

110 年特種考試地方政府公務人員考試試題

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。

- 依憲法及增修條文規定，下列有關教育文化之敘述，何者錯誤？
(A)國民受教育之機會一律平等
(B)6 歲至 12 歲之學齡兒童，一律受基本教育，免納學費
(C)政府應廣設獎學金以扶助學行俱優無力升學的學生
(D)社會教育優先由私人辦理
- 依憲法增修條文規定，行政院對下列何者不得提出覆議？
(A)變更重要政策之決議 (B)法律案 (C)預算案 (D)條約案
- 依司法院大法官解釋，下列敘述何者錯誤？
(A)以教師言行嚴重悖離道德標準與善良風俗，致影響學子身心為由不續聘教師，合憲
(B)為維護倫常觀念，限制收養者與被收養者之年齡差距，合憲
(C)為維護社會多數共通之性價值秩序，立法者得禁止特定性文化族群發表性言論或散布性資訊
(D)立法者關於社會多數共同價值所為之判斷，釋憲者原則上應予尊重
- 依司法院大法官解釋之意旨，下列敘述何者錯誤？
(A)人民團體經主管機關限期整理者，其理事、監事之職權應即停止之規定，違反憲法保障之人民結社自由及工作權
(B)關於保險醫事服務機構之停約抵扣規定，違反憲法保障人民之工作權與財產權
(C)藥師經登記領照執業者，其執業處所應以一處為限，與憲法保障工作權之意旨相牴觸
(D)汽車駕駛人拒絕酒測者，吊銷所持各級車類駕照之規定，合憲
- 依憲法增修條文，總統發布緊急命令前，應經下列何種會議決議？
(A)國家安全會議 (B)行政院會議 (C)立法院會議 (D)監察院會議
- 依司法院釋字第 585 號解釋，關於立法院調查權，下列敘述何者錯誤？
(A)調查對象得包括與調查事項相關之人民或政府人員
(B)對違反協助調查義務者，得依法科處罰鍰
(C)立法委員必須親自調查，不得授權他人調查
(D)調查事項屬於行政特權之資訊者，得不予公開
- 依據司法院大法官解釋之意旨，對行政權所擁有關於獨立機關之人事決定權，下列何者非屬立法權之制衡方式？
(A)限制獨立機關委員之資格及同黨籍委員人數之上限
(B)賦予立法院各黨團對獨立機關委員之提名權
(C)賦予獨立機關委員任期保障並採取交錯任期制度
(D)規定獨立機關之正、副主任委員由委員互選
- 依司法院大法官解釋，關於服公職權之保障，下列敘述何者錯誤？
(A)保障人民有依法令從事公務及由此衍生之身分保障、俸給與退休金等權利
(B)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 10 年，不得擔任公務人員之規定，並未過度侵害其服公職之權利
(C)曾受刑之宣告者，不得報考預備軍士官之規定，與憲法保障人民服公職權之意旨不符
(D)公營事業移轉民營後繼續留用人員，得於移轉當日由原事業主就其年資辦理結算之規定，過度限制留用人員之服公職權
- 依司法院大法官解釋，有關司法行政權之敘述，下列何者錯誤？
(A)司法行政監督權之行使，不得違反審判獨立
(B)最高司法機關得就審理程序有關之細節性、技術性事項發布規則
(C)最高司法機關得提供相關法令或司法實務上之見解，作為所屬司法機關人員執行職務之參考
(D)各級法院法官應受司法行政命令之拘束
- 下列何者並非憲法第 23 條規定，得以法律限制人民自由權利之事由？
(A)防止妨礙他人自由 (B)避免緊急危難 (C)維持善良風俗 (D)增進公共利益
- 依司法院大法官解釋，關於土地或地上權之徵收，下列敘述何者錯誤？
(A)僅需用土地人能依法申請徵收土地，土地所有權人在法律上並無任何徵收請求權
(B)公路或其他公共設施穿越私人土地的上空或地下，致土地不能為相當使用時，得請求徵收土地
(C)土地遭公共設施穿越而有價值減損，但未達無法為相當使用的程度時，土地所有權人僅得請求徵收地上權
(D)地上權徵收請求權應在一定期間內為之

