

109年公務人員特種考試關務人員、身心障礙人員考試及
109年國軍上校以上軍官轉任公務人員考試試題

考試別：國軍上校以上軍官轉任公務人員考試

等別：少將轉任考試

類科：各類科

科目：中華民國憲法與英文

考試時間：2 小時

座號：_____

※注意：禁止使用電子計算器。

甲、申論題部分：（50 分）

(一)不必抄題，作答時請將試題題號及答案依照順序寫在申論試卷上，於本試題上作答者，不予計分。

(二)請以藍、黑色鋼筆或原子筆在申論試卷上作答。

(三)本科目除專門名詞或數理公式外，應使用本國文字作答。

一、現行國家賠償法第 3 條規定，公共設施設置管理有欠缺的國家賠償責任，此一責任的性質，係過失責任或無過失責任？構成要件如何？又其侵害之標的，新法與舊法規定有何不同？（25 分）

二、憲法第 80 條有「司法獨立」之規定，其意旨為何？司法獨立與司法中立有何不同？（25 分）

乙、測驗題部分：（50 分）

代號：2701

(一)本測驗試題為單一選擇題，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 25 題，每題 2 分，須用 2B 鉛筆在試卡上依題號清楚劃記，於本試題或申論試卷上作答者，不予計分。

- 1 Large purchases and restricted items must be _____ to the customs officer when you enter the country.
(A) declaimed (B) disguised (C) developed (D) declared
- 2 The documentary was produced as a result of international _____ initiated by the United Nations.
(A) cooperation (B) discrimination (C) distraction (D) consumption
- 3 I am genuinely sorry for the problems I've caused you, and I would like to do something to _____ for the loss.
(A) commit (B) compete (C) compensate (D) compliment
- 4 After losing her baby she so desired, the female artist began recording the _____ experience of her miscarriage in a pencil drawing.
(A) traumatic (B) splendid (C) hilarious (D) wondrous
- 5 To maintain its tight hold on the market, the leading sports equipment manufacture is taking both reactive and _____ measures against its rival's aggressive advertising campaign.
(A) preemptive (B) preliminary (C) preposterous (D) predictive

請依下文回答第 6 題至第 10 題

Most trees can migrate only as fast as their seeds disperse - and if current warming trends hold, the climate in this century will change 10 times faster than many tree species can move, 6 one estimate. Rhode Island is already 7 more heat and drought, shifting precipitation and the intensification of plagues such as the red pine scale, a nearly invisible insect carried by wind that can kill a tree in just a few years. The dark synergy of 8 extreme weather and emboldened pests could 9 vast stretches of woodland. So foresters in Rhode Island and elsewhere have 10 ambitious experiments to test how people can help forests adapt, something that might take decades to occur naturally.

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|----|------------------|----------------|---------------|-------------------|
| 6 | (A) according to | (B) as long as | (C) more than | (D) no matter how |
| 7 | (A) picking | (B) putting | (C) seeing | (D) setting |
| 8 | (A) so | (B) so much | (C) such | (D) such as |
| 9 | (A) imperil | (B) inhabit | (C) incur | (D) imply |
| 10 | (A) crunched | (B) launched | (C) pinched | (D) trenched |

請依下文回答第 11 題至第 15 題

Inside the Queens Museum in New York City there is another New York City. It is a 50-year-old model of the town 11 every street, building and park was reproduced in small. The so-called "Panorama of the City of New York" was built as an exhibit for the New York World's Fair in 1964. Over time, artists added to the model. Now it represents the way the city looked in 1992. The model is huge. It covers 870 square meters. Visitors to the Panorama observe from beside and above it 12 day turns to night every 20 minutes. Little lights shine from buildings until the morning light appears.

Hitomi Iwasaki is the museum exhibitions organizer and director. She says the Panorama presents an unusual problem 13 it is the museum's main appeal. "No matter what fantastic exhibition you think you put outside, everybody goes back to the Panorama and goes 'wow!'" Currently the Queens Museum is celebrating the 50th anniversary of the fair and the Panorama. The show is called "Bringing the World Into the World." Ms. Iwasaki said she decided not to try to compete with the Panorama. Instead she made it part of the exhibition. The show includes the museum's largest piece, the Panorama. It also includes its smallest piece: a microscopic reproduction of the Queens Museum itself. Artist and engineer Jessica Rylan created that piece 14 nanotechnology. It is just 120 micrometers long and it cannot be seen by visitors. Guess why? It is hidden inside the model of the Queens Museum itself within the panorama of New York City. 15 objects include a scale model of our solar system made in 1983 by artist Chris Burden. The sun hangs over the panorama of New York City. Earth, Mercury, Mars and Venus hang in other museum rooms. The show at the Queens Museum in New York City will end October 14th.

