

# 106年特種考試地方政府公務人員考試試題

代號：2301  
頁次：6-1

等 別：三等考試

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 關於審計長之敘述，下列何者正確？
  - (A)審計長由監察院院長提名，經立法院同意任命
  - (B)審計長應於行政院提出決算後四個月內，依法完成審核，並提出審核報告於立法院
  - (C)審計長任期為六年
  - (D)審計長由總統提名，經監察院同意任命
- 2 依司法院釋字第 627 號解釋意旨，關於總統機密特權，下列敘述何者錯誤？
  - (A)總統機密特權係依據憲法與憲法增修條文之明文規定
  - (B)總統依其國家機密特權應享有拒絕證言權
  - (C)總統應聲明拒絕提交涉及國家機密事項之證物
  - (D)總統對法院駁回其拒絕證言之處分或裁定，得聲明異議或抗告
- 3 依司法院釋字第 520 號解釋，關於核四停建案之相關解釋意旨，下列敘述何者錯誤？
  - (A)預算案經立法院通過及公布手續為法定預算，其形式上與法律相當，因其內容、規範對象及審議方式與一般法律案不同，故稱之為「措施性法律」
  - (B)立法院通過興建電廠之相關法案，此種法律內容縱然包括對具體個案而制定之條款，屬特殊類型法律，即所謂「個別性法律」，乃憲法所不許而應禁止
  - (C)法定預算中維持法定機關正常運作及履行其法定職務之經費，因停止執行致影響機關之存續，若仍任由主管機關裁量，即非法之所許
  - (D)預算制度乃行政部門實現其施政方針並經立法部門參與決策之憲法建制，對預算之審議及執行之監督，屬立法機關之權限與職責
- 4 依憲法及司法院大法官解釋意旨，有關委員會委員任命之敘述，下列何者錯誤？
  - (A)行政院公民投票審議委員會委員由行政院院長提請總統任命之
  - (B)立法院依法設立調查委員會之委員，得逕由立法院院長任命之
  - (C)國家通訊傳播委員會之委員由行政院院長提名經立法院同意後任命之
  - (D)金融監督管理委員會之主任委員，由行政院院長提請總統任命之
- 5 依憲法規定與司法院釋字第 627 號解釋意旨，總統豁免權之範圍為何？
  - (A)總統除犯內亂或外患罪外，免除刑法或相關法律之刑罰責任
  - (B)總統除犯內亂或外患罪外，暫時不能為刑事程序之追訴
  - (C)總統除犯內亂或外患罪外，任職期間因他人刑事案件仍不得對總統為證據調查
  - (D)總統除犯內亂或外患罪外，原則上得拋棄豁免權
- 6 依國家賠償法之規定，下列敘述何者正確？
  - (A)公務員執行職務因過失侵害人民權利，國家於賠償後，對之有求償權
  - (B)國家賠償以回復原狀為原則
  - (C)國家賠償經費由中央各部會編列預算支應
  - (D)賠償義務機關經裁撤者，以業務承受機關為賠償機關