- 12 下列何者不得以自己名義聲請釋憲？
(A)法官 (B)法人 (C)政黨 (D)檢察官
- 13 有關監察院提出彈劾案，下列敘述何者錯誤？
(A)彈劾案須經監察委員 2 人以上之提議，及 9 人以上之審查及決定，始得提出
(B)監察院得提出總統、副總統彈劾案，聲請司法院大法官審理
(C)監察院提出彈劾案時，如認為被彈劾人員違法，或失職之行為情節重大，有急速救濟之必要者，得通知該主管長官為急速救濟之處理
(D)彈劾案經向懲戒機關提出，及移送司法或軍法機關後，各該管機關應急速辦理，並將辦理結果，迅即通知監察院轉知原提案委員
- 14 依司法院大法官審理案件法，有關司法院大法官審理案件之可決人數，下列敘述何者正確？
(A)解釋憲法，應有總額過半數出席，及出席人過半數同意
(B)宣告命令牴觸憲法，以出席人三分之二同意行之
(C)統一解釋法律及命令，應有現有總額過半數之出席，及出席人過半數之同意
(D)政黨違憲解散案件判決之評議，應經參與言詞辯論大法官過半數之同意
- 15 有關立法院院長之敘述，下列何者錯誤？
(A)立法院院長綜理院務 (B)立法院院長由總統提名，經立法院同意後任命之
(C)立法院院長對外代表立法院 (D)立法院會議以院長為主席
- 16 下列對於法源的敘述，何者錯誤？
(A)法源為法律產生的來源
(B)直接法源是國家頒布的法令為法律淵源，其可直接產生法律的效力，包含憲法與外國法
(C)間接法源則非直接具有法律效力，包含習慣與法理
(D)自治法規屬於直接法源
- 17 下列有關「法理」之適用順序，何者正確？
(A)適用順序先於習慣 (B)適用順序先於類推
(C)僅限於無法律規定之情形 (D)可以作為刑事法的法源
- 18 依中央法規標準法之規定，關於法規之廢止，下列敘述何者錯誤？
(A)法律之廢止，應經立法院通過，總統公布 (B)命令之廢止，由原發布機關之上級機關為之
(C)定有施行期限之法規，期滿當然廢止 (D)廢止之法規於公布或發布廢止日起第 3 日始失效
- 19 下列何者非屬「委託私人行使公權力」的情況？
(A)私立大學授與學生畢業證書
(B)財團法人海峽交流基金會辦理兩岸文書驗證業務
(C)民間修車廠為汽車的定期檢驗業務
(D)民間拖吊業者在交通警察指揮下拖吊違規車輛
- 20 依司法院釋字第 613 號解釋，下列何者並非憲法權力分立原則之目的？
(A)使各權力清楚區隔不相重疊 (B)避免權力因無限制而濫用
(C)使權力相互牽制與抑制 (D)使國家決定更能有效達到正確之境地
- 21 下列何者非屬違反比例原則的案例？
(A)以法律規定造成個案處罰顯然過苛，而未設適當之調整機制
(B)法律規定之處罰，未分情節輕重一律課處相同之額度
(C)藥師執業處所應以一處為限之規定，未設必要合理之例外規定，對執行職業自由形成不必要之限制
(D)行政機關於作成行政行為時，無正當理由即違反行政慣例
- 22 個人資料保護法第 5 條規定：「個人資料之蒐集、處理或利用，應尊重當事人之權益，依誠實及信用方法為之，不得逾越特定目的之必要範圍，並應與蒐集之目的具有正當合理之關聯。」此一規定與下列何種行政法原則無涉？
(A)誠實信用原則 (B)比例原則 (C)平等原則 (D)不當聯結禁止原則
- 23 關於消費訴訟之敘述，下列何者錯誤？
(A)分為損害賠償之訴訟與不作為訴訟
(B)消費者保護團體依法提起消費訴訟者，不分訴訟標的價額，免繳裁判費
(C)消費者依消費者保護法提起消費訴訟者，得依企業經營者過失之輕重，請求懲罰性賠償金
(D)消費者保護團體欲依法提出團體消費訴訟，須受讓 20 人以上消費者損害賠償請求權後，方得為之
- 24 依勞動基準法之規定，雇主與勞工不得以下列何者事由約定定期勞動契約？
(A)進行受季節性原料、材料來源或市場銷售影響之非繼續性工作，其工作期間在 9 個月以內者
(B)進行無法預期之非繼續性工作，其工作期間在 6 個月以內者
(C)進行可預期於 6 個月內完成之非繼續性工作
(D)勞工與雇主約定，受派遣事業單位僱用，並向要派單位提供勞務者之工作

