

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：司法人員、海岸巡防人員、移民行政人員

等別：三等考試

類科組：各類科組

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)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。

- 依地方制度法之規定，關於直轄市立法機關與行政機關之關係，下列敘述何者錯誤？
 - 直轄市長於直轄市議會定期開會時，有提出施政報告之義務
 - 直轄市議會因直轄市長、議長或議員三分之一以上之請求，得召集臨時會
 - 直轄市議會小組開會時對特定事項有明瞭必要者，得邀請有關業務機關首長列席說明
 - 直轄市議員於臨時會開會時，有向直轄市長進行業務質詢之權，直轄市長應列席備詢
- 下列有關勞工保險制度之敘述，何者錯誤？
 - 勞工依法參加勞工保險之權利，應受憲法之保障
 - 無固定雇主之勞工不得參加勞工保險
 - 勞工應依法一律強制加入勞工保險
 - 係國家為實現憲法增修條文實施社會保險制度之基本國策而建立之制度
- 依據司法院大法官解釋之意旨，下列何種政府措施違反憲法平等原則之要求？
 - 配偶間相互贈與免除贈與稅
 - 限制非視障者從事按摩業
 - 限制色盲者就讀警察大學碩士班
 - 限制基層公務人員考試錄取人員任職地點
- 依司法院大法官解釋之意旨，關於憲法第 11 條保障人民表現意見自由之敘述，下列何者正確？
 - 藥物廣告刊播前，得經主管機關審核其申請之廣告內容
 - 人民團體申請設立前，主管機關得審查其政治主張以決定是否許可
 - 對於傳述誹謗事項之人須能自行證明言論完全屬實始能免於刑罰
 - 菸商就其菸品之資訊享有不為表述之自由
- 有關宗教信仰自由之敘述，下列何者錯誤？
 - 宗教結社就其內部組織結構、人事及財政管理享有自主權，國家不得以避免寺廟之不動產遭受不當之處分或變更，致有害及寺廟信仰之傳布存續為由，予以限制
 - 國家不得對特定之宗教加以獎勵或禁制，或對人民特定信仰給予優待或不利益
 - 宗教用地之土地稅得予減免，並未區分不同宗教信仰而有差別，與憲法第 7 條及第 13 條規定意旨無違
 - 宗教信仰自由之保障範圍包含內在信仰之自由、宗教行為之自由與宗教結社之自由
- 依司法院釋字第 718 號解釋意旨，下列敘述何者錯誤？
 - 集會遊行法第 8 條第 1 項規定，室外集會、遊行應向主管機關申請許可，未排除緊急性及偶發性集會、遊行部分，並無違背憲法第 23 條之比例原則
 - 國家除應提供適當集會場所，採取有效保護集會之安全措施外，並應在法律規定與制度設計上使參與集會、遊行者在毫無恐懼的情況下行使集會自由
 - 為維持社會秩序之目的，立法機關並應視事件性質，以法律明確規範緊急性及偶發性集會、遊行，改採許可制以外相同能達成目的之其他侵害較小手段
 - 國家應保障人民以集體行動之方式和平表達意見，與社會各界進行溝通對話，以形成或改變公共意見，並影響、監督政策或法律之制定
- 依司法院釋字第 490 號解釋意旨，下列對於兵役義務之敘述，何者錯誤？
 - 本條所謂依法律，係指兵役義務之重要事項交由立法決定
 - 基於男女生理上差異及社會生活功能角色不同，女性免除服兵役義務，並未違反平等原則
 - 違反兵役法規而受禁役者，如實際執行徒刑時間不滿 4 年而免除禁役者，如仍在適役年齡，其兵役義務並不因而免除
 - 兵役義務違反人性尊嚴
- 有關公職人員選舉罷免法中罷免規定之敘述，下列何者錯誤？
 - 全國不分區及僑居國外國民立法委員選舉之當選人，不適用罷免之規定
 - 罷免案之提議人，得為同一罷免案之連署人
 - 罷免案之投票，罷免票應在票上刊印同意罷免、不同意罷免二欄
 - 罷免案通過者，被罷免人自解除職務之日起，4 年內不得為同一公職人員候選人

