

106年特種考試地方政府公務人員考試試題

等 別：四等考試

類 科：各類科

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的答案，複選作答者，該題不予計分。

(二)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 A 市訂定「宗教團體管理自治規則」，其中規定宗教團體之聚會場所除已設置者外，所有新設置宗教團體聚會場所均應申請許可。此規定較無違反下列何種憲法原則之虞？
(A)法律明確性原則 (B)法律保留原則 (C)平等原則 (D)比例原則
- 2 臺北市因里界調整而辦理里長的延選，中央主管機關內政部認其決定違背地方制度法第 83 條第 1 項規定，經報行政院依同法第 75 條第 2 項予以撤銷。依司法院釋字第 553 號解釋，臺北市可提起之救濟途徑為何？
(A)提起訴願 (B)直接提起行政訴訟 (C)直接提起民事訴訟 (D)報請行政院解決之
- 3 監察委員對公務人員所提出之彈劾案，至少須經幾人以上之審查及決定？
(A)3 人 (B)5 人 (C)7 人 (D)9 人
- 4 下列關於訴訟權之敘述，何者錯誤？
(A)撤銷假釋之決定，非直接涉及人身自由之限制，故未賦予受假釋人救濟權利，並未限制其訴訟權
(B)憲法第 16 條保障人民之訴訟權，就刑事被告而言，包含其在訴訟上應享有充分之防禦權
(C)訴訟權，其核心內容在於人民之權益遭受侵害時，得請求法院依正當法律程序公平審判，以獲得及時有效之救濟
(D)訴訟救濟應循之審級與程序，由立法機關衡量訴訟案件之種類、性質、訴訟政策目的以及訴訟制度之功能等因素，以法律為合理之規定
- 5 下列何者非憲法法庭之成員？
(A)司法院秘書長 (B)司法院院長 (C)司法院副院長 (D)由法官轉任之大法官
- 6 依憲法增修條文第 5 條之規定，中央政府總預算案中有關司法院之部分，係由下列何者提出年度概算後編入？
(A)總統府 (B)行政院 (C)立法院 (D)司法院
- 7 依憲法增修條文規定，立法院對行政院院長不信任案之提出，至少須有全體立法委員幾分之幾以上連署？
(A)四分之一 (B)三分之一 (C)三分之二 (D)四分之三
- 8 假設立法院通過某一客觀上具有重大瑕疵之法律案。依憲法規定，下列敘述何者錯誤？
(A)行政院得主張通過之法律案窒礙難行，提出覆議
(B)總統就行政院提出之覆議案具有核可權
(C)行政院於適用該法律發生有牴觸憲法疑義時，得向司法院大法官聲請解釋
(D)監察院如認立法院此一立法行為顯有違失，得對立法院提出糾正案
- 9 依憲法及憲法增修條文規定，關於戒嚴之宣布，下列敘述何者錯誤？
(A)為避免國家或人民遭遇緊急危難或應付財政經濟上重大變故
(B)總統依法宣布戒嚴，須經行政院會議決議
(C)總統依法宣布戒嚴，須經立法院之通過或追認
(D)立法院認為必要時，得決議移請總統解嚴
- 10 為促進實質平等之實現，憲法增修條文第 10 條特別規定下列何者之人格尊嚴應予維護，其人身安全並應予保障？
(A)勞工階級 (B)歸化中華民國之外國人士
(C)軍人 (D)婦女
- 11 下列何者與人身自由之干預較無關係？
(A)強制經許可合法入境之大陸地區人民出境
(B)外國人受驅逐前由內政部移民署為暫時收容
(C)對曾與法定傳染病之病人接觸或疑似被傳染者施行強制隔離處置
(D)令經常逃學或逃家之虞犯少年收容於少年觀護所
- 12 下列敘述，何者不符信仰宗教自由之保障？
(A)包括信仰或不信仰之自由 (B)包括參加祈禱、禮拜等宗教活動
(C)禁止某部會首長加入特定宗教 (D)禁止國家對特定宗教團體為補助

