103年公務人員高等考試一級暨二級考試試題 代號:20110-23310 全一頁

- 等 别:高考二級
- 類 科:各類科
- 科 目:憲法與英文
- 考試時間:2小時

座號:

※注意:(→禁止使用電子計算器。(二)不必抄題,作答時請將試題題號及答案依照順序寫在試卷上,於本試題上作答者,不予計分。

- 一、甲雖家財萬貫,生活豪奢,但卻常年逃稅,積欠國稅局稅款數千萬元而不願繳納。 政府決定採取「關人討債」的策略,欲將甲處以管收處分,以迫使甲繳交積欠稅款。 請問:
 - (一國家可否以管收方式迫使人民繳稅?若要使此類管收處分合憲,立法者應建制那些基本規定來保障人民權利?(15分)
 - (二)若甲因積欠稅款而被處以管收處分時,甲提出公民與政治權利國際公約第 11 條: 「任何人不得僅因無力履行契約義務,即予監禁。」作為抗辩。請問該公約的國 內法效力為何?該公約與國內法律競合時應如何處理?本案中甲的抗辩能否成 立?(10分)
- 二、何謂權力分立原則?(10分)又司法院大法官如何詮釋此原則?請以大法官有關權 力分立原則的解釋為基礎,詳述該原則在我國現行法中之法律地位與其主要內涵。 (15分)
- 三、英譯中:

As is often the case in Ebola outbreaks, no one knows how the first person got the disease or how the virus found its way to the region. Some previous epidemics are thought to have begun when someone was exposed to blood while killing or butchering an infected animal. Cooking will destroy the virus, so the risk is not in eating the meat, but in handling it raw. People might also become infected by eating fruit or other uncooked foods contaminated by droppings from infected bats. $(10 \ 3)$

四、中譯英:

如果你有金錢方面的問題,有很多不同的方式可以省錢。與其花錢買新衣服,試著 到慈善商店買二手貨,在那兒你會發現很多時尚的廉價品。外食亦是一筆很大開銷, 你可以跟幾個朋友一起煮食,既便宜又好玩。巴士與計程車也會讓你破費,所以值 得買一輛便宜的腳踏車代步。(10分)

五、英文作文: (30分)

Write an English essay of about 250 words to address the following:

One often hears complaints about the excessive coverage of sensational news and celebrity gossip by the local TV news shows. Some believe that more time should be spent on reporting international news and issues of global concern. Do you agree? Discuss the topic from the perspectives of a TV audience and a news program director.