

## 97 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)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。

- 依據憲法增修條文第 10 條第 10 項之規定，政府對於何種教育經費應優先編列？  
(A)大學教育 (B)科學教育 (C)原住民文化教育 (D)國民教育
- 依憲法第 1 條之規定，我國為民有、民治、民享之民主共和國。其中共和國是指下列中何者？  
(A)國格 (B)國體 (C)政局 (D)政體
- 人民出國旅行主要是受到何種基本權利之保障？  
(A)集會自由 (B)財產權 (C)居住、遷徙自由 (D)工作權
- 大學自治屬於我國憲法上何種權利之保障範圍？  
(A)地方自治 (B)言論自由 (C)結社自由 (D)講學自由
- 下列關於憲法第 8 條第 1 項內「法定程序」之敘述，何者錯誤？  
(A)法定程序須有法律之依據 (B)僅指刑事訴訟之程序  
(C)屬憲法保留之事項 (D)法定程序必須正當
- 下列有關憲法上平等原則之敘述，何者正確？  
(A)完全禁止法律上之差別待遇  
(B)憲法上平等原則是指絕對的形式上平等  
(C)外國人之權利義務亦應與本國人完全相同  
(D)憲法上平等原則係為保障人民法律上地位之實質平等
- 依憲法增修條文第 4 條之規定，由政黨依政黨選舉票得票比率選出立法委員之方法，在學說上稱之為：  
(A)普通代表制 (B)平等代表制 (C)比例代表制 (D)全國代表制
- 依憲法第 2 條之規定，國家之主權屬於國民全體，試問這是下列那一項原理的表現？  
(A)法律主權 (B)國民主權 (C)國會主權 (D)公民主權
- 依我國憲法增修條文第 5 條之規定，下列有關司法院院長之敘述，何者正確？  
(A)院長同時亦為最高法院院長 (B)須由法官轉任  
(C)任期八年 (D)院長之任免令，無須行政院院長之副署
- 依憲法增修條文第 3 條之規定，下列有關立法院通過對行政院長所提之不信任案之敘述，何者正確？  
(A)行政院院長即日解職 (B)行政院院長是否須提出辭職，由總統決定  
(C)行政院院長應於十日內提出辭職 (D)行政院院長職權由立法院院長暫代，最多十日
- 下列何機關認為必要時得決議移請總統解除戒嚴？  
(A)行政院 (B)立法院 (C)司法院 (D)監察院
- 我國憲法關於人民權利之保障，係採何種方式的規定？  
(A)僅採列舉規定 (B)僅採概括規定 (C)授權法律規定 (D)列舉與概括規定並行
- 下列何者為現行直轄市自治之法律依據？  
(A)直轄市自治法 (B)省縣自治法  
(C)地方制度法 (D)中央行政機關組織基準法
- 下列何者非我國憲法所稱之法官？  
(A)大法官 (B)智慧財產法院法官  
(C)公務員懲戒委員會委員 (D)司法事務官

