solid waste to be generated and stored, such as tailings, gangue and ettle.

When ceasing to use the facilities for the storage of such mining solid waste as tailings, gangue and ettle, mining enterprises shall, in accordance with the State regulations for environmental protection, close the facilities in order to prevent environmental pollution and ecological damage.

Article 37 Scrapped electrical appliances, automobiles and vessels shall be dismantled, utilized and disposed of in compliance with the relevant laws and regulations, and measures shall be taken to prevent environmental pollution.

Section 3

Prevention and Control of Environmental Pollution by Household Waste

Article 38 People's governments at or above the county level shall make overall plans for constructing facilities for collecting, transporting and treating urban and rural household waste, increase its utilization ratio and the proportion in which it is made innocuous through treatment, promote its industrialized collection and treatment, and gradually establish a sound social service system for prevention and control of environmental pollution by household waste.

Article 39 The administrative departments for environmental protection of the local people's governments at or above the county level shall take charge of cleaning up, collecting, transporting and treating urban household waste. They may, by such means as bid invitation, select qualified units to clean up, collect, transport and treat household waste.

Article 40 Urban household waste shall, in accordance with the regulations of the administrative departments for environmental sanitation, be placed at designated points and shall not be dumped, littered or piled up at will.

Article 41 Urban household waste shall be cleaned up, collected, transported and treated in compliance with the State regulations for environmental protection and sanitation, in order to prevent environmental pollution.

Article 42 Urban household waste shall be cleaned up and transported in a timely manner, it shall gradually be classified in different categories for collection and transportation, and efforts shall be made to have it rationally utilized and turned into something innocuous through treatment.

Article 43 Urban people's governments shall, in a planned way, improve the fuel mix, and develop coal gas, natural gas, liquefied gas and other clean energy for use in cities.

The relevant departments of an urban people's government shall arrange for the supply of clean vegetables in cities, in order to reduce the quantity of urban household waste.

The relevant departments of an urban people's government shall make overall plans to rationally establish networks for purchasing household waste, in order to promote the recycling of such waste.

Article 44 Facilities and grounds for treatment of household waste shall be built in compliance with the standards for environmental protection and sanitation prescribed by the administrative department for environmental protection under the State Council and the administrative department for construction under the State Council.

Unauthorized closing, leaving idle and dismantling of facilities and grounds for treatment of household waste is prohibited. If it is really necessary to close, leave idle or dismantle such facilities and grounds, the matter shall be subject to examination and approval by the administrative department for environmental sanitation and the administrative department for environmental protection of the local people's government at or above the county level, and measures shall be taken to prevent environmental pollution.

Article 45 Recycled materials from household waste must be used in accordance with the purposes or standards specified by the State and shall not be used for the manufacture of products that may cause harm to human health.

Article 46 Construction units shall have their solid waste, left in the course of construction, promptly cleaned up and moved away, and have it utilized or treated in compliance with the regulations of the administrative department for environmental sanitation.

Article 47 Units engaged in public transportation shall, in accordance with relevant State regulations, have the household waste, which is scattered in the course of transportation, cleaned up and collected.

Article 48 Units engaged in developing new urban areas, redeveloping existing urban areas and developing residential quarters, or engaged in the operation and management of public facilities and grounds such as airports, wharves, bus stops or railway stations, parks or shops shall, in accordance with the State regulations for environmental sanitation, construct supporting facilities for collecting household waste.

Article 49 The specific measures for preventing and controlling environmental pollution by rural household waste shall be formulated in local regulations.

Chapter IV

Special Regulations for Prevention

and Control of Environmental Pollution by Hazardous Waste

Article 50 The provisions of this Chapter shall be applicable to prevention and control of environmental pollution by hazardous waste. With regard to cases for which no provisions are formulated in this Chapter, other relevant provisions of this Law shall apply.

Article 51 The administrative department for environmental protection under the State Council shall, in

conjunction with the relevant departments under the State Council, formulate the national catalog of hazardous waste, lay down unified criteria, methods and signs for identifying, differentiating and distinguishing hazardous waste.

Article 52 Distinguishing signs of hazardous waste shall be put on the containers and packages of hazardous waste as well as on the facilities and grounds for collection, storage, transportation and treatment of such waste.