- 9 國家安全會議之出席人員，不包括：
(A)副總統 (B)行政院院長
(C)立法院院長 (D)大陸委員會主任委員
- 10 依行政院組織法之規定，下列何者並非中央二級獨立機關？
(A)中央選舉委員會 (B)金融監督管理委員會 (C)國家通訊傳播委員會 (D)公平交易委員會
- 11 依憲法增修條文第 4 條之規定，全國不分區及僑居國外國民之立法委員如何產生？
(A)依直轄市、縣市的當選名額，按比例分配之
(B)依區域立法委員選舉票之政黨得票比率選出之
(C)依政黨名單投票選舉之，由獲得百分之五以上政黨選舉票之政黨依得票比率選出之
(D)依政黨名單投票選舉之，由各政黨依得票比率選出之
- 12 依立法院職權行使法，關於覆議案之處理，下列敘述何者正確？
(A)行政院得就立法院決議之法律案、預算案、條約案之全部或一部，經總統備查後，移請立法院覆議
(B)覆議案不經討論，即交全院委員會，就是否維持原決議予以審查。全院委員會審查時，應由立法院邀請行政院院長列席說明
(C)覆議案審查後，應於行政院送達 15 日內提出院會以記名投票表決。如贊成維持原決議者，超過全體立法委員二分之一，即維持原決議；如未達全體立法委員二分之一，即不維持原決議；逾期未作成決議者，原決議失效
(D)立法院休會期間，行政院移請覆議案，應於送達 10 日內舉行臨時會，並於開議 30 日內處理之
- 13 依憲法增修條文第 5 條之規定，下列敘述何者錯誤？
(A)司法院設大法官 15 人，並以其中 1 人為院長、1 人為副院長，由總統提名，經立法院同意任命之
(B)司法院大法官除法官轉任者外，不適用憲法第 81 條及有關法官終身職待遇之規定
(C)司法院大法官任期 8 年，不分屆次，個別計算，並得連任。但並為院長、副院長之大法官，受任期之保障
(D)司法院大法官，除依憲法第 78 條之規定外，並組成憲法法庭審理總統、副總統之彈劾及政黨違憲之解散事項
- 14 依司法院大法官解釋，有關法官聲請釋憲之敘述，下列何者錯誤？
(A)憲法之效力高於法律，法官有優先遵守之義務
(B)法官於審理案件時，認特定法規命令有牴觸憲法之疑義者，應直接拒絕適用，毋庸聲請司法院解釋
(C)法官於審理案件時，認有牴觸憲法之疑義者，得提出客觀確信違憲之理由，聲請釋憲
(D)基於審級制度，僅最高法院及最高行政法院之法官，得聲請釋憲
- 15 下列人員，何者非超出黨派，依據法律獨立行使職權？
(A)考試院院長 (B)考試委員
(C)公務人員保障暨培訓委員會委員 (D)監察委員
- 16 法是人類共同生活中，為形成秩序、維繫和平、實現自由，可透過權威機關之強制力所實施的規範，有關上述權威機關之敘述，下列何者正確？
(A)權威機關僅指法院審判機關 (B)權威機關不包括家庭
(C)權威機關不包括公法社團 (D)權威機關不包括地方自治團體
- 17 關於委任契約，下列敘述何者錯誤？
(A)委任關係原則上不因當事人任何一方死亡、破產或喪失行為能力而消滅
(B)委任契約當事人的任何一方均可隨時終止契約
(C)無償委任之委任人亦負有償還費用之義務
(D)如依委任事務之性質，應給與報酬者，縱未約定報酬，受任人仍得請求報酬
- 18 下列何者之某些規定，相對於行政罰法，為特別法？
(A)刑法 (B)社會秩序維護法
(C)行政程序法 (D)食品安全衛生管理法行政罰行為數認定標準
- 19 下列何者非屬裁量濫用之類型？
(A)裁量違反比例原則 (B)裁量怠惰 (C)裁量違反平等原則 (D)裁量違反充分衡量原則
- 20 除自律規則及委辦規則外，關於自治法規之公布或發布程序，下列敘述何者錯誤？
(A)自治法規須經上級政府核定者，核定機關應於 1 個月內為核定與否之決定，逾期視為核定
(B)自治法規依規定應經其他機關核定者，應於核定文送達各該地方行政機關 30 日內公布或發布
(C)自治法規應由地方行政機關於規定期限公布或發布
(D)地方行政機關未於規定期限公布或發布自治法規者，一律由上級地方自治監督機關代為發布
- 21 關於法律例外施行於領域（領土及領海）外之情形，下列敘述何者錯誤？
(A)軍艦於他國領海內適用本國法
(B)軍艦於公海上適用本國法
(C)本國部分法律得適用於領海外之專屬經濟海域及大陸礁層
(D)駐於外國之本國使館，除刑法以外，不受駐在國法律之管轄