- 25 下列何者屬刑法第 10 條第 2 項第 2 款規定之委託公務員？
(A)民間拖吊車業者 (B)財團法人海峽交流基金會之驗證大陸文書人員
(C)受機關委託從事建築物規劃設計之建築師 (D)航行中船舶之船長
- 26 因被詐欺而為意思表示者，表意人得行使撤銷權，應於發見詐欺後，多久以內為之？
(A) 1 年 (B) 2 年 (C) 5 年 (D) 10 年
- 27 在機動車車展上，甲以新臺幣（以下同）5 萬元之優惠價格，向乙電動車公司訂購展場展示之 A 電動機車。雙方並約定車展結束之次日，移轉交付 A 車予甲。但車展結束之日，因車商丙與乙有商業糾紛，乃縱火將 A 車燒毀。下列敘述，何者正確？
(A)乙無法交付 A 車予甲，為嗣後主觀給付不能，契約無效
(B)乙不得向丙主張 A 車滅失之損害賠償
(C)乙對甲給付 A 車之義務免除之
(D)甲不得對乙主張免除給付買賣價金 5 萬元之義務
- 28 某甲育有兒子乙及女兒丙，乙丙均已結婚各自成家，甲過世後，乙欲獨占甲的遺產，乃主張「臺灣社會一直存在出嫁的女兒不得繼承父母遺產之習慣」，丙是已出嫁的女兒應不得繼承甲的遺產，若乙的主張要成立，下列敘述何者錯誤？
(A)乙必須要證明臺灣社會至今確實仍有出嫁女兒不得回家繼承的行為，且反覆為之
(B)乙必須要證明臺灣人都遵循「出嫁女兒不得回家繼承」，是大家共守之規則
(C)「出嫁女兒不得回家繼承」須不背於善良風俗或公共秩序
(D)得到司法院承認後，「出嫁女兒不得回家繼承之習慣」就具有法的效力
- 29 有關刑罰或保安處分制度，下列敘述何者錯誤？
(A)裁判確定前羈押之日數，以 1 日抵有期徒刑或拘役 1 日
(B)羈押之日數，若無刑罰可抵，如經宣告拘束人身自由之保安處分者，得以 1 日抵保安處分 1 日
(C)刑期自裁判確定之日起算，裁判確定後尚未受拘禁之日數，算入刑期
(D)受拘役或罰金之宣告，而犯罪動機在公益或道義上顯可有恕者，得易以訓誡
- 30 有關性別工作平等法哺乳時間規定之敘述，下列有幾項為錯誤？①受僱者於每日正常工作時間以外之延長工作時間達 1 小時以上者，雇主應給予哺（集）乳時間 30 分鐘 ②子女未滿 3 歲須受僱者親自哺（集）乳者，除規定之休息時間外，雇主應每日另給哺（集）乳時間 60 分鐘 ③性別工作平等法第 18 條第 1 項所定親自哺乳，不包括女性受僱者以容器貯存母乳備供育兒之情形 ④哺（集）乳時間，視為工作時間
(A)一項 (B)二項 (C)三項 (D)四項
- 31 Before being bottled, most whiskies are _____ with water to bring down their alcohol content.
(A) diluted (B) flavored (C) gingered (D) saturated
- 32 My father's _____ was apparent as he looked at my report card, and I really wanted to flee.
(A) humility (B) insolence (C) meekness (D) wrath
- 33 I agree with you and fully _____ your opinion that the only way this problem can be solved is by cross-cultural learning.
(A) announce (B) authorize (C) endorse (D) enhance
- 34 Denmark has an excellent _____ system. It ensures your quality of life once you retire from the workforce.
(A) instruction (B) pension (C) rotation (D) sanctuary
- 35 While travelling in Europe, many tourists admire the magnificent _____ solely built for religious worship.
(A) plazas (B) cathedrals (C) skyscrapers (D) fountains
- 36 Airlines should _____ passengers who are bumped off overbooked flights by providing them with free meals and accommodation.
(A) arraign (B) dissemble (C) prevaricate (D) reimburse
- 37 Ketogenic diets can _____ seizures, which is why they have been used for decades to treat epilepsy in children.
(A) prescribe (B) prevent (C) presume (D) precede
- 38 A fire was _____ set to the house and killed the whole family who lived in the building.
(A) amiably (B) optimistically (C) generously (D) deliberately
- 39 It turned cold in the night and I _____ through the closet to find the plaid blanket from Scotland.
(A) rumbled (B) rummaged (C) ruminated (D) rumped
- 40 The _____ of natural resources is not accidental, because many physical factors need to be in place, such as the land, climate and altitude to form such a wide area of coal mine.
(A) deprivation (B) delegation (C) dissertation (D) distribution

請依下文回答第 41 題至第 45 題：

Since March 2020, routine childhood immunization services have been disrupted on a global scale that may be unprecedented since the inception of expanded programs on immunization in the 1970s. Fifty-three percent of the 129 countries where data were available reported moderate-to-severe disruptions, or a total 41 of vaccination services during March-April 2020.