Article 53 Units where hazardous waste is generated shall, in accordance with relevant State regulations, formulate plans for control of hazardous waste and provide information about the types, quantities, flow direction, storage, treatment, etc. of hazardous waste to the administrative departments for environmental protection of the local people's governments at or above the county level in the places where they are located.

The plan for control of hazardous waste as mentioned in the preceding paragraph shall include the measures for reducing the quantity of hazardous waste generated and its harmfulness and the measures for storing, utilizing and treating such waste. The plan for control of hazardous waste shall be submitted for the record to the administrative departments for environmental protection of the local people's governments at or above the county level in the places where the units where hazardous waste is generated are located.

Where major changes are to be made in the matters reported or in the plans for control of hazardous waste as mentioned in this Article, timely application is required.

Article 54 The administrative department for environmental protection under the State Council shall, in conjunction with the department in charge of comprehensive and macro-economic control under the State Council, take charge of drawing up plans for constructing facilities and grounds for concentrated treatment of hazardous waste and shall have the plans implemented after obtaining approval of the State Council.

Local people's governments at or above the county level shall, in accordance with the plans for constructing facilities and grounds for concentrated treatment of hazardous waste, make arrangements for constructing such facilities and grounds.

Article 55 Units where hazardous waste is generated shall treat such waste in accordance with relevant State regulations, and they shall not dump or pile up such waste without authorization. Those units that fail to treat such waste shall be instructed by the administrative departments for environmental protection of the local people's governments at or above the county level in the places they are located to rectify within a time limit; if they fail to do so at the expiration of the time limit or in conformity with relevant State regulations, the said departments shall assign other units to treat the waste in accordance with relevant State regulations, and the expenses entailed shall be borne by the units where hazardous waste is generated.

Article 56 Where a unit disposes of hazardous waste by the landfill method at variance with the regulations of the administrative department for environmental protection under the State Council, it shall pay fees for discharge of hazardous waste. The specific measures for imposition of such fees shall be formulated by the State Council.

Fees collected for discharge of hazardous waste shall be used for prevention and control of environmental pollution and shall not be appropriated for other purposes.

Article 57 A unit to be engaged in collection, storage and treatment of hazardous waste shall apply to the administrative department for environmental protection of the people's government at or above the county level for a business license; a unit to be engaged in utilization of hazardous waste shall apply for a business license to the administrative department for environmental protection under the State Council or of the people's government of a province, autonomous region, or municipality directly under the Central Government. The specific administrative measures in this regard shall be formulated by the State Council.

Engaging in collection, storage, utilization and treatment of hazardous waste without a business license or at variance with the provisions of a business license is prohibited.

Supplying or entrusting hazardous waste to a unit that does not have a business license for collection, storage, utilization and treatment of hazardous waste is prohibited.

Article 58 Hazardous waste shall be collected and stored separately according to their different properties as classified. Collecting, storing, transporting or treating mixed hazardous wastes that are incompatible in nature and that have not undergone safety treatment is prohibited.

Protective measures which conform to the national standards for environmental protection shall be adopted for storage of hazardous waste, and its storage may not exceed one year. Where it is really necessary to extend the time limit, the matter shall be subject to approval by the administrative department for environmental protection that originally approved the issue of the business license, except where otherwise provided for by laws and administrative regulations.

Mixing hazardous waste into nonhazardous waste for storage is prohibited.

Article 59 An entity that intends to transfer hazardous waste to another place shall, according to relevant State regulations, fill in duplicate forms for transfer of hazardous waste and submit an application to the administrative department for environmental protection of the local people's government at or above the level of a city divided into districts in the place where the hazardous waste is to be moved out. The said department may grant approval of transferring the hazardous waste out only after consulting with and obtaining consent of the administrative department for environmental protection of the local people's government at or above the level of a city divided into districts in the place where the hazardous waste is to be accepted. Such waste shall not be transferred without approval.

Where hazardous waste is transferred via administrative areas other than the area where it is moved out and the area where it is accepted, the administrative department for environmental protection of the local people's government at the level of a city divided into districts in the place where the waste is to be moved out shall, in a timely manner, notify the relevant administrative departments for environmental protection of the local people's governments at or above the level of a city divided into districts along the way.

Article 60 For transportation of hazardous waste, measures for preventing environmental pollution shall be

adopted and State regulations on the control of transportation of hazardous goods shall be observed.