- 13 關於言論自由之說明，下列敘述何者錯誤？
(A)集會自由係人民以行動表現言論自由
(B)言論自由之保障，能使人有取得充分資訊及自我實現的機會
(C)要求菸品廣告加註警語，雖無關公意形成、真理發現，但仍違背消極表意自由
(D)美容廣告業者得主張工作權與言論自由之保障
- 14 憲法第 155 條規定，人民之老弱殘廢，無力生活，及受非常災患者，國家應予以適當之扶助與救濟。下列何者非屬國家為保障人民生存與生活所採取之扶助措施？
(A)納稅義務人支付受長期照護者之醫藥費，得列舉扣除
(B)納稅義務人扶養無謀生能力者，得享有一定之免稅額
(C)退除役官兵就學所需繳納之學雜費，由國家予以補助
(D)勞工保險被保險人死亡時，遺屬得請領遺屬年金給付
- 15 依憲法增修條文之規定，國民教育之經費應如何處理？
(A)不得少於國防預算
(B)在中央不得少於預算總額百分之二十
(C)在縣不得少於預算總額百分之三十
(D)應優先編列
- 16 受僱者下班以後與同事至 KTV 唱歌，因喝酒過多而性騷擾同事，經報警處理後，雇主之責任為何？
(A)純屬該受僱者個人行為不檢，與雇主無關，可不予理會
(B)雇主接獲申訴，即應從事調查，並採取適當之處分
(C)相信本身員工對事件之陳述，以查無直接證據結案
(D)立即以有違事業單位聲譽為由而做出革職之處分
- 17 根據勞工保險條例第 9 條規定，勞工保險被保險人有下列那一項情形時，得繼續參加勞工保險？
(A)因傷病請假致留職停薪，普通傷病未超過 1 年者
(B)因傷病請假致留職停薪，職業災害未超過 3 年者
(C)因案停職或被羈押，經法院判決確定者
(D)在職勞工，年逾 70 歲繼續工作者
- 18 A 無限公司股東為甲、乙、丙、丁、戊 5 人，章程規定由甲、乙、丙三人執行公司業務，甲代表公司。甲、乙、丙三人約定，超過 30 萬元交易應經三人過半數同意為之，今甲未獲同意即代表 A 公司向 B 公司購入公司營業所需材料。下列有關該交易之敘述，何者正確？
(A)除非 A 公司事後承認，該交易對 A 公司不生效力
(B)不論 B 公司是否善意，A 公司應對該交易負責
(C)B 公司如為善意時，A 公司應對該交易負責
(D)B 公司如為善意時，該交易僅由甲自行負責
- 19 下列有關職務著作之敘述，何者錯誤？
(A)受雇人於職務上完成之著作，如無約定時，著作權歸受雇人所有
(B)職務著作之著作權歸屬，得由當事人以契約約定
(C)當事人得約定，於著作完成時，由雇用人取得著作人格權與著作財產權
(D)當事人得約定，於著作完成時，由受雇人取得著作人格權，而由雇用人取得著作財產權
- 20 某甲屋前自己所有的空地被陌生人停車占用，車主數日沒有來取車，甲遂將該車加上車輪鎖。車主乙來取車時發現無法將車開走，向檢察官提出告訴。關於本案，下列敘述何者正確？
(A)甲構成強制罪
(B)甲可以主張正當防衛，阻卻違法
(C)甲可以主張自助行為，阻卻違法
(D)甲可以主張業務上正當行為，阻卻違法
- 21 關於我國刑罰制度，下列敘述何者正確？
(A)禁止對未滿 18 歲之人處死刑
(B)是典型的應報主義刑罰
(C)褫奪公權與沒收為從刑
(D)少數重大犯罪規定唯一死刑
- 22 甲、乙、丙、丁共有的違章建築 H 遭戊無權占用，甲要求歸還遭拒絕。下列敘述何者正確？
(A)甲得單獨起訴戊，請求被告戊返還 H 予原告甲
(B)甲必須與乙、丙、丁共同起訴戊
(C)甲、乙、丙、丁須至少三人共同起訴戊，請求返還 H
(D)甲得單獨起訴戊，請求被告戊返還 H 予全體共有人
- 23 下列有關離婚之敘述，何者正確？
(A)未成年人結婚時已取得完全行為能力，後來若欲兩願離婚，可自行決定，毋須法定代理人同意
(B)先生和外遇對象發生性關係，被妻子發現後，妻子表示原諒先生，日後夫妻雙方若因故爭吵，妻子不能再以先生之前外遇為理由，訴請離婚
(C)公婆若遭受媳婦虐待，可向法院起訴請求讓兒子與媳婦離婚
(D)經法院調解離婚成立後，當事人仍須到戶政事務所辦理離婚登記，方屬合法有效離婚
- 24 關於法律優位原則之敘述，下列何者錯誤？
(A)下級規範牴觸上級規範者無效
(B)屬於積極依法行政
(C)確認法規範之位階關係
(D)法律是否牴觸憲法由司法院審查