- 7 關於行政執行對人身自由之限制，依司法院釋字第 588 號解釋，下列敘述何者正確？  
(A)經合法通知，無正當理由而不到場者，即得管收之  
(B)顯有履行義務之可能，仍故不履行者，亦不得管收之  
(C)顯有逃匿之虞者，即得拘提之  
(D)於調查執行標的物時對於執行人員拒絕陳述者，即得管收之
- 8 有關公民投票結果之效力之敘述，下列何者錯誤？  
(A)創制案經公民投票案通過者，立法院、直轄市議會、縣（市）議會應於下一會期休會前完成審議程序  
(B)複決案經公民投票案通過者，原法律或自治條例於公告之日算至第三日起，失其效力  
(C)公民投票案之提案經通過或否決者，自各該選舉委員會公告該投票結果之日起三年內，不得就同一事項重行提出  
(D)有關公共設施之重大政策複決案經否決者，自投票結果公告之日起至該設施完工啟用後十年內，不得重行提出
- 9 依司法院大法官解釋之意旨，下列何者非租稅法定主義之範圍？  
(A)課稅稅率之決定  
(B)納稅義務人之規定  
(C)稅目及納稅期間之決定  
(D)課稅事實之證據調查
- 10 依司法院大法官解釋意旨，有關隱私權之保障，下列敘述何者正確？  
(A)於公共與私人場域中，享有相同不受他人持續監看、監聽等侵擾之私人活動領域之保護  
(B)在公共場域中個人所得主張之不受侵擾自由，限於依社會通念認為合理者  
(C)隱私權為憲法明文列舉保障之權利  
(D)基於人性尊嚴與為保障私密資料之自主控制，隱私權乃為不可或缺之基本權利
- 11 依司法院大法官解釋意旨，關於宗教自由之敘述，下列何者錯誤？  
(A)宗教言論之自由，應受絕對之保障  
(B)內在信仰自由，應受絕對之保障  
(C)宗教行為之自由，僅受相對之保障  
(D)宗教結社之自由，僅受相對之保障
- 12 依據司法院大法官審理案件法相關規定，憲法法庭對於政黨違憲解散案件之審理，下列敘述何者正確？  
(A)被宣告解散之政黨，應即停止一切活動，其依政黨比例方式產生之民意代表自判決生效時起變成無黨籍  
(B)憲法法庭審理政黨違憲解散案件之程序，除本法有規定者外，準用行政訴訟法之規定  
(C)憲法法庭行言詞辯論，須有大法官現有總額三分之二以上出席，始得為之  
(D)對於憲法法庭之裁判，得聲請再審議
- 13 A 因積欠大額稅款而被依法限制出境，主要是限制其何種基本權？  
(A)人身自由權  
(B)遷徙自由權  
(C)職業自由  
(D)學術自由
- 14 有關中央政府預算案，下列敘述何者錯誤？  
(A)行政院應於會計年度開始前三個月前，將中央政府總預算提出於立法院  
(B)司法院之預算案應自行提出於立法院  
(C)法定預算是措施性法律  
(D)立法委員不得為增加預算之提議
- 15 關於地方制度法第 76 條規定之代行處理，下列敘述何者錯誤？  
(A)須地方自治團體有應作為而不作為之情形  
(B)須已嚴重危害公益或妨礙地方政務正常運作  
(C)代行處理機關應迅速逕為處理以確保地方公益  
(D)被代行處理之地方機關如有不服可提起行政訴訟
- 16 關於法律之修正，下列敘述何者錯誤？  
(A)法律之修正程序，準用法律制定之規定  
(B)法律之修正須經立法院三讀通過  
(C)法律之修正須經總統公布  
(D)總統公布法律之修正，須經立法院院長副署