Having hazardous waste and passengers carried by one and the same means of transport is prohibited.

Article 61 When grounds, facilities, equipment as well as containers, packages and other articles used for the collection, storage, transportation and treatment of hazardous waste are to be used for other purposes, they can be put to use only after pollution is eliminated through treatment.

Article 62 A unit where hazardous waste is generated or that collects, stores, transports, utilizes or treats hazardous waste shall formulate precaution measures and make contingency plans against accidents, and submit for the record those measures and plans to the administrative department for environmental protection of the local people's governments at or above the county level in the place it is located. The administrative department for environmental protection shall conduct inspection.

Article 63 A unit that causes serious pollution of the environment by hazardous waste due to an accident or an unexpected event shall immediately take measures to eliminate or alleviate the damage done by the pollution of the environment, promptly inform the units and residents that may be harmed by the pollution and, in the meantime, report to the administrative department for environmental protection and the relevant departments of the local people's government at or above the county level, and be ready for investigation and settlement of the matter.

Article 64 When the environment is seriously polluted by hazardous waste, thus threatening the safety of the lives and property of residents, or when there is evidence indicating the possible occurrence of the same, the administrative department for environmental protection of the local people's government at or above the county level or the administrative department for supervision over prevention and control of environmental pollution by solid waste shall immediately report to the people's government at the corresponding level or the relevant administrative department of the people's government at the next higher level, and the people's government shall take effective measures to prevent or alleviate the damage. The people's government concerned may, where necessary, instruct that the operation that has led or may possibly lead to such accident of environmental pollution be stopped.

Article 65 The expenses for putting out of use the key facilities and grounds for prevention and control of environmental pollution by hazardous waste shall be withdrawn in advance by having them included in the budgetary estimates of investment or in operating cost. The specific measures for withdrawal and control of the money shall be formulated by the department of finance and the department of pricing under the State Council, in conjunction with the administrative department for environmental protection under the State Council.

Article 66 Transferring hazardous waste via the territory of the People's Republic of China is prohibited.

Chapter V

Legal Responsibility

Article 67 Where an administrative department for environmental protection of the people's government at

or above the county level or an administrative department for supervision over prevention and control of environmental pollution by solid waste, in violation of the provisions of this Law, commits one of the following acts, the people's government at the corresponding level or the relevant administrative department under the people's government at the next higher level shall instruct it to rectify, and shall give administrative sanctions according to law to the leading members in charge to be held responsible and the other persons directly responsible; if a crime is constituted, criminal responsibility shall be investigated according to law:

- (1) failing to grant administrative permission or issue approval document in accordance with law;
- (2) failing to investigate and deal with a violation of law discovered or reported; and
- (3) other acts such as failure to perform its duty of supervision in accordance with law.

Article 68 Where an entity, in violation of the provisions of this Law, commits one of the following acts, the administrative department for environmental protection of the people's government at or above the county level shall instruct it to discontinue the violation and to rectify within a time limit, and may impose on it a fine:

- (1) failing to report for registration of industrial solid waste, as required by State regulations, or resorting to deception in reporting for registration of the same;
- (2) failing to build facilities and grounds for storage of industrial solid waste that is not to be recycled temporarily or that is unrecyclable in order to have such waste safely stored in different categories as classified, or failing to adopt measures to make it innocuous through treatment;
- (3) transferring, for use by another, the eliminated equipment that is included in the catalog of equipment to be eliminated within a time limit;
- (4) without authorization, closing, leaving idle or dismantling facilities or grounds for prevention and control of environmental pollution by industrial solid waste;
- (5) constructing facilities or grounds for concentrated storage or treatment of industrial solid waste or grounds for landfill of household waste in nature reserves, scenic spots or historical sites, protection zones of drinking water sources, protection zones of capital farmland or other zones that need special protection;
- (6) without authorization, transferring solid waste out of the administrative areas of a province, autonomous region, or municipality directly under the Central Government for storage or treatment;
- (7) failing to adopt the necessary precaution measures so that industrial solid waste is scattered, runs off, spills or the environment is polluted by other ways; and
- (8) discarding or littering industrial solid waste along the way during transportation.

