

107年公務人員特種考試司法人員、法務部 調查局調查人員、國家安全局國家安全情報 人員、海岸巡防人員及移民行政人員考試試題

考試別：調查人員、國家安全情報人員

等別：三等考試

類科組：各組別

科目：綜合法政知識與英文（包括中華民國憲法、法學緒論、兩岸關係、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)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 依憲法本文之規定，下列何者專屬由「中央立法並執行」？
(A)郵政電政 (B)公用徵收 (C)合作事業 (D)警察制度
- 2 依司法院大法官解釋，以新聞及電視方式表達意見，屬於憲法所保障之何種權利？
(A)言論自由 (B)出版自由 (C)著作自由 (D)通訊自由
- 3 依據司法院釋字第 603 號解釋，大法官認為「請領國民身分證，應捺指紋並錄存」之規定應屬違憲，係因該條規定侵害何種基本權？
(A)資訊隱私權 (B)人身自由權 (C)秘密通訊自由 (D)財產權
- 4 甲為慶祝其成年，租用臺鐵專用車廂與親朋好友聚會同樂，是否須經主管機關許可？
(A)屬室內遊行，須先經許可 (B)屬室外集會，須先經許可
(C)屬室內集會，毋須先經許可 (D)屬室外遊行，毋須先經許可
- 5 人民有依法律納稅之義務，下列敘述何者錯誤？
(A)國家對國民徵稅之行為，係對國民財產權之干預
(B)稅法之解釋應本於租稅法律主義之精神，依各該法律之立法目的，衡酌經濟上之意義及實質課稅之公平原則為之
(C)課稅原因事實之有無及有關證據之證明力如何，亦屬於租稅法律主義之範圍
(D)稅捐係人民之負擔，基於負擔平等原則，稅捐之徵收合乎稅捐公平原則
- 6 依憲法規定及相關司法院大法官解釋，有關國家賠償之敘述，下列何者錯誤？
(A)立法機關有制定有關國家賠償法律之義務
(B)立法機關得針對人民請求國家賠償之要件為合理之裁量，但應符合憲法上之比例原則
(C)憲法第 24 條規定無法直接作為人民向國家請求賠償之法律基礎
(D)立法者針對有審判或追訴職務之公務員，因執行職務侵害人民自由或權利之國家賠償要件為特別規定，已逾越立法裁量之範圍
- 7 下列何者得對總統、副總統提出彈劾案？
(A)行政院 (B)立法院 (C)監察院 (D)司法院
- 8 有關行政一體原則之敘述，下列何者錯誤？
(A)行政必須有整體之考量，無論如何分工，最終仍須歸屬最高行政首長統籌指揮監督
(B)行政一體原則在憲法上之依據如憲法第 53 條：「行政院為國家最高行政機關」之規定
(C)獨立機關是將原行政院所掌理特定領域之行政事務從層級式行政體制獨立而出，因此無行政一體原則之適用
(D)行政一體原則之目的在於促進行政機關間之合作，提升效能，並使具有一體性之國家有效運作
- 9 下列何者行政院不得刪減，但得加註意見，編入中央政府總預算案，送立法院審議？
(A)總統府所提出之年度國安概算 (B)司法院所提出之年度司法概算
(C)監察院所提出之年度監察概算 (D)考試院所提出之年度考試概算
- 10 依憲法及增修條文之規定，下列有關監察委員之敘述，何者錯誤？
(A)享有言論免責權 (B)對違法失職之公務人員得提出彈劾案
(C)依據法律獨立行使職權 (D)禁止執行律師業務
- 11 有關行政命令之敘述，下列何者正確？
(A)中央法規標準法規定之行政命令與行政程序法規定之種類均相同
(B)中央法規標準法規定之行政命令包括職權命令
(C)中央法規標準法規定之行政命令包括職務命令
(D)行政程序法規定之行政命令包括職權命令