“Immunization is one of the most powerful and fundamental disease prevention tools in the history of public health,” said Dr. Tedros Adhanom Ghebreyesus, WHO Director-General. “Disruption to immunization programmes from the COVID-19 pandemic 42 to unwind decades of progress against vaccine-preventable diseases like measles.”

“At the 4 June Global Vaccine Summit in London, donors will 43 their support to the Vaccine Alliance to sustain and accelerate this lifesaving work in some of the most vulnerable countries. From the bottom of my heart, I urge donors to fully fund the Alliance.”

The reasons for disrupted services 44. Some parents are reluctant to leave home because of restrictions on movement, lack of information or because they fear 45 with the COVID-19 virus. And many health workers are unavailable because of restrictions on travel, or redeployment to COVID response duties, as well as a lack of protective equipment.

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|----|---------------|------------------|----------------|-----------------|
| 41 | (A) promotion | (B) suspension | (C) sustenance | (D) persistence |
| 42 | (A) promises | (B) refers | (C) threatens | (D) rejects |
| 43 | (A) denounce | (B) pledge | (C) apply | (D) allow |
| 44 | (A) vary | (B) defer | (C) deter | (D) verify |
| 45 | (A) obsession | (B) acquaintance | (C) insurance | (D) infection |

請依下文回答第 46 題至第 50 題：

Turns out that “coupling” doesn’t just mean “pairing” in the traditional sense, but is also a catchphrase when it comes to finances. As we head into wedding season, it’s especially relevant. Because as much as you may think no two people have ever been more in love than you are, the truth is that it could be less than smooth sailing ahead if you’re not on the same page when it comes to financial matters. “Couples have a very hard time talking about money,” Joan Atwood, a Hofstra University professor of marriage and family therapy, bemoaned on an NPR “Money Coach” segment on the issue. “I would say it’s the last taboo.”

You have probably discussed life goals in a dreamy sort of way while dating, but turning those reveries into reality requires habitually saving to pay for them and to finance your later retirement years. This is most likely one thing you may not have thought of at a time when the median ages, respectively, for brides and grooms are 29 and 31. “While people may come into a marriage with their own assets, they need to take some time after the wedding to sit down and start getting organized as a couple,” advised a famous investment company.

One thing that needs to be done is be transparent about your personal finances. There’s nothing that says you have to put all your cash into a joint account – but at the very least you’d be “less than truthful” by not divulging any outstanding debts – and then figuring out, together, how to pay them down. It is also important that you two develop a way to retain vital information in case a sudden need arises. To truly mark your financial coupling, you might consider using a trustworthy online service that lets you store, access and share all your new family’s important records and documents anywhere via a web browser or an app. With all the other things on their to-do lists, newlyweds typically don’t focus on all the important financial and other documents they need to begin married life on a solid footing, but it will make things easier for them from the start, as well as through the years as they have even more joint documents to retain – including those related to perhaps buying a house and having children.

- 46 In what tone is this passage written?
 (A) Informative. (B) Ironical. (C) Pessimistic. (D) Subjective.
- 47 Which of the following is closest in meaning to “on the same page” in the first paragraph?
 (A) Reading the same book. (B) Agreeing on something.
 (C) Predicting the future. (D) Texting each other.
- 48 According to the passage, what is often the last taboo among newlyweds?
 (A) Revealing past relationships. (B) Discussing personal finances.
 (C) Receiving marriage and family therapy. (D) Bemoaning on the NPR Money Coach.
- 49 What would be the best title for this passage?
 (A) Disadvantages of Coupling Finances for Brides and Grooms.
 (B) Everything Newlyweds Should Know about Coupling Finances.
 (C) A Trustworthy Online Service for Financial Coupling.
 (D) Newlyweds Refusing Coupling Finances as Family Therapy.
- 50 According to the passage, which of the following needs to be avoided by newlyweds?
 (A) Being truthful by opening up to each other. (B) Retaining vital information via an online service.
 (C) Hiding any outstanding debts from each other. (D) Reviewing financial documents to begin married life.