- 22 依相關司法院大法官解釋之意旨，下列情形，何者未違反比例原則？
 (A)受刑人撰寫之文稿，如題意正確且無礙監獄紀律及信譽者，始得准許投寄報章雜誌
 (B)化粧品之廠商登載或宣播廣告時，應於事前申請中央或直轄市衛生主管機關核准
 (C)大眾捷運系統之毗鄰地區辦理開發所需之土地，得由主管機關依法報請徵收
 (D)汽車駕駛人拒絕接受酒精濃度測試之檢定者，吊銷其駕駛執照
- 23 下列何者不須經中華民國自由地區選舉人之投票同意或複決？
 (A)憲法修正案 (B)領土變更案 (C)總統、副總統罷免案 (D)違憲政黨之解散案
- 24 民法所定之遺囑方式，下列何者所需之見證人的人數最多？
 (A)公證遺囑 (B)密封遺囑 (C)代筆遺囑 (D)口授遺囑
- 25 關於罰金刑，下列敘述何者正確？
 (A)罰金刑為從刑
 (B)我國罰金刑已經自定額制修法改為日額制
 (C)法院在決定是否課處罰金刑時，應審酌社會觀感
 (D)罰金刑可以替代短期自由刑，我國刑法也給予擴大運用
- 26 關於中止未遂之要件與法律效果，下列敘述何者錯誤？
 (A)行為人中止或防止結果之行為須出於自願 (B)結果不發生須因行為人之中止行為所致
 (C)成立中止未遂者應予減輕或免除其刑 (D)行為人必須已經著手於犯罪行為之實行
- 27 依消費者保護法之規定，關於企業經營者應負義務及責任，下列敘述何者正確？
 (A)確保該商品或服務，高於當時科技或專業水準可合理期待之安全性
 (B)僅對消費者負損害賠償責任，對其他人之損害無須負責
 (C)於商品或服務有危害消費者健康之可能時，於明顯處為警告標示
 (D)於能證明其無過失時，不負賠償責任
- 28 依據全民健康保險法之規定，關於應參加本保險為保險對象之敘述，下列何者錯誤？
 (A)具有中華民國國籍最近 2 年內曾有參加本保險紀錄且在臺灣地區設有戶籍
 (B)具有中華民國國籍參加本保險前 6 個月繼續在臺灣地區設有戶籍
 (C)在臺灣地區領有居留證明文件，並有一定雇主之受僱者
 (D)在臺灣地區領有居留證明文件在臺居留滿 3 個月
- 29 性騷擾之被害人因性別工作平等法第 12 條之情事致生法律訴訟，於受司法機關通知到庭期間，雇主依該法第 27 條應如何處理？
 (A)給予事假，但不扣薪水 (B)請勞工自行請特休 (C)給予事假 (D)給予公假
- 30 有關行政命令之敘述，下列何者正確？
 (A)適用於機關內部之作為或不作為準則，為法規命令
 (B)行政機關依職權訂定之解釋性規定及裁量基準，為法規命令
 (C)上級機關訂定對於下級機關之一般指示規範，為行政規則
 (D)機關依法律授權訂定之法律施行細則，屬於行政規則
- 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.

- 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.