- 12 關於地方行政機關與地方立法機關之組織，下列敘述何者正確？
(A)直轄市政府與直轄市議會之組織，由行政院擬訂準則
(B)縣（市）政府與縣（市）議會之組織，由內政部擬訂準則，報行政院核定
(C)鄉（鎮、市）公所與鄉（鎮、市）民代表會之組織，由縣（市）擬訂準則，報內政部核定
(D)直轄市山地原住民區公所與區民代表會之組織，由直轄市政府擬訂準則，報內政部核定
- 13 主管機關為整頓市容，不論房屋是否危及公共安全，凡有礙都市觀瞻者一律依都市更新條例要求民眾拆屋重建，此舉違反下列何種原則？
(A)誠實信用原則 (B)依法行政原則 (C)信賴保護原則 (D)比例原則
- 14 關於職權命令之敘述，下列何者錯誤？
(A)行政程序法於命令之類型設有明文規定
(B)內政部曾透過職權命令管制玩具槍且事後被宣告違憲
(C)若職權命令欠缺法律授權卻涉及人民權利之限制，即違反法律保留
(D)職權命令之性質雖頗受爭議但實務上仍不乏運用之實例
- 15 甲以其所有土地設定地上權於乙，乙將取得之地上權設定權利抵押權於丙。丙欲拋棄權利抵押權時，應對誰為拋棄之意思表示？
(A)甲 (B)乙 (C)甲、乙 (D)只須拋棄對物之占有
- 16 A 被 B 駕車撞傷。住院期間，由親友無償看護。關於 B 的賠償責任，下列敘述何者正確？
(A)因親友是無償看護，所以 A 並無損害，因此 B 也無須賠償
(B)A 雖然無損害，但 B 應向親友賠償一般看護費用
(C)B 必須賠償一般看護費用給 A
(D)A 必須將損害賠償請求權讓與親友
- 17 下列何者非屬刑法學理上所稱之授權公務員？
(A)辦理公證業務之司法院所屬民間公證人 (B)辦理律師懲戒之律師懲戒委員會的律師
(C)辦理法官評鑑之法官評鑑委員會的律師 (D)辦理法律諮詢之縣市政府義務扶助律師
- 18 關於有限公司之資訊，下列何者非屬於任何人得向主管機關申請查閱或抄錄之事項？
(A)股東之姓名或名稱、住所或居所 (B)各股東之出資額
(C)非現金出資所抵繳之股款 (D)經理人姓名
- 19 依全民健康保險法之規定，關於被保險人之敘述，下列何者錯誤？
(A)公、民營事業、機構之受僱者為第一類被保險人
(B)無一定雇主或自營作業而參加職業工會者為第一類被保險人
(C)具有被保險人資格者，並不得以眷屬身分投保
(D)雇主或自營業主為第一類被保險人
- 20 依性別工作平等法第 27 條之規定，受僱者或求職者因性騷擾受有損害者，下列何者正確？
(A)由雇主及行為人連帶負損害賠償責任 (B)由雇主單獨負賠償責任
(C)由行為人單獨負賠償責任 (D)先向行為人求償，無法獲得賠償時，再向雇主求償
- 21 依臺灣地區與大陸地區人民關係條例，除經有關機關認有特殊考量必要外，若臺灣地區人民在大陸地區設有戶籍或領用大陸地區護照，下列何者錯誤？
(A)喪失臺灣地區人民身分
(B)喪失臺灣地區人民身分所負之責任及義務
(C)喪失擔任軍職、公職權利
(D)喪失臺灣地區人民在臺灣地區選舉、罷免、創制、複決權利
- 22 對於大陸地區人民經許可進入臺灣地區者，非在臺灣地區設有戶籍滿十年，不得擔任公務人員，依相關司法院大法官解釋，下列何者正確？
(A)兩岸目前仍處於分治與對立之狀態，政治、經濟與社會等體制未有重大之本質差異
(B)原設籍大陸地區人民設籍臺灣地區未滿十年者，對自由民主憲政體制認識與其他臺灣地區人民容有差異
(C)原設籍大陸地區人民融入臺灣社會毋需經過任何適應期間
(D)原設籍大陸地區人民於擔任公務人員時普遍獲得人民對其所行使公權力之信賴，毋需有長時間之培養
- 23 依臺灣地區與大陸地區人民關係條例規定，有關臺灣地區人民之敘述，下列何者錯誤？
(A)在臺灣地區出生，其父母均為臺灣地區人民，或一方為臺灣地區人民，一方為大陸地區人民者
(B)在臺灣地區出生，其父母均為大陸地區人民者
(C)在大陸地區出生，其父母均為臺灣地區人民，未在大陸地區設有戶籍或領用大陸地區護照者
(D)在大陸地區出生，其父母一方為臺灣地區人民，一方為大陸地區人民，未在大陸地區設有戶籍或領用大陸地區護照，並於出生後一年內在臺灣地區設有戶籍者

