

113年特種考試地方政府公務人員及 離島地區公務人員考試試題

考試別：地方政府公務人員考試

等別：三等考試

類科：各類科（除公職社會工作師、公職獸醫師、公職建築師外）

科目：法學知識與英文（包括中華民國憲法、法學緒論、英文）

考試時間：1 小時

座號：_____

※注意：(一)本試題為單一選擇題，請選出一個正確或最適當答案。

(二)本科目共 50 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題上作答者，不予計分。

(三)禁止使用電子計算器。

- 1 依司法院釋字第 690 號解釋，傳染病防治法制上宜明確規範強制隔離之最長期限，決定處置之組織與程序，建立司法救濟與合理補償之機制。上述要求主要是基於下列何種憲法原則而來？
(A)明確性原則 (B)正當法律程序原則 (C)平等原則 (D)權力分立原則
- 2 憲法本文關於邊疆地區各民族之地位保障，係於何一章節中規定？
(A)地方制度之省 (B)地方制度之縣 (C)基本國策 (D)中央與地方之權限
- 3 下列何者不屬於司法院大法官關於職業自由所建立的「三階段理論」內涵？
(A)對於職業性質究竟屬於公益抑或私益、營利抑或非營利之限制
(B)對於人民從事職業之方法、時間、地點等執行職業自由之限制
(C)對於人民選擇職業時所應具備之專業能力或資格等主觀條件之限制
(D)對於人民從事特定職業時，無法經由個人努力而達成之客觀條件限制
- 4 下列何一戶籍法之規定，因侵害人民隱私權、違反比例原則，遭司法院大法官於釋字第 603 號解釋宣告違憲？
(A)原住民申請戶籍登記須使用漢人姓名
(B)戶政事務所抽籤決定婚生子女依父姓或母姓登記
(C)國民身分證應記載性別及配偶
(D)人民須按捺指紋並予錄存，否則不予發給國民身分證
- 5 依憲法增修條文之規定，總統、副總統彈劾之審理機關為下列何者？
(A)懲戒法院 (B)最高法院大法庭 (C)最高行政法院 (D)憲法法庭
- 6 依據憲法增修條文規定，關於行政院院長之不信任案，下列敘述何者錯誤？
(A)由立法院經全體立法委員 3 分之 1 以上之連署提出
(B)不信任案提出 72 小時後，應於 48 小時內以無記名投票表決之
(C)不信任案如未獲通過，立法委員於 1 年內不得對同一行政院院長再度提出不信任案
(D)不信任案如經全體立法委員 2 分之 1 以上贊成，行政院院長應於 10 日內提出辭職
- 7 關於憲法訴訟法施行後始送達之裁判，下列何者為人民得聲請憲法法庭判決之標的？
(A)裁判引用之先前案例 (B)裁判引用之最高法院民刑事庭庭長會議決議
(C)裁判引用之最高法院判例 (D)高等法院確定判決所持之法律見解
- 8 依憲法訴訟法規定，若地方議會制定之自治條例被行政院函告無效，應依據下列何種途徑提出釋憲聲請？
(A)憲法訴訟法第 65 條第 1 項的機關爭議 (B)憲法訴訟法第 82 條第 1 項的中央法規範憲法審查
(C)憲法訴訟法第 47 條第 1 項的法規範憲法審查 (D)憲法訴訟法第 83 條第 1 項的裁判憲法審查
- 9 關於行政執行法明定之管收處分，依司法院釋字第 588 號解釋，下列敘述何者正確？
(A)憲法第 8 條第 1 項所稱之警察機關係指組織法上之形式警察，並不包括行政執行官，故管收處分並無憲法第 8 條之適用
(B)為求國家有效保全其公法上之金錢債權，管收處分之審問程序得不通知義務人到場陳述意見
(C)刑事被告與非刑事被告之人身自由限制，其必須踐行之司法程序或其他正當法律程序，立法者得為不同規定
(D)管收之目的在金錢給付義務之履行，與刑事訴訟程序之羈押不同，故行政執行官毋需等待法院裁定即得為之