- 25 行政執行法第 32 條規定：「經間接強制不能達成執行目的時，執行機關得依直接強制方法執行之。」該條係基於下列那一項原則？
 (A)必要衡量原則 (B)誠信原則 (C)信賴保護原則 (D)比例原則
- 26 凡一種法規係根據其他法規所產生者，學說上稱為：
 (A)特別法 (B)子法 (C)例外法 (D)程序法
- 27 下列何者非屬行政機關適用法律必須遵循之原則？
 (A)依法行政原則 (B)誠實信用原則 (C)不告不理原則 (D)比例原則
- 28 無須經立法院之三讀程序者，為下列何者？
 (A)法律之修正 (B)法律之停止適用
 (C)法律之恢復適用 (D)法律定有施行期限，期滿當然廢止
- 29 全民健康保險法第 99 條規定，政府得編列預算設置紓困基金，供經濟困難，無力繳納健保費之人民無息貸款，旨在實現憲法何項基本國策？
 (A)經濟應與環境及生態兼籌並顧 (B)維護婦女人格尊嚴、消除性別歧視
 (C)重視社會救助、福利服務 (D)獎勵科學技術發展、促進產業升級
- 30 就法律效力所及之範圍而言，可分為普通法與特別法，下列何者屬於普通法？
 (A)民法 (B)公司法 (C)勞動基準法 (D)票據法
- 31 She _____ in climbing to the top of the mountain regardless of the heavy fog surrounding the mountain.
 (A) withdrew (B) persisted (C) declined (D) neglected
- 32 The runner is very _____ after running a non-stop 50 kilometers marathon that was held in the mountainous area.
 (A) worry (B) weary (C) wealthy (D) wordy
- 33 Pope Benedict XVI's resignation _____ the world's attention, and rightly. It is the first papal resignation in nearly six centuries.
 (A) adopted (B) captured (C) detected (D) fetched
- 34 The officer calmly denied any _____ in bribery and insisted on his innocence.
 (A) objection (B) constitution (C) involvement (D) inspection
- 35 The company is going to _____ 300 job positions, which is expected to save millions of dollars.
 (A) add (B) sort (C) set (D) axe

第 36 題至第 40 題為題組

Researchers have already identified three different types of loneliness. The first type of loneliness is 36. This is the most common type. It usually 37 quickly and does not require any special attention. The second type, situational loneliness, is a natural result of a particular situation—for example, a divorce, the death of a loved one, or moving to a new place. Although this type of loneliness can cause 38 problems, such as headaches and sleeplessness, it usually does not last for more than a year. Situational loneliness is easy to understand and to predict. The third type is the most 39. Unlike the second type, chronic loneliness usually lasts more than two years and has no specific cause. People who experience 40 loneliness have problems socializing and becoming close to others. Unfortunately, many chronically lonely people think there is little or nothing they can do to improve their condition.

- 36 (A) enduring (B) everlasting (C) permanent (D) temporary
 37 (A) displays (B) discovers (C) disappears (D) disconnects
 38 (A) parallel (B) physical (C) previous (D) punctual
 39 (A) severe (B) worthy (C) effective (D) promising
 40 (A) formal (B) habitual (C) rational (D) optional

第 41 題至第 45 題為題組

Forest fires continue to burn in several parts of Indonesia. Luckily, a brief rain storm helped break up smoke from some of the fires on Wednesday. The President said rainfall cleared away much of the smoke in Sumatra. He said the haze was reduced to a level where commercial airline companies could operate again. But another official told reporters that much more rain is needed to help put out the fires. Luhut Panjaitan is Indonesia's Coordinating Minister of Politics, Law and Security. "This week we have rain. If we have intensive rain for four straight days and our water bombings continue, I hope we would be back to normal next week. That's our hope, but again it all depends on how much rain we have," he said. The official added that he has asked government agencies to consider the possibility of creating artificial rain.