- 24 進入臺灣地區之大陸地區人民受強制出境處分，內政部移民署依一定條件得暫予收容，下列何種條件錯誤？
(A)有相關旅行證件 (B)有事實足認有行方不明、逃逸或不願自行出境之虞
(C)於境外遭通緝 (D)非予收容顯難強制出境
- 25 針對中國大陸於民國 107 年 2 月 28 日發布「關於促進兩岸經濟文化交流合作的若干措施」（對臺 31 項措施），行政院提出八大強臺策略，下列何者錯誤？
(A)提升學研人才獎勵、強化新創發展動能 (B)強化員工獎酬工具、優化醫事人員工作環境
(C)加強保護公務秘密、強化產業創新升級 (D)擴大股市動能及國際能見度、加強發展影視產業
- 26 依臺灣地區與大陸地區人民關係條例，下列何種情形大陸地區人民得申請在臺灣地區定居？
(A)臺灣地區人民之直系血親及配偶，年齡在七十歲以上、十二歲以下者
(B)民國 34 年前，因兵役關係滯留大陸地區之臺籍軍人及其配偶
(C)民國 76 年 11 月 1 日後，因船舶故障、海難或其他不可抗力之事由滯留大陸地區，且在臺灣地區原有戶籍之漁民或船員
(D)民國 38 年政府遷臺前，因作戰或執行特種任務被俘之前國軍官兵及其配偶
- 27 民國 107 年 7 月 2 日起正式施行之「大陸委員會組織法」，下列敘述何者正確？
(A)置副主任委員二至三人 (B)廢除常務副主任委員 (C)增加特任副主任委員 (D)廢除特任副主任委員
- 28 有關我國憲法與兩岸關係相關法規敘述，下列何者正確？
(A)民國 81 年廢止動員戡亂臨時條款
(B)憲法本文規定，自由地區與大陸地區間人民權利義務關係及其他事務之處理，得以行政命令為特別之規定
(C)臺灣地區與大陸地區人民關係條例中，大陸地區是指臺灣地區以外之中華民國領土
(D)臺灣地區與大陸地區人民關係條例中，臺灣地區是指臺灣、澎湖、金門、馬祖及釣魚台
- 29 民國 107 年中國大陸修改憲法，有關國家主席與副主席之任期，下列敘述何者正確？
(A)中華人民共和國主席、副主席每屆任期與全國人民代表大會每屆任期相同
(B)中華人民共和國主席、副主席每屆任期與全國人民代表大會每屆任期相同，連續任職不得超過兩屆
(C)中華人民共和國主席、副主席每屆任期與全國人民代表大會每屆任期相同，連續任職不得超過三屆
(D)中華人民共和國主席、副主席每屆任期與全國人民代表大會每屆任期相同，必要時得增加一屆
- 30 中國大陸最高的行政機關是那一個機關？
(A)國家主席 (B)全國人民代表大會常務委員會
(C)國務院 (D)中共中央政治局常務委員會
- 31 To reach an _____ result from the medication, you have to follow the doctor's instruction without fail.
(A) optimal (B) exclusive (C) elevated (D) alternative
- 32 Your apartment looks shabby. A _____ is what it needs if you want to sell it for a better price.
(A) renovation (B) malfunction (C) construction (D) detection
- 33 That friends have meals together without talking to each other but playing with their own cell phone is a _____ often seen in modern society.
(A) description (B) cosmopolitan (C) phenomenon (D) confrontation
- 34 Large cities are usually overcrowded and dirty; _____, they tend to have high crime rates.
(A) instead (B) nevertheless (C) in addition (D) for example
- 35 He is a(n) _____ popular and successful singer who has won four Grammy awards.
(A) ignorantly (B) meticulously (C) prosperously (D) overwhelmingly
- 36 Because the topic of business is so broad, it's helpful to _____ in on one aspect: management.
(A) fix (B) zero (C) focus (D) zip
- 37 Many farmers tend to be more _____ in their crop range and include exotic fruit and vegetables.
(A) rigid (B) diverse (C) suspicious (D) conservative
- 38 In some African countries, scarring is considered a rite of _____, symbolizing a child turning into an adult.
(A) anniversary (B) passage (C) compassion (D) regression
- 39 Rio de Janeiro, the capital city of Brazil, is a _____ city full of life and energy.
(A) capable (B) desolate (C) barren (D) vibrant
- 40 David got Type A influenza last week. After resting and taking medicine for a week, he should be back _____ in no time.
(A) on hand (B) on his feet (C) under the weather (D) with conscience