- 10 依司法院釋字第 745 號解釋，關於量能課稅原則，下列敘述何者錯誤？
 (A)關於個人綜合所得淨額之計算，斟酌各類所得來源及性質之不同，分別制定成本及必要費用之減除、免稅額、扣除額等不同規定，乃屬立法者之形成自由
 (B)各類所得之分類及差別待遇，因涉及國家財政收入之整體規畫及預估，可由代表民意之立法機關及擁有財政專業能力之相關行政機關決定，未必違反量能課稅原則
 (C)所得課稅應以收入減除成本及必要費用後的客觀淨值，而非所得毛額，作為稅基，方符合量能課稅原則
 (D)考量薪資所得者與執行業務所得者是否為自力營生之不同，立法者採取單一定額之薪資所得特別扣除額規定，符合量能課稅所要求的客觀淨值原則
- 11 有關公法與私法分類之敘述，下列何者錯誤？
 (A)公法與私法之區分，主要是出現在歐陸法系國家，英美法系國家則無此區分
 (B)公法與私法之區分，來自於古代日耳曼法的傳統
 (C)公法與私法之區分實益，主要表現在訴訟救濟途徑以及強制執行程序上
 (D)公法的典型代表為憲法及刑法，私法的典型代表則為民法
- 12 依中央法規標準法規定，關於法規之廢止，下列敘述何者正確？
 (A)行政命令之廢止須由原發布機關送交立法院議決後為之
 (B)同一事項已定有新法律並公布施行時，舊法律立即失效而無須再行廢止
 (C)法律之廢止應經過立法院通過，並由立法院自行公布
 (D)法規之廢止自公布或發布之日起，算至第 3 日起失效
- 13 依司法院大法官解釋意旨，下列何者非屬信賴利益保障應審酌之因素？
 (A)法秩序變動所追求之政策目的
 (B)國家財政負擔能力
 (C)信賴利益之輕重
 (D)受影響對象之經濟上地位
- 14 下列何者為刑法上的公務員？
 (A)公立醫院中依政府採購法辦理採購業務之醫師
 (B)國立大學之教授
 (C)市政府中之工友
 (D)縣政府的保全人員
- 15 甲、乙及丙等三位好友決定成立一家有限公司，有關有限公司之成立與組成，下列敘述何者錯誤？
 (A)甲、乙及丙應以全體之同意，訂立章程，簽名或蓋章，置於本公司
 (B)甲、乙及丙之出資，得以公司事業所需之技術抵充之
 (C)公司資本總額，應由各股東全部繳足，但得分期繳款
 (D)公司章程應載明所營事業
- 16 依家庭暴力防治法之規定，下列何者非直轄市、縣（市）主管機關設置家庭暴力防治委員會之目的？
 (A)提供被害人 24 小時緊急救援服務
 (B)協調、研究家庭暴力防治工作
 (C)督導、考核家庭暴力防治工作
 (D)諮詢及推動家庭暴力防治工作
- 17 清帝國在 1902 年後著手制定現代化的新法，請問清朝末年留下的新法草案主要以下列何法系為學習對象？
 (A)普通法系
 (B)羅馬日耳曼法系
 (C)伊斯蘭法系
 (D)東亞法系
- 18 依據行政程序法之規定，下列何者非屬行政機關之要件？
 (A)利用公共資源
 (B)代表行政主體表示意思
 (C)具有單獨法定地位
 (D)從事公共事務
- 19 甲與丙成立連帶保證契約，擔保丙對乙所負之借款債務。下列敘述何者錯誤？
 (A)乙請求甲履行保證債務者，甲得行使先訴抗辯權，拒絕履行
 (B)若丙對乙另有債權，甲就丙應分擔之部分，得主張抵銷
 (C)丙對乙所有之抗辯，甲得主張之
 (D)甲之保證責任範圍，應以丙對乙所負借款債務之範圍為限
- 20 勞工甲於公司已經連續上班 10 年，期間公司持續投保勞工保險，後來發現自己懷孕，隨後於孕期 6 個月時感到不適，所以離職安胎並退出勞工保險，直到生產後均未再加保。請問甲是否可請領勞工保險之生育給付？
 (A)甲不能領取生育給付，因為生產時並未處於勞工保險有效期間
 (B)甲不能領取生育給付，因為未在生產後再加保勞工保險
 (C)甲應可領取生育給付，因為可以推算勞工在分娩前已有足夠勞保年資，且是在保險有效期間懷孕
 (D)甲應可領取生育給付，只要有參加過勞工保險，就必然可以領取生育給付，跟保險年資、何時懷孕生產無關

