

105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 有關考試院職權之敘述，下列何者錯誤？
(A)考試院就其所掌事項之法律案，有對立法院提案之權
(B)立法院通過之法律案如窒礙難行，考試院有覆議之權
(C)考試院所掌事項如涉人民權利，仍受法律保留之限制
(D)行政院人事行政總處成立後，考試院對公務員仍保有獨立之考選權
- 2 關於司法院大法官解釋之效力，下列敘述何者錯誤？
(A)司法院大法官解釋以向後生效為原則，但原因案件聲請人得援引該解釋，作為再審或非常上訴之依據
(B)司法院大法官解釋具有拘束全國各機關及人民之效力
(C)立法院行使立法權，不得逾越憲法規定及司法院大法官所為之憲法解釋
(D)憲法有明文規定司法院大法官解釋憲法之效力
- 3 關於司法行政監督權之敘述，下列何者錯誤？
(A)司法行政監督權的目的是為了維護審判獨立
(B)最高司法機關得發布司法行政監督之命令
(C)法官於審判案件時涉及法律見解者，仍受司法行政監督命令之拘束
(D)司法行政監督命令不得違反法律保留原則
- 4 依司法院釋字第 520 號解釋意旨，下列敘述何者正確？
(A)預算案與法律案之內容、規範對象及審議方式相同
(B)立法院於必要時，得停止法定機關維持正常運作之預算
(C)行政院一律不得裁減經費或變動預算之執行
(D)行政院決議停止執行法定預算若涉及國家重大政策變更，應向立法院報告，取得支持
- 5 依司法院大法官解釋意旨，有關立法院調查權之行使，下列敘述何者錯誤？
(A)立法院有權向行政機關要求調閱文件原本，但行政首長若認為公開該文件可能干預行政部門有效運作，得拒絕公開
(B)立法院可要求與調查事項有關之人民或政府人員陳述證言或表示意見
(C)為有效行使調查權，調查委員會有權直接規定對違反協助調查義務者裁處罰鍰
(D)調查權之行使不限於立法委員親自為之，必要時得依法授權非立法委員人士協助調查
- 6 有關憲法規定及司法院大法官解釋意旨，下列何者不屬於內閣制之特徵？
(A)憲法第 75 條規定：「立法委員不得兼任官吏」
(B)憲法增修條文第 3 條第 2 項規定：「行政院依左列規定，對立法院負責……」
(C)司法院釋字第 387 號解釋指出，立法院改選，行政院有義務進行總辭
(D)憲法第 53 條規定：「行政院為國家最高行政機關」
- 7 關於立法院對總統提出之彈劾案，其後續處理程序為何？
(A)由公民投票複決 (B)由監察院審查決定 (C)由司法院大法官審理 (D)由最高法院審判
- 8 依司法院大法官解釋意旨，對訴訟權之限制，下列何者違憲？
(A)對選舉訴訟僅採用二級二審制度
(B)公務員懲戒法對懲戒案件之議決未設上訴救濟制度
(C)對於配偶不得提起自訴
(D)受羈押之刑事被告不服看守所之處遇，不得向法院提起訴訟
- 9 有關臺灣地區與大陸地區人民關係條例，未予申辯機會逕行強制大陸地區人民出境之規定，依據司法院釋字第 710 號解釋，該規定係：
(A)違憲，不符遷徙自由之保障 (B)違憲，違反法律保留原則
(C)合憲，符合法律明確性原則 (D)合憲，符合正當法律程序
- 10 甲駕車蛇行遭警察攔停，警察請其出示駕駛執照與身分證。甲因未攜帶，遭警察要求至警察局說明。甲拒絕後，遭強行押上警車帶往警察局。下列敘述何者錯誤？
(A)甲得主張其人身自由與隱私權遭受侵害
(B)警察要求甲到警察局說明可達成確認身分之目的
(C)甲遭強行押上警車乃剝奪其人身自由，須經法院同意
(D)警察查證身分涉及個人資訊之蒐集，有侵犯人民隱私權之虞