An entity that commits one of the acts specified in Subparagraphs (1) and (8) in the preceding paragraph

shall be fined not less than RMB 5,000 yuan but not more than 50,000 yuan; if it commits one of the acts specified in Subparagraphs (2), (3), (4), (5), (6) and (7) in the preceding paragraph, it shall be fined not less than 10,000 yuan but not more than 100,000 yuan.

Article 69 Where an entity, in violation of the provisions of this Law, puts the main part of a construction project into production or use while construction of its supporting facilities required for prevention and control of environmental pollution by solid waste has not been completed, or has not been checked and accepted as qualified or has been checked but not accepted as qualified, the administrative department for environmental protection that examined and approved the document of assessment of the impact exerted by the construction project on the environment shall instruct it to discontinue production or use and may, in addition, impose on it a fine of not more than 100,000 yuan.

Article 70 Where an entity that, in violation of the provisions of this Law, refuses to accept on-the-spot inspection conducted by the administrative department for environmental protection of the people's government at or above the county level or the administrative department for supervision over the prevention and control of environmental pollution by solid waste, the department conducting such inspection shall instruct it to rectify within a time limit; if it refuses to comply or practices fraud while undergoing inspection, it shall be fined not less than 2,000 yuan but not more than 20,000 yuan.

Article 71 Where an entity engaged in raising livestock and poultry in a large scale fails to have the excrement and urine discharged by the livestock and poultry collected, stored or treated in conformity with the relevant regulations of the State and has thus caused environmental pollution, the administrative department for environmental protection of the local people's government at or above the county level shall instruct it to rectify within a time limit and may impose on it a fine of not more than 50,000 yuan.

Article 72 Where an entity that, in violation of the provisions of this Law, manufactures, sells, imports or uses eliminated equipment or employs eliminated production techniques, the department in charge of comprehensive and macro-economic control of the people's government at or above the county level shall instruct it to rectify; if the circumstances are serious, the said department shall put forward a proposal to the people's government at the corresponding level, requesting that it, within the limits of its power as prescribed by the State Council, instruct the entity to suspend business or close down.

Article 73 Where a mining enterprise, after ceasing to use the facilities for storage of mining solid waste, such as tailings, gangue and ettle, fails to close them, as required by relevant State regulations on environmental protection, the administrative department for environmental protection of the local people's government at or above the county level shall instruct it to rectify within a time limit and may impose on it a fine of not less than 50, 000 yuan but not more than 200, 000 yuan.

Article 74 Where an entity that, in violation of the provisions of this Law on prevention and control of environmental pollution by urban household waste, commits one of the following acts, the administrative department for environmental sanitation of the local people's government at or above the county level shall instruct it to discontinue the violation and to rectify within a time limit and may impose on it a fine:

(1) dumping, littering or piling up household waste at will;

- (2) without authorization, closing, leaving idle or dismantling the facilities and grounds for treatment of household waste;
- (3) for a construction unit, failing to have the solid waste, left in the course of construction, promptly cleaned up and moved away, thus causing environmental pollution;
- (4) for a construction unit, failing to have the solid waste, left in the course of construction, utilized or treated in compliance with the regulations of the administrative department for environmental sanitation; and
- (5) discarding or littering household waste along the way during transportation.

A unit which commits one of the acts specified in Subparagraphs (1), (3) and (5) in the preceding paragraph shall be fined not less than 5,000 yuan but not more than 50,000 yuan; if it commits one of the acts specified in Subparagraphs (2) and (4) in the preceding paragraph, it shall be fined not less than 10,000 yuan but not more than 100,000 yuan. An individual who commits one of the acts specified in Subparagraph (1) and (5) in the preceding paragraph shall be fined not more than 200 yuan.