- 15 關於總統、副總統之彈劾案，下列程序何者錯誤？  
(A)須經全體立法委員三分之二以上之決議 (B)須經我國自由地區選舉人投票複決  
(C)須經全體立法委員二分之一以上之提議 (D)須聲請司法院大法官審理
- 16 繼承人欲為限定之繼承時，應向下列何者為之？  
(A)親屬會議 (B)其他繼承人 (C)法院 (D)家長
- 17 下列何者屬於刑法中的共犯？  
(A)教唆犯 (B)同時犯 (C)間接正犯 (D)接續犯
- 18 關於給付行政是否應有法律依據，下列敘述何者正確？  
(A)給付行政係給予人民福利，一律應有法律依據  
(B)給付行政係給予人民福利，不必有法律依據  
(C)給付行政係限制人民權利，但影響輕微，有法律授權之命令為依據即可  
(D)若涉及公共利益之重大事項者，應有法律或法律授權之命令為依據
- 19 設甲乙丙三人對丁負有連帶債務，下列敘述何者錯誤？  
(A)丁得僅對丙一人請求全部之給付  
(B)丁得對甲乙丙三人先後請求全部之給付  
(C)甲已履行其應負擔之部分時，得免除連帶債務  
(D)甲已經履行部分之債務，但仍與乙丙對丁負連帶責任
- 20 關於性別工作平等法之敘述，何者錯誤？  
(A)性別工作平等法僅規範政府機關，與民間機構或公司無涉  
(B)性別工作平等法於工作場所之性騷擾之定義、防治措施有詳細規定  
(C)性別工作平等法旨在促進性別地位之實質平等  
(D)性別工作平等法旨在消除工作場所之性別歧視
- 21 有關法律授權行政機關制定法規命令（行政立法）的必要性，下列敘述何者錯誤？  
(A)行政立法係因行政活動日益專門，非立法所能全面掌握  
(B)立法時程過久，往往不能符合實際需求  
(C)透過行政立法，可以增進法制對社會適應性  
(D)行政立法係屬行政保留之事項
- 22 下列敘述何者錯誤？  
(A)未滿十四歲人之行為，不受處罰 (B)十七歲之人的犯罪行為，應該減輕其刑  
(C)八十二歲之人的行為，得減輕其刑 (D)瘡啞人之行為，得減輕其刑
- 23 下列何者並非民法上所稱之「人格權」？  
(A)身體權 (B)信用權 (C)貞操權 (D)監護權
- 24 甲夫乙妻離婚後，約定由乙任 A 子之親權人，則 A 子應由下列何者負擔扶養義務？  
(A)甲 (B)乙 (C)甲與乙 (D)親屬會議
- 25 下列有關股份有限公司「董事」之敘述，何者錯誤？  
(A)董事必須具有股東資格 (B)法人股東得當選為董事  
(C)董事得連選連任 (D)董事之解任應經股東會特別決議為之
- 26 下列何者為用益物權？  
(A)抵押權 (B)質權 (C)留置權 (D)地上權
- 27 對於全民健康保險的描述，下列何者錯誤？  
(A)民眾享有投保自由 (B)依據保險原則 (C)維持財務自主 (D)提供基本保障

- 28 國家法律規定殺人罪，其立法目的在於保護：  
(A)財產權 (B)自由權 (C)生命權 (D)健康權
- 29 以下論述何者為錯誤？  
(A)受雇人於職務上完成之著作，如無特別約定，以受雇人享有著作人格權，以雇用人享有著作財產權  
(B)著作人格權存續於著作人之生存期間及其死亡後五十年  
(C)為強化著作權之保護，著作權法特別規定在著作權被侵害人不易證明其所受損害或侵害人所得利益時，被侵害人得向法院主張法定賠償額，最高可達新台幣五百萬元  
(D)明知係侵害著作財產權之重製物而仍為散布者，除可處以拘役、罰金外，尚得受有期徒刑之宣告
- 30 下列有關法律適用之敘述，何者錯誤？  
(A)法規對某一事項規定適用其他法規之規定者，其他法規修正後，適用修正後之法規  
(B)法規對某一事項規定準用其他法規之規定者，其他法規修正後，仍準用修正後之法規  
(C)法規明定自公布或發布日施行者，自公布或發布之日起算至第三日起發生效力  
(D)法規特定有施行日期，或以命令特定施行日期者，自該特定日起算至第三日發生效力
- 31 My television has nearly 50 \_\_\_\_\_. There are many programs I can choose from.  
(A) channels (B) departments (C) commercials (D) confessions
- 32 I don't think educational reform will work. I am so \_\_\_\_\_ about it.  
(A) rebellious (B) pessimistic (C) competent (D) complacent
- 33 The weather is too \_\_\_\_\_ here in the summer. It is very hot and very damp.  
(A) humorous (B) humble (C) human (D) humid
- 34 The photo of a polar bear with her cub on a melting \_\_\_\_\_ reminds people of the danger of the climate crisis.  
(A) icecream (B) chocolate (C) iceberg (D) glass
- 35 Peter uses "Warrior" as his password when he \_\_\_\_\_ on to the Internet chat room.  
(A) flies (B) logs (C) tips (D) walks
- 36 When facing an accusation we should examine our behavior first instead of \_\_\_\_\_ others.  
(A) blaming (B) resolving (C) counting (D) abridging
- 37 I do not think that these findings on the brain structure of rats can make any \_\_\_\_\_ to the study of human brains. Human brains are much more complex, after all.  
(A) appreciation (B) contribution (C) invasion (D) reaction
- 38 Christmas is around the corner! Let's have a Christmas tree \_\_\_\_\_.  
(A) decorate (B) decorating (C) decorated (D) to decorate
- 39 \_\_\_\_\_ of any latest news, I will let you know as soon as possible.  
(A) Informing (B) Informed (C) To inform (D) By informing
- 40 The manager nodded, although it was not at all clear \_\_\_\_\_ he was agreeing.  
(A) who (B) whom (C) to whom (D) with whom