- 11 依司法院大法官解釋意旨，關於居住及遷徙自由，下列敘述何者錯誤？
(A)保障人民有依其個人意願自由選擇住居所、旅居各地以及入出國境之權利
(B)國民不論於國內是否設有住所或有無戶籍，均不得限制其入出境之權利
(C)要求無戶籍國民入境應依法申請許可，並未牴觸居住及遷徙自由之保障意旨
(D)對人民入境居住之權利，得就不同規範對象及其所受限制之輕重而容許合理差異之規範
- 12 有關婚姻與家庭之敘述，下列何者錯誤？
(A)婚姻與家庭為社會形成與發展之基礎，受憲法制度性保障
(B)婚姻制度具有維護人倫秩序、男女平等、養育子女等社會性功能
(C)婚姻是屬於親密結合關係之一種，因此應受嚴格之保障
(D)通姦罪是否除罪化，涉及基本權限制，立法者無形成自由
- 13 下列何者非司法院大法官解釋中所承認之制度性保障？
(A)大學自治 (B)地方自治 (C)婚姻家庭 (D)秘密通訊
- 14 在私人所有之土地下，發現頁岩氣此種天然資源時，有關頁岩氣資源所有權之敘述，下列何者正確？
(A)為土地所有權人所有 (B)為國家所有
(C)為國家與土地所有權人共有 (D)為地方自治團體所有
- 15 下列何者不屬於民主國之內涵？
(A)尊重少數 (B)多黨體制 (C)定期改選 (D)專家決策
- 16 保護令除緊急保護令外，根據家庭暴力防治法之規定，應於核發後多少時間內發送當事人、被害人、警察機關及直轄市、縣（市）主管機關？
(A)24 小時 (B)36 小時 (C)48 小時 (D)72 小時
- 17 全民健康保險為何種性質之保險？
(A)任意性之社會保險 (B)強制性之社會保險 (C)選擇性之社會保險 (D)替代性之社會保險
- 18 下列有關著作財產權授權之敘述，何者錯誤？
(A)授權得依時間、地域、內容、利用方式等為不同約定
(B)約定不明之部分，視為未授權
(C)於專屬授權範圍內，著作財產權人不得行使權利
(D)非專屬授權之被授權人未經著作財產權人之同意，不得將其被授與之權利再授權他人利用
- 19 下列何種保安處分僅得於「刑罰執行完畢」後執行？
(A)強制工作 (B)對染性病者之強制治療 (C)監護處分 (D)驅逐出境
- 20 刑法第 271 條第 1 項所規定的殺人罪，不能歸入下列何種犯罪類型？
(A)結果犯 (B)實害犯 (C)故意犯 (D)舉動犯
- 21 下列何種行為構成無因管理？
(A)警察追緝盜賊
(B)消防隊撲滅火災
(C)計程車司機見路人昏倒送醫急救
(D)法定扶養義務人照顧法定扶養權利人之日常生活起居
- 22 民法有關遺產酌給請求權之規定，下列敘述何者正確？
(A)遺產酌給請求權人應與被繼承人具備一定親屬關係
(B)遺產酌給請求權人，為被繼承人生前繼續扶養之人
(C)遺產酌給請求權人僅得由法院依其所受扶養的程度酌給遺產
(D)遺產酌給請求權人若未於繼承開始後 5 年內請求酌給遺產，該請求權消滅
- 23 下列何者不是地上權的權能？
(A)占有 (B)使用收益 (C)處分土地所有權 (D)排除他人干涉
- 24 甲贈與其子乙 A 屋一棟，辦理所有權移轉登記後，乙即棄養甲，下列敘述何者正確？
(A)甲得以乙對其有扶養義務之不履行而撤銷贈與 (B)因甲已經過戶給乙，故不得撤銷贈與
(C)甲的其他繼承人得替甲出氣，撤銷贈與 (D)甲得向乙解除贈與
- 25 甲為某直轄市市民，以請願書向該直轄市政府請求認定某地有公用地役權存在，直轄市政府回覆甲，該地並非現有巷道。前述直轄市政府之函覆，其法律性質為何？
(A)行政執行 (B)行政處分 (C)解釋函令 (D)觀念通知
- 26 平均地權條例對於土地法而言，屬於何種法律規範？
(A)普通法 (B)特別法 (C)授權法 (D)補充法
- 27 下列何者不受憲法第 81 條法官終身職保障之適用？
(A)司法院大法官 (B)公務員懲戒委員會委員 (C)高等法院法官 (D)智慧財產法院法官
- 28 下列有關委辦規則之敘述，何者正確？
(A)地方行政機關得依其法定職權訂定委辦規則
(B)委辦規則係基於該自治團體自治條例之授權所訂定
(C)委辦規則應函報委辦機關備查
(D)委辦規則與上級自治團體自治條例牴觸者無效