Article 75 Where an entity that, in violation of the provisions on prevention and control of environmental pollution by hazardous waste, commits one of the following acts, the administrative department for environmental protection of the people's government at or above the county level shall instruct it to discontinue the violation and to rectify within a time limit and may impose on it a fine:

- (1) failing to put up distinguishing signs of hazardous waste;
- (2) failing to report for registration of hazardous waste in accordance with State regulations, or resorting to deception in reporting for registration;
- (3) without authorization, closing, leaving idle or dismantling facilities and grounds for concentrated treatment of hazardous waste;
- (4) failing to pay fees for discharge of hazardous waste in accordance with State regulations;
- (5) supplying or entrusting hazardous waste to a unit that does not have a business license for business activities in this respect;
- (6) failing to fill in duplicate forms for transfer of hazardous waste, as required by State regulations, or transferring such waste without approval;
- (7) mixing hazardous waste into nonhazardous waste for storage;
- (8) collecting, storing, transporting and treating mixed hazardous wastes of incompatible nature without safety treatment;
- (9) having hazardous waste and passengers carried by one and the same means of transport;

(10) using for other purposes grounds, facilities, equipment as well as containers, packages and other articles for collecting, storing, transporting and treating hazardous waste without eliminating pollution through treatment;

(11) failing to adopt the necessary precaution measures, thus causing the scattering, running off, spilling of hazardous waste or environmental pollution in other ways;

(12) discarding or littering hazardous waste along the way during transportation; and

(13) failing to formulate precaution measures and make contingency plans against accidents caused by hazardous waste.

A unit that commits one of the acts specified in Subparagraphs (1), (2), (7), (8), (9), (10), (11), (12) and (13) in the preceding paragraph shall be fined not less than 10,000 yuan but not more than 100,000 yuan; if it commits one of the acts specified in Subparagraphs (3), (5) and (6) in the preceding paragraph, it shall be fined not less than 20,000 yuan but not more than 200,000 yuan; if it commits the act specified in Subparagraph (4) in the preceding paragraph, it shall be instructed to pay the fees within a time limit, and if it fails to comply at the expiration of the time limit, it shall be fined not less than the amount of the fees for discharge of hazardous waste but not more than three times that amount.

Article 76 Where an entity where hazardous waste is generated, in violation of the provisions of this Law, fails to treat the hazardous waste generated and to bear the expenses for treatment which it should bear according to law, the administrative department for environmental protection of the local people's government at or above the county level shall instruct it to rectify within a time limit and impose on it a fine of not less than the amount of the expenses for treatment of the waste by another entity but not more than three times that amount.

Article 77 Where an entity engages in collecting, storing, utilizing or treating hazardous waste without a business license or at variance with the provisions of the business license, the administrative department for environmental protection of the people's government at or above the county level shall instruct it to discontinue the violation, confiscate its unlawful gains, and may, in addition, impose on it of fine of not more than three times the amount of such gains.

If an entity engages in the activities specified in the preceding paragraph, at variance with the provisions of the business license, its business license may, in addition, be revoked by the department that issued the license.

Article 78 Where an entity, in violation of the provisions of this Law, has solid waste from abroad dumped, piled up, or treated within the territory of the People's Republic of China, or imports solid waste the import of which is banned or, without permission, imports solid waste the import of which is restricted, for use as raw materials, the Customs shall instruct it to have such waste transported back and may, in addition, impose on it a fine of not less than 100,000 yuan but not more than 1,000,000 yuan; if a crime is constituted, it shall be investigated for criminal responsibility according to law. Where the importer cannot be identified, the responsibility for transporting back the said waste or the expenses for treating the waste

shall be borne by the carrier.

Where an entity evades Customs supervision and has solid waste transported to the People's Republic of China from abroad, which constitutes a crime, it shall be investigated for criminal responsibility according to law.

Article 79 Where an entity, in violation of the provisions of this Law, transfers hazardous waste via the territory of the People's Republic of China, the Customs shall instruct it to transport back such waste and may, in addition, impose on it a fine of not less than 50,000 yuan but not more than 500,000 yuan.

Article 80 With regard to illegally imported solid waste, the administrative department for environmental protection of the people's government at or above the provincial level shall, according to law, put forward suggestions to the Customs regarding its disposition, and the Customs shall make a decision on punishment in accordance with the provisions of Article 78 of this Law. If such waste has caused environmental pollution, the administrative department for environmental protection of the people's government at or above the provincial level shall instruct the importer to eliminate the pollution.

Article 81 Where an entity, in violation the provisions of this Law, has caused serious environmental pollution by solid waste, the administrative department for environmental protection of the people's government at or above the county level shall, within the limits of its power prescribed by the State Council, make a decision on having the pollution brought under control within a time limit; if the entity fails to fulfill the task at the expiration of the time limit, the people's government at the corresponding level shall decide that it suspend business or close down.