- 17 私法上權利為得對抗一般不特定人的權利，稱為絕對權。下列何者不屬之？  
(A)人格權 (B)身分權 (C)債權 (D)物權
- 18 有關我國勞工保險條例對於生育給付之規定，下列何者錯誤？  
(A)被保險人參加保險滿二百八十日後分娩者，得請領生育給付  
(B)被保險人參加保險滿一百八十一日後早產者，得請領生育給付  
(C)被保險人參加保險滿八十四日後流產者，得請領生育給付  
(D)被保險人分娩或早產者，除給與分娩費外，並按其平均月投保薪資一次給與生育補助費五十日
- 19 股份有限公司中反對公司合併案之股東，除於股東會中為反對之表示及放棄表決權外，並得行使下列何種權利？  
(A)請求公司提供擔保 (B)請求公司買回其股份  
(C)請求將其股份變更為特別股 (D)請求公司損害賠償
- 20 關於刑事制裁的論述，下列敘述何者錯誤？  
(A)我國存在生命刑 (B)沒收屬於從刑  
(C)宣告褫奪公權須從屬於主刑 (D)可對法人沒收
- 21 甲乙二人相約在山上決鬥，乙重傷倒地無法自行下山，甲下山後良心發現，告知路人，有人受傷，即返家休息，而乙被另一名山友救下山。下列敘述何者正確？  
(A)甲成立中止未遂 (B)甲成立準中止犯 (C)甲成立障礙未遂 (D)甲不成立犯罪
- 22 A 社團董事於召集總會，未依民法及章程規定於 30 日前對各社員發出書面通知，致少部分社員因不知而未出席，但仍有三分之二的社員出席，並作成決議。下列敘述何者正確？  
(A)該決議無效  
(B)該決議經法院認可，始生效力  
(C)該決議經未出席社員承認，始生效力  
(D)該因不知而未出席的少部分社員，得請求法院撤銷其決議
- 23 離婚時，下列何種財產不列入剩餘財產分配之範圍？  
(A)中獎之彩券獎金 (B)社會救助金  
(C)已起訴之慰撫金賠償請求權 (D)配偶之儲蓄型人壽保險金
- 24 甲在自己的 L 地上建 H 屋，其後 H 屋遭債權人乙聲請法院強制執行，拍賣予第三人丙。下列敘述何者正確？  
(A)甲得要求乙拆除 H 屋 (B)丙得要求甲就 H 屋在 L 地上設定地上權  
(C)丙於 L 地僅有 30 年期限的法定地上權 (D)丙於 H 屋存在期間，於 L 地有法定地上權
- 25 關於法律保留原則之敘述，下列何者錯誤？  
(A)適用於干預行政 (B)可能適用於給付行政  
(C)適用於國家機關之設置 (D)將公務員免職不適用此原則
- 26 依司法院釋字第 732 號解釋意旨，大眾捷運法准許主管機關為土地開發之目的，依土地徵收條例及土地法規定，報請徵收交通事業所必須者以外之毗鄰地區土地，不符合下列那一原則？  
(A)法律保留原則 (B)比例原則 (C)正當法律程序原則 (D)權力分立原則
- 27 關於行政機關之適用法律，下列敘述何者錯誤？  
(A)應依職權適用法律，無待人民請求 (B)法律明定時，得自由裁量  
(C)適用法律，不受指揮監督，獨立行使職權 (D)為適用法律，得依職權訂定行政規則
- 28 關於自治法規之敘述，下列何者錯誤？  
(A)自治法規係地方自治團體就自治事項所制定之法規  
(B)委辦規則亦屬自治法規  
(C)自治法規之種類包含自治條例、自治規則、自治通則  
(D)自治條例應冠以各該地方自治團體之名稱

- 29 高級中等以下學校之原住民學生達一定人數或比例時，應設立民族資源教室，旨在貫徹何項憲法基本國策？  
(A)重視社會救助、福利服務 (B)經濟應與環境及生態兼籌並顧  
(C)扶助身心障礙者就業、自立 (D)保障、扶助原住民族教育文化
- 30 下列有關成文法之敘述，何者錯誤？  
(A)成文法通常有一法典 (B)成文法較重視體系之完整性  
(C)成文法國家禁止法官造法 (D)成文法由立法機關制定
- 31 In China, matchmaking agencies often \_\_\_\_\_ the perception that being “leftover” is the worst thing ever happening to a woman.  
(A) conclude (B) delay (C) supervise (D) perpetuate
- 32 The department manager received an \_\_\_\_\_ letter, complaining about the service of the clerk, but the name of the writer was unknown.  
(A) antagonist (B) antecedent (C) anonymous (D) antiquarian
- 33 When the great baseball player Mickey Mantle died, his fans were devastated. Today, fans still \_\_\_\_\_ and shed a tear for him.  
(A) blame on (B) choke up (C) intoxicate in (D) jest at
- 34 After months of staying home doing nothing at all, Mark was ready to get out of his \_\_\_\_\_ life because he finally realized that it was not the end of the world to break up with his girlfriend.  
(A) cumulative (B) admirable (C) pathetic (D) dynamic
- 35 Being the first female CEO of the company, Ellen believes that the secret to success is a long-term commitment to working \_\_\_\_\_ because there’s no such thing as overnight success.  
(A) arduously (B) furtively (C) inherently (D) marginally