- 21 Everyone in the meeting was startled when they heard this _____ sound of a chair falling on the floor.
(A) aboriginal (B) abrupt (C) abundant (D) accessible
- 22 Grandma has been suffering from _____ back pain for many years.
(A) chronic (B) organic (C) graphic (D) drowsy
- 23 At least a third of all Americans are battling obesity, and fast food is a leading _____.
(A) accumulation (B) escalation (C) cultivation (D) culprit
- 24 The sad fact is that most college students have the _____ that “getting by” is good enough.
(A) mentality (B) mensuration (C) authenticity (D) authority
- 25 The size of a house or _____ significantly affects the size of its ecological footprint.
(A) dwelling (B) bouncing (C) forgoing (D) ripening
- 26 David’s colleagues think highly of him because he always takes the _____ in doing jobs and helping out.
(A) expansion (B) initiative (C) proposal (D) scarcity
- 27 The _____ of the old stone bridge has withstood centuries of weather and traffic.
(A) durability (B) prosperity (C) pretension (D) revelation
- 28 To graduate, every student needs to take this course because it is _____.
(A) compulsory (B) complimentary (C) documentary (D) contemporary
- 29 Population growth may lead to geographic expansion of a society, military conflicts, and the _____ of cultures.
(A) intermingling (B) intoxicating (C) incriminating (D) intimidating
- 30 The evidence linking the suspect to the crime was _____ and lacked substantial proof.
(A) tenuous (B) enduring (C) robust (D) solid
- 31 Tom was excited because the _____ forecast predicted new job offers for him.
(A) telescope (B) holocaust (C) horoscope (D) telegraph
- 32 A _____ justice system deals with cases of crimes committed by young defendants who are under the age of 18.
(A) judgmental (B) juvenile (C) latent (D) lethal
- 33 Liability car insurance pays for your legal defense and judgments or _____ if you’re sued because of a car accident.
(A) settlements (B) parliaments (C) distortions (D) excavations
- 34 Facing decreasing numbers of incoming students, quite a few universities have turned their _____ teaching positions into contract-based or part-time positions.
(A) casual (B) moral (C) redundant (D) permanent
- 35 None of the employees expected a pay raise for next year. _____ to what they thought, the boss announced a raise for all employees at the annual budget meeting.
(A) Contrary (B) Diverse (C) Logical (D) Potential
- 36 The city council voted unanimously to _____ the use of plastic bags to reduce environmental pollution.
(A) uphold (B) maintain (C) abolish (D) glorify
- 37 The aroma of freshly baked cookies _____ in the kitchen, tempting everyone to indulge.
(A) lingered (B) vanished (C) disappeared (D) weakened
- 38 Thanks to the frequent rainfall in spring, there should be an _____ supply of fresh water for the villagers this summer.
(A) abundant (B) explicit (C) undermining (D) obscure
- 39 She won the speech contest because she _____ her thoughts with great clarity and precision.
(A) mumbled (B) murmured (C) alienated (D) articulated
- 40 Planting more trees can help _____ the effects of pollution on the environment.
(A) aggravate (B) intensify (C) mitigate (D) provoke