Article 82 Where an entity, in violation of the provisions of this Law, has caused an accident of environmental pollution by solid waste, the administrative department for environmental protection of the people's government at or above the county level shall impose on it a fine of not less than 20,000 yuan but not more than 200, 000 yuan, if heavy losses are caused, the penalty shall be 30% of the direct loss, but not exceeding 1,000,000 yuan at most, and the leading member in charge to be held responsible and the other persons directly responsible for the accident shall be given administrative sanctions according to law; if a major accident of environmental pollution by solid waste is caused, the people's government at or above the county level shall, within the limits of its power prescribed by the State Council, decide, in addition, that the entity suspend business or close down.

Article 83 Where an entity, in violation of the provisions of this Law, collects, stores, utilizes or treats hazardous waste and has thus caused a major accident of environmental pollution, which constitutes a crime, it shall be investigated for criminal responsibility according to law.

Article 84 Units and individuals that have suffered damage from solid waste pollution shall have the right to claim compensation according to law.

A dispute over the liability for damage and the amount of compensation may, at the request of the parties, be settled through mediation by the administrative department for environmental protection or the administrative department for supervision over prevention and control of environmental pollution by solid waste; if mediation fails, the parties may bring a suit before a people's court. The parties may also bring a

suit directly before a people's court.

The State encourages legal service institutions to provide legal aid to the victims of environmental pollution by solid waste who are involved in lawsuits.

Article 85 An entity that has caused environmental pollution by solid waste shall remove the hazards, compensate for the losses according to law and adopt measures to put the environment back to its original state.

Article 86 Where a suit for damage compensation is incurred due to environmental pollution by solid waste, the inflictor shall bear the burden of proof substantiating that there exists no causal relationship between the main content of exoneration prescribed by law and its act on the one hand and the damage done on the other.

Article 87 For a dispute over the liability for damage caused by environmental pollution by solid waste and the amount of compensation, the parties may entrust an environmental monitoring institution with the furnishing of monitoring data. The said institution shall accept the entrustment and provide the truthful monitoring data required.

Chapter VI

Supplementary Provisions

Article 88 For the purposes of this Law, the meanings of the following terms are:

- (1) "Solid waste" consists of things and substances generated in the course of production, people's daily lives and other activities, which have lost their use value, or are discarded or abandoned although they have not lost such value, which are solid or semi-solid in form or which are in the gaseous state and are kept in containers, and things and substances which are controlled as solid waste, as proscribed by laws and administrative regulations;
- (2) "Industrial solid waste" means solid waste generated from industrial production;
- (3) "Household waste" means solid waste generated from everyday life or from services provided to everyday life, as well as the solid waste that is regarded as household waste according to the provisions of laws and administrative regulations;
- (4) "Hazardous waste" means solid waste that is included in the national catalog of hazardous waste or defined as solid waste with hazardous properties according to the criteria and methods of the State for distinguishing solid waste;
- (5) "Storage" means the activities of keeping solid waste temporarily in specific facilities or on specific grounds;
- (6) "Treatment" means activities undertaken to reduce the quantity or curtail the volume of the solid waste

generated, reduce or eliminate its hazardous components, through incineration or other methods designed to change its physical, chemical or biological properties, or activities undertaken ultimately to put solid waste in the grounds for landfill that meet the requirements for environmental protection; and

(7) "Utilization" means activities undertaken to extract substances from solid waste for use as raw materials or fuel.

Article 89 This Law shall be applicable to the prevention and control of pollution by liquid waste. The prevention and control of pollution by waste water discharged into water body shall be governed by relevant laws, not this Law.

Article 90 Where an international treaty regarding the prevention and control of environmental pollution by solid waste concluded or acceded to by the People's Republic of China contains provisions differing from those contained in this Law, the provisions of the international treaty shall prevail, with the exception of the provisions about which the People's Republic of China has declared reservations.

Article 91 This Law shall go into effect as of April 1, 2005.

Notice: All Rights Reserved to the Legislative Affairs Commission of the Standing Committee of the National People's Congress.

AsianLII: [Copyright Policy](#) | [Disclaimers](#) | [Privacy Policy](#) | [Feedback](#)

URL: <http://www.asianlii.org/cn/legis/cen/laws/pacoepbswl702/>