第 36 題至第 40 題為題組

The earthquake that struck Coalinga, California in 1983 caused an estimated \$10 million in property damage and injured 94 people. Damage was most severe in Coalinga, 36 the 8-block downtown commercial district was almost completely destroyed. It took residents by surprise. That’s because scientists cannot yet predict the exact spot and time an earthquake will occur. They do know, 37, that quakes occur along faults—cracks in the earth’s rocky crust. Here, movement of the crust causes built-up energy to be suddenly released. This release of energy is felt as an earthquake. To try to predict 38 a quake will occur, scientists use a variety of sensitive instruments—underground, on the surface, and in space. These instruments measure changes that might signal a coming quake. 39, in a recently designed instrument, light from a laser flashes across a fault in California. A mirror will reflect the light back to the laser. If the land shifts, the time it takes the light to make a round-trip changes. Scientists study past earthquakes for patterns of activity that can 40 warning signs. Their observations, they believe, are providing keys to more accurate earthquake predictions.

- 36 (A) because (B) where (C) although (D) which  
37 (A) consequently (B) obviously (C) besides (D) however  
38 (A) where and when (B) wherever and however (C) whenever and why (D) however and why  
39 (A) For example (B) Upon contact (C) Above all (D) In return  
40 (A) play down (B) deal with (C) serve as (D) tie up

第 41 題至第 45 題為題組

Few scientists have had the influence of Sir Isaac Newton, who largely built the edifice of modern science. 41 He discovered and explained the law of gravity, and proved the theoretical framework through which the observations of Galileo Galilei and the planetary laws of Johannes Kepler could be understood. His experiments with sunlight and glass prisms and mirrors helped him understand the origin of colors and create a new kind of telescope. 42 And he was the first to postulate that the law of physics would be the same all over the universe.

Newton's genius was recognised while he was a young scholar at Cambridge. 43 By the time he died in 1727, at the ripe old age of 84, he had become a national icon: President of the Royal Society, and warden and master of the Royal Mint. 44

As befits a man of such prodigious reputation, Newton left behind a voluminous trove of papers: more than 7 million words filling hundreds of notebooks and loose sheets of paper. 45 There are also letters to scientists and other scholars, pages of derivations of mathematics and physics formulae, and copious writings on alchemy and religion.

- 41 (A) He was the first to formulate the law of motion.  
(B) The architect of modern science was himself not very modern.  
(C) He was obsessed with alchemy.  
(D) He spent hours copying alchemical recipes and trying to replicate them in his laboratory.
- 42 (A) But he was reticent about publishing his work, fearing controversy and criticism.  
(B) He invented calculus, independently of Gottfried Leibniz, feuding with him over who was first.  
(C) It was common at the time for Cambridge faculty members (all of the men) to take holy orders in the Church of England; Newton, true to himself, refused.  
(D) He was a family man.
- 43 (A) The solitary and eccentric Newton apparently saved everything he wrote; among his papers are recipes for ink that he scribbled as a scholar at Cambridge.  
(B) Conduitt had a vested interest in guarding Newton's reputation as a paragon of science.  
(C) At the age of 26, he was made Lucasian professor of mathematics.  
(D) Keynes wrote after reading Newton's manuscripts: "he was the last of the magicians."
- 44 (A) He was interred in Westminster Abbey.  
(B) A lifelong bachelor, Newton died without leaving a will.  
(C) At his death, more than half of his writings were unpublished, including all his thoughts on religion and alchemy.  
(D) Sarah Dry's engaging book *The Newton Papers traces* what happened to Newton's unpublished manuscript after his death.
- 45 (A) The Newton that emerges from the manuscripts is far from the popular image of a rational practitioner of cold and pure reason.  
(B) These included drafts of successive editions of his crowning achievement, *Philosophiae Naturalis Principia Mathematica*, as well as his treatise on light *Opticks*.  
(C) Conduitt started an effort to publish a biography of Newton, but in the end it was unsuccessful.  
(D) However, the vastness of the archive and its often abstruse nature thwarted easy categorisation.