請依下文回答第 41 至 45 題：

As birds awaken the early risers at dawn on the farm, one person is already up; in fact, he hasn't even been to bed. Sixty-four-year-old Thai Ngoc, from central Quang Nam province in Vietnam, claims that he has not slept for 33 years! "My insomnia started many years ago after I got a fever. I have tried sleeping pills and Vietnamese traditional medicine, but nothing helps, not even to get me to sleep for a few minutes," said Ngoc. But amazingly, despite 11,700 41 sleepless nights since then, he has never once been sick. "Fortunately, the insomnia doesn't seem to have had a negative 42 on my health. I still feel healthy and can farm like other men. I even carry two 50-kilogram bags of fertilizer for four kilometers every day." 43 his wife, when Ngoc went for a medical checkup recently, his doctor said he was in perfect health except for a minor 44 in liver function. Ngoc lives with his six children on his farm at the foot of a mountain. He spends the day farming and taking care of his pigs and chickens, and at night he often does extra farm work or guards his farm to prevent theft. His neighbor Vu said that Ngoc volunteered to help beat a drum during the night and guard the house for the relatives of the dead during 45 ceremonies so that they could take a nap. Vu also said that when the villagers were planting sugar cane, several people asked Ngoc to be their "alarm clock" and wake them up early in the morning to go to work as he was up anyway.

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| 41 (A) contestant | (B) contingent | (C) consecutive | (D) converging |
| 42 (A) image | (B) impact | (C) imprint | (D) impression |
| 43 (A) According to | (B) Because of | (C) Due to | (D) Except for |
| 44 (A) fault | (B) tone | (C) decline | (D) mistake |
| 45 (A) funeral | (B) wedding | (C) baptism | (D) opening |

請依下文回答第 46 至 50 題：

One of the fastest growing industries around the globe is the creative and cultural industries. The industries basically combine arts, culture, business and technology. In Europe, the United Kingdom owns the hugest amount of creative sectors owing to the active and effective promotion of the government. With its excellent track record, the UK is regarded as a pioneer and a world leader in sustaining the development of creative and cultural industries. According to the UK's definition, the creative and cultural industries generally refer to those industries that rely on original creativity, expertise and talent and have the capacity to generate wealth and jobs by means of the advancement of intellectual property. In total, there are thirteen sectors that can be seen as belonging to the creative and cultural industries, including advertising, architecture, the art and antiques market, crafts, design, designer fashion, film, interactive leisure software, music, the performing arts, publishing, software, and television and radio. Later definition of the industries has also added the aspects of enhancing social inclusion, cultural diversity and human development to the initial one.

In comparison with other countries such as the UK, Hong Kong, Australia and New Zealand, Taiwan still has space for the development of the creative and cultural industries. Although not necessarily coming in large number, three of the most prosperous cases in Taiwan include Liuli Gongfang, Seagull Group, and PiLi International. Liuli Gongfang emerged as a small enterprise and then became one of the world's leading glassware makers. The Seagull Group has an internationally renowned brand, "Fran," because of its successful promotion strategies. PiLi International with its incorporation of multimedia has remarkably converted itself from a traditional puppet theatre troupe into a modern and flourishing venture. While still adhering to the original puppet show philosophy, PiLi has in effect woven the modern and contemporary culture into the puppet show tradition so nicely that it has become a great success in the creative industry. PiLi's innovative commercialization of traditional culture has received much admiration as well as an excellent model for related industries to imitate. In 2002, PiLi was also certified by the Government Information Office as part of an "important emerging industry," recognizing its significant role in the creative and cultural industries. With the rapid emergence of these industries, both the government and the people in Taiwan have also paid much attention to the growth of these industries.

- 46 What is the rhetorical mode employed in this passage?
(A) Exposition (B) Narration (C) Persuasion (D) Classification
- 47 Which following definition of the creative and cultural industries corresponds closely to the UK's version?
(A) They involve an imitation of knowledge and skills in order to open up possibilities for trades and businesses.
(B) They require originality, skill and talent that can create jobs and generate revenues with the activation of intellectual property.
(C) They entail creativity and culture that inspire individual talent and skills to develop social welfare.
(D) They use intellectual property to protect personal knowledge and skills in order to gain profits in the market.
- 48 Which sector listed below is part of the creative and cultural industries?
(A) Transportation (B) Manufacturing (C) Web Services (D) Video Games
- 49 What is the secret lying behind the successful story of PiLi International?
(A) Its outstanding performance of the traditional puppet shows.
(B) Its innovative adaptation of the puppets as main characters in a film.
(C) Its notable merchandising of the puppets into popular culture figures.
(D) Its productive integration of the old and the new into the puppet shows.
- 50 In which aspect does PiLi International set a good example for other industries to look up to?
(A) Its successful implementation of promotion strategies.
(B) Its cutting-edge conversion of the traditional puppet shows.
(C) Its profitable marketing of the traditional puppet shows.
(D) Its wise utilization of contemporary cultural asset.