Indonesia has come under heavy pressure from neighboring countries and environmental groups to put out the fires. Every year, some companies set forest fires on purpose. They do this to clear land and make way for palm oil plantations. Thousands of people have developed breathing problems because of the smoke. Some non-governmental organizations plan to take legal action against the government. They say Indonesian officials have ignored the well-being of communities affected by the smoke. The government has deployed more than 22,000 police officers and armed forces members to fight the forest fires. There are more than 1,600 fires burning in at least six provinces.

- 41 According to this passage, what does the word "haze" mean?
 (A) Rain. (B) Fire. (C) Mist. (D) Smoke.

- 42 According to the passage, what was a result of the fires?
 (A) Many people died in the fires. (B) Elementary schools were closed.
 (C) Food prices went up in a fast speed. (D) Commercial flights were cancelled.
- 43 What health problem was caused by the environmental pollution in Indonesia?
 (A) Heart. (B) Blood. (C) Hearing. (D) Breathing.
- 44 According to the passage, what might cause forest fires?
 (A) Haze. (B) Smoke. (C) Bombs. (D) Plantations.
- 45 According to the passage, how many provinces are affected by the fires?
 (A) Four. (B) Six.
 (C) Ninety. (D) One hundred and sixty-one.

第 46 題至第 50 題為題組

On a breakfast table in a French family, nothing is more important than fresh, tasty bread. French families buy fresh bread from boulangeries, the French word for bakeries, every morning. That means a typical baking day usually starts at 4:00 am and ends at noon. You would also be surprised at the number of independent boulangeries in cities, towns, and small villages.

Among the dozens of types of French bread, baguette and croissant are what Taiwanese people are most familiar with. Baguette, literally meaning “a stick”, has golden-brown crust, with ivory-cream center, cereal aroma, and soft, chewy dough. In 1993, the French government enacted a law to protect the quality of “the pride of France.” The law states that a real baguette has to be made with wheat flour, water, salt, yeast, and nothing else. No additives or preservatives are allowed, which means it goes **stale** within 24 hours. A standard baguette is 250-300 grams in weight and 55 to 65 centimeters in length. Legend has it that it was Napoleon who contributed to the shape of baguette. He asked bakers to make a “stick-like” bread to make it easier for soldiers to carry their bread around down their pants.

Warm and buttery, croissant is a common French breakfast food at the weekend. Typical ingredients include flour, yeast, milk, butter, egg, and salt. An important process is that the butter has to be put between the layers of dough but not to be incorporated into the dough. There are countless legends about the origin of this pastry. The most widespread one is associated with the Battle of Vienna. In 1683, Vienna was under siege by Turkish army. The Turks were trying to dig underground tunnels. However, bakers working in the middle of the night heard the digging and alerted Austrian soldiers, who had enough time to stop the digging and defeat the Turks. To celebrate the victory, bakers in Vienna made a pastry in the shape of crescents, a thin, curved shape they saw on Turkish flags, and they called the pastry “Kipferl”, the German word for “crescent”. When Austrian princess Marie Antoinette came to France and married King Louis XVI in 1770, she introduced to this country her favorite pastry, which came to be known as croissant in French.

- 46 What is this passage mainly about?
 (A) To discuss the history of French bread. (B) To teach readers how to make French bread.
 (C) To show readers how to taste French bread. (D) To introduce two kinds of French bread.
- 47 Which is the closest in meaning to the word “stale” in the second paragraph?
 (A) Spicy. (B) Unfresh. (C) Ancient. (D) Straight.
- 48 Where did the bakers get the idea for the crescent-shaped pastry?
 (A) From the Turkish flag. (B) From the palace of King Louis XVI.
 (C) From Marie Antoinette’s wedding. (D) From the underground tunnels in Vienna.
- 49 Which is one of the criteria for a standard baguette?
 (A) It is at most 55 centimeters long.
 (B) It has ivory-cream center and cereal aroma.
 (C) It has to be made at four o’clock in the morning.
 (D) Wheat flour, yeast, salt, and egg are the only ingredients.
- 50 Which of the following statements is NOT correct?
 (A) In Vienna, the croissant is called Kipferl.
 (B) Croissant was introduced from Vienna to France in the 18th century.
 (C) To make a real croissant, butter has to be incorporated into the dough.
 (D) It is said that Napoleon’s soldiers carried stick-like bread around down their pants.