第 46 題至第 50 題為題組

For many people, a typical vacation might involve lying out and getting some sun at the beach or shopping until they drop. But, if you're looking to take a trip in which you can broaden your horizons and soothe your aching muscles, a fantastic opportunity can be found in south-western Turkey. There, two breathtaking sites await you. One is Pamukkale, an incomparable natural wonder. The other is Hierapolis, an ancient city, filled with Greek and Roman ruins from a bygone era.

In Turkish, Pamukkale means "cotton castle," which is a fitting description for this attraction. In a picture of Pamukkale people might mistake the pure white scenery for mounds of snow. Yet, they are actually rock formations; they appear pure white due to mineral deposits left by the calcium-laden spring waters and volcanic springs that have flowed over them for thousands of years. Since the 2<sup>nd</sup> century B.C., Pamukkale has been a famous spa, visited by people who want to experience its beautifying effects and find a remedy to whatever ails them.

Built next to the "cotton castle" is Hierapolis, which means "Holy City" in Greek. Over its history it was struck by many powerful earthquakes. Today, many structures from the Roman era still remain. Tourists can walk down Colonnade Street, which used to be the main road when the town was bustling with people. It divides the city into two sections by large pillars on each side of the street. As they stroll along, visitors can see the ruins of many buildings, including shops, pantries, and ancient homes. Located in the middle of Hierapolis is the well-preserved Roman Theater. Back in its heyday, the theater had the capacity to hold 8,500 to 10,000 spectators. People would gather here for concerts, sporting events, and religious ceremonies. But most of all, they came here for theater. Today, many statues depicting famous mythological figures from the theater have been restored and are on display inside.

In recent times, Hierapolis and Pamukkale became targets for savvy businesses. Many hotels were constructed over the ruins, and a road was built over Pamukkale for motorbikes, causing great damage to the sites. But, after the area was declared a world heritage site, the hotels were torn down and the road was closed. Now, people must walk on Pamukkale barefoot. With these safeguards in place, Pamukkale and Hierapolis should continue to heal and entertain tourists for years to come.

- 46 According to the passage, what are the characteristics of Pamukkale and Hierapolis?  
(A) nature and culture (B) shopping and dining  
(C) bed and breakfast (D) swimming and motorbiking
- 47 Which of the following is **NOT** a reason to visit Pamukkale?  
(A) To appreciate the beautiful scenery. (B) To experience the beautifying effects.  
(C) To take photos of the giant mounds of snow. (D) To improve your health by enjoying spa.
- 48 According to the passage, which of the following statements about the theater at Hierapolis is true?  
(A) It can still hold up to 10,000 visitors today.  
(B) It is the only thing which remains from ancient Hierapolis.  
(C) The most popular events at the theater were religious ceremonies.  
(D) Some of the old statues were damaged but have been repaired.
- 49 According to the passage, which of the following is true about Pamukkale in recent years?  
(A) Many new shops are constructed over the ruins in Pamukkale.  
(B) Tourists are required to walk barefoot on Pamukkale.  
(C) Several roads are built over Pamukkale for motorbikes.  
(D) Colonnade Street divides Pamukkale into two parts by large pillars on each side.
- 50 What is the best title for this passage?  
(A) A Typical Vacation for Tourists (B) Discovering Modern Turkish Culture  
(C) The Unfortunate State of Hierapolis (D) Natural Wonders and Ancient Treasures