- 29 依據中央法規標準法之規定，關於法規施行期限之延長，下列敘述何者正確？
 (A)法律定有施行期限，主管機關認為需要延長者，應於期限屆滿 2 個月前送立法院審議
 (B)法律之施行期限在立法院休會期內屆滿，主管機關認為需要延長者，應於立法院休會 1 個月前送立法院
 (C)命令定有施行期限，主管機關認為需要延長者，僅須於期限屆滿前，由原發布機關發布之即可
 (D)命令定有施行期限，主管機關認為需要延長者，應於期限屆滿 1 個月前，由原發布機關送立法院審議同意後發布之
- 30 下列何者不屬於法源之一？
 (A)授權命令 (B)職權命令 (C)法規命令 (D)職務命令
- 31 We have arrived at the airport _____ before the plane leaves. Therefore, we still have plenty of time to browse around the duty free shop.
 (A) at one time (B) in good time (C) in no time (D) of all time
- 32 According to American officials and Arab diplomats, the United States is unlikely to _____ any military strikes against extremists in Iraq before a new government is formed.
 (A) undertake (B) offend (C) analyse (D) overhear
- 33 Napping is encouraged for night-time workers as 30-minute naps help them feel _____.
 (A) refreshed (B) overcome (C) fulfilled (D) listless
- 34 The investigation has proved that the Loch Ness Monster is an elaborate _____; no such monster exists in the lake.
 (A) blur (B) hoax (C) kernel (D) landmark
- 35 The number of the endangered Lowland Gorillas has been dropping _____ due to habitat loss and illegal hunting.
 (A) dramatically (B) scarcely (C) realistically (D) smoothly
- 36 When Ofisa Treviranus learned that he was selected to the Rugby World Cup squad, he felt that all the sacrifices he had made to play rugby had finally _____.
 (A) came off (B) put off (C) taken off (D) paid off
- 37 In the beginning of the concert, the audience is _____ to turn off their cell phones.
 (A) respected (B) requested (C) rejected (D) released
- 38 Rice farming is the _____ of Taiwan's agriculture industry.
 (A) quality (B) grain (C) disposition (D) backbone

第 39 題至第 42 題為題組

Emily Brontë, one of the three gifted Brontë sisters, is the author of the famous English novel *Wuthering Heights*. She was born in Thornton, Yorkshire, in England, the fifth of six children. In 1820, her family moved to Haworth, 39 her mother died in 1821 and her two elder sisters died in 1825. Her father, a minister, was a stern and sullen man, and the aunt who took over the household was more strict than loving. The four surviving children became a close-knit group and 40 one another with emotional and creative support. 41 in a small and remote community, the four siblings paired off and used their unusual literary gifts to write about imaginary lands. Emily and her younger sister Anne 42 the imaginary country of Gondal and wrote literature for it that included legends and poetry. Gondal remains a source of Emily's later art, providing the setting, characters, and situations for many of her best dramatic poems and for her novel *Wuthering Heights*.

- 39 (A) where (B) there (C) here (D) which
 40 (A) covered (B) provided (C) dealt (D) threatened
 41 (A) Transformed (B) Built (C) Planted (D) Isolated
 42 (A) destroyed (B) protected (C) created (D) invaded

第 43 題至第 46 題為題組

A potato farmer was sent to prison just at the time when he should have been digging the ground for planting the new crop of potatoes. He knew that his wife would not be strong enough to do the digging by herself, but that she could manage to do the planting; and he also knew that he did not have any friends or neighbors who would be willing to do the digging for him. So he wrote a letter to his wife which said, "Please do not dig the potato field. I hid the money and the gun there."

Ten days later he got a letter from his wife. It said, "I think somebody is reading your letters before they go out of the prison. Some policemen arrived here two days ago and dug up the whole potato field. What should I do now?"

The farmer wrote back at once, "Plant the potatoes, of course."

- 43 Why was it a bad time for the potato farmer to go to prison?
 (A) It was the time when the policemen found his money and gun.
 (B) It was the time when he lost his money and gun.
 (C) It was the time for him to dig the ground and plant the new potatoes.
 (D) It was the time to harvest potatoes.

- 第 47 題至第 50 題為題組。

The construction of a suspension bridge starts with its towers, which are usually located on dry land and anchored to bedrock. Once the towers are built, master cables are strung across them and anchored into the bank at both ends of the bridge. Next, suspension cables are strung from the master cables, and then the deck used as roadway is attached to them. Most of the weight of the bridge is transferred by the cables to the anchorage systems. These are embedded in either solid rock or huge concrete blocks. Inside the anchorages, the cables are spread over a large area to evenly distribute the load and to prevent the cables from breaking free.

Light and strong, a suspension bridge could span distances from 2,000 to 7,000 feet, which is much longer than any other kind of bridge could. Its simple design allows high clearance under the deck, useful when the bridge is built over a major shipping waterway or a very deep gulf. A suspension bridge is also less subjected to collapse than some other bridge types such as those built on support pillars.

- 47 Which of the following materials have NOT been used as cables for suspension bridges?
(A) Iron. (B) Wood. (C) Steel. (D) Vines.
- 48 Which part of a suspension bridge carries most of its weight?
(A) The deck and the master cables.
(B) The bedrocks and the support pillars.
(C) The towers and the suspension cables.
(D) The anchorages and the cables in the ground.
- 49 Which of the following statements describes an advantage of a suspension bridge over some other types of bridges?
(A) It is easier to complete. (B) It is stretchable in length.
(C) It is less likely to fall down. (D) It is less expensive to build.
- 50 What's the main idea of this passage?
(A) To explain how a suspension bridge is built.
(B) To introduce the origin of modern suspension bridges.
(C) To summarize previous findings on suspension bridges.
(D) To compare a suspension bridge with other types of bridges.