編號第 41 題至第 43 題為題組

Shanghai began screening international travelers in November for fevers or other 41 of bird flu. All passengers leaving or entering the country through Pudong International Airport will be screened for high temperatures by using an infrared camera and will have to 42 a health declaration form, according to a government website. The form 43 passengers to say if they have had close contact with poultry, birds, bird flu patients or suspected cases over the past week.

- 41 (A) indicators (B) possibilities (C) symptoms (D) conditions  
42 (A) ask for (B) fill out (C) add into (D) make up  
43 (A) suggests (B) insists (C) enables (D) requires

- 44 A: Great party, huh?  
B: Yeah, it really is. And good food, too.  
A: Sure is. Did you try the curry?  
B: No, not yet, \_\_\_\_\_. I love the Indian food.  
(A) but I will (B) and I won't (C) though I did (D) so I do
- 45 Sue: That movie is fabulous!  
Ann: \_\_\_\_\_ I don't like the leading actor. His acting is exaggerated.  
Sue: Perhaps...but I still think the movie is pretty good.  
(A) You are right. (B) I don't think so. (C) That is true. (D) I couldn't agree more.
- 46 Rick: Extension 103, please.  
Operator: The line is busy. Will you hold on?  
Rick: No, I'll call back.  
Operator: Oh, it's free now. \_\_\_\_\_  
(A) It's your turn. (B) I'll put you through. (C) You can call anytime. (D) Here is the message.

編號第 47 題至第 50 題為題組

What has the telephone done to us, or for us, in the hundred years of its existence? A few effects suggest themselves at once. It has saved lives by getting rapid word of illness, injury, or famine from remote places. By joining with the elevator to make possible the multistory residence or office building, it has made possible, for better or worse, the modern city. By bringing about a quantum leap in the speed and ease with which information moves from place to place, it has greatly accelerated the rate of scientific and technological change and growth in industry. Beyond doubt, it has crippled if not killed the ancient art of letter writing. It has made living alone possible for persons with normal social impulses; by so doing, it has played a role in one of the greatest social changes in family structures. It has made the waging of war chillingly more efficient than formerly. Perhaps (though not provably) it has prevented wars that might have arisen out of international misunderstanding caused by written communication. Or perhaps, again not provably, by magnifying and extending irrational personal conflicts based on voice contact, it has caused wars. Certainly it has extended the scope of human conflicts, since it impartially disseminates the useful knowledge of scientists and the babble of bores, the affection of the affectionate and the malice of the malicious.

- 47 The passage is mainly about \_\_\_\_\_.  
(A) the arguments against using the telephone technology in modern society  
(B) the advancement of the telephone technology  
(C) the effects of the telephone technology on human beings  
(D) the comparison between using and not using the telephone technology
- 48 According to the passage, the modern city was made possible partly because \_\_\_\_\_.  
(A) people living in tall buildings are able to communicate with each other by telephone  
(B) information in residence and business areas travels faster by the telephone technology  
(C) writing letters has become a lost art among those who totally depend upon telephones  
(D) the number of people who own telephones and live alone increases greatly and rapidly
- 49 According to the article, which of the following statements is true?  
(A) The rate of industry growth has nothing to do with the telephone technology.  
(B) Irrational personal conflicts have been solved because of the invention of telephone.  
(C) The elevator has brought about a quantum leap in speed.  
(D) Telephone technology cannot prevent wars.
- 50 The meaning of the word "disseminate" in the last sentence is closest to \_\_\_\_\_.  
(A) communicate (B) spread (C) listen (D) tell