請依下文回答第 41 題至第 45 題：

Labor issues encompass a broad range of challenges that can have profound influences on many aspects. At the individual level, labor disputes can lead to job insecurity, financial strain, and emotional 41 for workers. Their livelihoods and overall well-being were hence seriously 42. Unfair labor practices, such as wage theft, discrimination, and unsafe working conditions, can further exacerbate these challenges, 43 workers' health, dignity, and basic rights. From a business perspective, labor issues can disrupt operations, damage reputation, and incur significant financial costs like legal fees and lost productivity. Moreover, labor 44 can break relationships between employers and employees, eroding trust and cooperation, which are essential for a productive work environment. At a societal level, 45 labor issues can contribute to widening inequalities, social unrest, and economic instability. All the above underscore the importance of fair labor practices between employers and laborers.

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|----|---------------|---------------|----------------|--------------------|
| 41 | (A) stress | (B) comfort | (C) relief | (D) upgrade |
| 42 | (A) promoted | (B) advanced | (C) impacted | (D) enhanced |
| 43 | (A) orienting | (B) weakening | (C) enforcing | (D) distinguishing |
| 44 | (A) force | (B) bureau | (C) disorder | (D) pension |
| 45 | (A) solved | (B) tolerated | (C) negotiated | (D) unresolved |

請依下文回答第 46 題至第 50 題：

While “Great Pacific Garbage Patch” is a term often used by the media, it does not paint an accurate picture of the marine debris problem in the North Pacific Ocean. Marine debris concentrates in various regions of the North Pacific, not just in one area. The exact size, content, and location of the “garbage patches” are difficult to accurately predict.

The name “Pacific Garbage Patch” is not visible with satellite or aerial photographs. While higher concentrations of litter items can be found in this area, much of the debris is actually small pieces of floating plastic that are not immediately evident to the naked eye.

The entire Great Pacific Garbage Patch is bounded by the North Pacific Subtropical Gyre. The circular motion of the gyre draws debris into this stable center, where it becomes trapped. While many different types of trash enter the ocean, plastics make up the majority of marine debris for two reasons. First, plastic's durability, low cost, and malleability mean that it's being used in more and more consumer and industrial products. Second, plastic goods do not biodegrade but instead, break down into smaller pieces. It is possible to sail through “garbage patch” areas in the Pacific and see very little or no debris on the water's surface. Debris found in any region of the ocean can easily be ingested by marine species causing choking, starvation, and other **impairments**.

Cleaning up marine debris is not as easy as it sounds. Many microplastics are the same size as small sea animals, so nets designed to scoop up trash would catch these creatures as well. Even if we could design nets that would just catch garbage, the size of the oceans makes this job far too time-consuming to consider. Besides, it is not likely that any country will pay the expensive bill.

- 46 What is the main idea of this passage?
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| (A) The bio-diversity of Pacific Ocean. | (B) A pollution that is difficult to tackle. |
| (C) The decomposition of plastic products. | (D) A spectacle that can be seen from satellites. |
- 47 Which of the following is closest in meaning to “impairments”?
- | | | | |
|-------------|-----------------|-------------|-------------|
| (A) Repair. | (B) Extinction. | (C) Damage. | (D) Poison. |
|-------------|-----------------|-------------|-------------|
- 48 According to the passage, which of the following statements is true?
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| (A) Ships cannot sail through the Great Pacific Garbage Patch. |
| (B) Plastic may be biodegraded by many different marine species. |
| (C) Special huge nets are designed to scoop up the trash successfully. |
| (D) Cleaning the patch may be both costly and time-consuming. |
- 49 According to the passage, why do plastics end up being the cause of Great Pacific Garbage Patch?
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| (A) They are durable and malleable. | (B) They biodegrade in a short time. |
| (C) They cannot be seen with naked eyes. | (D) They are difficult to correctly predict. |
- 50 According to the passage, which of the following can be inferred about the route through the Great Pacific Garbage Patch?
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|---------------------------------|------------------------------------|
| (A) From Tokyo to Seattle. | (B) From London to Rio de Janeiro. |
| (C) From Shanghai to Singapore. | (D) From Kaohsiung to Sydney. |