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|----|------------|-------------|-----------------|----------------|
| 11 | (A) that | (B) which | (C) in which | (D) in that |
| 12 | (A) as | (B) such | (C) so | (D) upon |
| 13 | (A) since | (B) but | (C) even though | (D) now that |
| 14 | (A) using | (B) used | (C) to use | (D) not to use |
| 15 | (A) Others | (B) Another | (C) Other | (D) The others |

請依下文回答第 16 題至第 20 題

“Pikachu” - a yellow “Pokemon” - was welcomed home by thousands of enthusiastic gamers Friday as the global phenomenon of “Pokemon Go” finally launched in Japan, extending a wildly successful franchise that is part of the national social fabric.

The smartphone App has now been 16 in more than 40 countries, including the U.S. and much of Europe, but Japan - 17 Nintendo started the mythical creature franchise 20 years ago - was kept waiting.

The suspense 18 days, as international media reports about a timeline for the Japan rollout kept changing, and Nintendo, the Pokemon Company, and the game's U.S.-based developer Niantic all declined to comment.

But that finally ended Friday as the game was made 19 online in Japan.

“We are truly happy that we have been able to bring this to Japan, where Pokemon was born,” Niantic announced on its blog.

It 20 the delay in Japan to responses “beyond our expectations” after the game's rolling release began on July 6.

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|----|-----------------|-----------------|---------------|----------------|
| 16 | (A) located | (B) launched | (C) splurged | (D) surrounded |
| 17 | (A) when | (B) where | (C) which | (D) what |
| 18 | (A) brought in | (B) turned over | (C) broke out | (D) lasted for |
| 19 | (A) negotiable | (B) available | (C) avoidable | (D) refutable |
| 20 | (A) exacerbated | (B) attributed | (C) equated | (D) aggregated |

請依下文回答第 21 題至第 25 題

History has not yet revealed what we will definitely call the postmillennial cohort that now numbers more than 60 million people in the U.S. These kids and teens with no concept of life without the Internet have so far been called the App Generation and Generation Z. They've been referred to as Homelanders, having grown up under the specter of terrorism. They've also been labeled the Plurals, for their historic diversity, as well as the Founders, at least by MTV.

Whatever we end up naming them, marketers and academics are turning their attention to this group, which has billions in buying power and is already shaping the culture. This generation is growing up “totally and utterly connected,” says California State University psychologist Larry Rosen. Experts like Rosen have concerns about these kids' Google-fostered expectations that everything be instantaneous. They worry about their inability to tolerate even five seconds of boredom. And they fret about the demands that come with maintaining several identities online, from Facebook to Instagram to Snapchat. “There's so much pressure on young people, who are still forming their identities, to present this crystallized, idealized identity online,” says Katie Davis from University of Washington.

There is also optimism about a generation that is asserting an entrepreneurial spirit and finding ways to get offline. These kids' uberprotective Gen X parents-determined not to raise latchkey kids like themselves-are meanwhile hovering and helping them digitally detox in screenless camps and Waldorf schools.

Historian Neil Howe sees parallels with the Silent Generation, the doted-on, risk-averse, "nice" generation of kids who grew up during the Great Depression and World War II. Today's youths are also coming of age amid geopolitical turmoil and fears about the economy, he says, while schools emphasize "a profound sensitivity to other kids." He suspects this generation will be known for being well behaved and perhaps "blanding" the culture by playing it safe. "There are recurring archetypes," says Howe, even if they go by different names.

- 21 What is the main idea of this article?
- (A) To discuss the traits and problems of the Gen Z.
 - (B) To explore the Gen Z's relationship with the Internet.
 - (C) To argue that the Gen Z is defining American culture.
 - (D) To suggest that the Gen Z will replicate the Silent Gen.
- 22 Which of the following statements is NOT true about the postmillennials?
- (A) Labeled the Plurals, they are living in a world of great diversity.
 - (B) Called "Homelanders," they are expected to fight against terrorism.
 - (C) They are growing up "totally connected" mainly because of the Internet.
 - (D) They have replaced the millennials to wield considerable buying power.
- 23 How does the Internet influence the postmillennials, according to the author?
- (A) They expect everything to be fast, and they cannot tolerate tedium.
 - (B) They like to manage several identities online, so they are versatile.
 - (C) They are aware of the need to digitally detox in daily activities.
 - (D) They prefer their identities in reality to their idealized identities online.
- 24 Which of the following statements is true about the Gen X parents?
- (A) They are the parents of the Gen Y.
 - (B) They have an entrepreneurial spirit.
 - (C) They help their children to get offline.
 - (D) They prevent their children from forming identities.
- 25 What is the main idea of the last paragraph?
- (A) The recurring archetypes crop up every 100 years.
 - (B) The postmillennials are similar to the Silent Generation.
 - (C) Despite some similarities, the two generations are essentially different.
 - (D) Both generations grew up amid political turmoil and economic depression.