

國立臺北大學 114 學年度碩士班一般入學考試試題

系（所）組別：不動產與城鄉環境學系

科目：土地政策與問題分析

第1頁 共1頁

☐可 ☒不可使用計算機

一、請回答以下問題：

1. 甲在乙的土地上，擅自出資興建 A 屋（A 屋為實質違建）後，將 A 屋出賣並交付於買受人丙。依最高法院的見解，請問丙取得何種權利？最高法院創設該權利的原始目的不盡然是為了保護丙，而是基於何種政策考量？（10 分）
2. 請問在解決共有土地的問題時，「簡化或消滅土地共有關係」是否為最高的政策？理由何在？並請說明：甲與乙二人分別共有 A 地，甲與乙的應有部分各為 $\frac{3}{4}$ 與 $\frac{1}{4}$ ，請問甲得否未經乙的同意，而將 A 地出賣並移轉於丙、丁、戊三人分別共有？（15 分）

二、為了落實居住正義的目標，政府近年積極推動「包租代管」政策，以低於市場租金包租或代管方式，提供租屋需求者更多的選擇；此政策可用於社會住宅以及民間住宅。就民間住宅而言，請依序回答以下兩小題：（25 分）

1. 簡述「包租」與「代管」的差異？
2. 從供需的面向而言，包租代管政策是否會影響到一般租賃市場的租金價格？

三、關於原住民保留地的借名登記，最高法院曾作成大法庭裁定。請問該裁定的內容為何？並請從土地政策的觀點闡釋該裁定的內容。（25 分）

四、此題請以“中文”作答。閱讀以下摘錄文章後，敘述其意涵以及評論其內容。（25 分）

As Japan's population shrinks, consolidating scattered residents into denser, more compact cities is increasingly seen as a must. Yet the steady outward creep of the suburbs continues unabated. In the 10 years through 2015, residential areas expanded by 1,773 squared kilometers, an area three times the size of Tokyo's 23 central wards. The growth suggests failures of both the real estate market and urban planning. Even with an estimated 8 million homes vacant, many in urban centers, new ones continue to be built in cities fighting over a shrinking population pool. And new suburbs want their own shopping centers, hospitals, libraries and community centers, raising the risk of ballooning municipal costs.

Of the 1,386 cities, towns, villages and wards covered by the study, 43 added more than 5 square kilometers of residential area. Seven of the top 15 municipalities in terms of growth allowed residential land to expand despite having so-called compact city plans. The expansion reflects a scramble by depopulating municipalities to attract more people. Restrictions have been eased on suburban housing construction, turning farmland and hillsides into houses and apartments.

Low-density populations make it more expensive to build and maintain necessary infrastructure and handle public services, even as tax revenues shrink. Many local governments recognize sprawl as a problem. Roughly 270 municipalities across Japan have drawn up plans to concentrate housing and public works construction in urban centers. But follow-through has been lacking, in part because large-scale efforts that would require people to actually pick up and move closer together are politically taboo. When populations spread out into the suburbs, downtown areas risk being neglected and falling into disrepair. Abandoned homes are on the rise in smaller cities as well. Many experts say creating cities suited to a shrinking population will require retightening the loosened restrictions on housing construction that have permitted the rise in suburban sprawl.

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