

103年公務人員特種考試警察人員考試
103年公務人員特種考試一般警察人員考試
103年特種考試交通事業鐵路人員考試試題

等 別：員級鐵路人員考試

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。

- 1 總統任命下列何者，無須行政院院長之副署？
(A)行政院副院長 (B)審計長 (C)駐外大使 (D)行政院政務委員
- 2 下列何者屬於監察院行使糾正權之對象？
(A)總統 (B)行政院及其所屬機關 (C)司法院 (D)考試院
- 3 依據憲法增修條文第 9 條規定，精省之後，取消省議會，改置何種機關？
(A)省諮議局 (B)省資政局 (C)省諮議會 (D)省府委員會
- 4 國家機關之職權、設立程序及總員額，得以法律為準則性之規定，涉及下列何種憲法原則之範疇？
(A)法律優越原則 (B)法律保留原則 (C)平等原則 (D)比例原則
- 5 依憲法增修條文第 3 條之規定，行政院向立法院所提之下列何種議案，經立法院決議後，行政院可移請立法院覆議？
(A)監察委員提名案 (B)國家安全報告案 (C)中央政府總預算案 (D)修憲案
- 6 依憲法增修條文第 3 條，有關行政院院長之規定，下列敘述何者錯誤？
(A)行政院院長請辭時，總統須於 40 日內咨請立法院召集會議，提出行政院院長人選，徵求同意
(B)行政院有向立法院提出施政方針及施政報告之責
(C)立法委員在開會時，有向行政院院長及行政院各部會首長質詢之權
(D)行政院院長辭職或出缺時，在總統未任命行政院院長前，由行政院副院長暫行代理
- 7 依我國憲法第 133 條規定，被選舉人得由下列何者依法罷免之？
(A)原選舉區 (B)立法委員 (C)監察委員 (D)全體國民
- 8 下列何者，係講學自由之保障範圍？
(A)出版自由 (B)研究自由 (C)集會自由 (D)結社自由
- 9 何者為一切自由權利之基礎？
(A)信仰自由 (B)居住自由 (C)人身自由 (D)言論自由
- 10 以下何者非屬表現自由？
(A)言論自由 (B)人身自由 (C)講學自由 (D)著作自由
- 11 下列基本權何者具有社會權性質？
(A)工作權 (B)秘密通訊之自由 (C)人身自由 (D)言論自由
- 12 下列何者法官若確信其違憲時，得於審理個案時拒絕適用？
(A)國家安全法 (B)檢肅流氓條例 (C)地方稅法通則 (D)土地登記規則
- 13 依憲法增修條文第 10 條之規定，有關公營金融機構之敘述，下列何者正確？
(A)公營金融機構之管理，應以行政機關之人事管理方式為之，以符合依法行政之要求
(B)公營金融機構原則上不應設立，以符合金融自由化
(C)公營金融機構之人事、預算、決算等事項，得以法律為特別之規定
(D)公營金融機構之負責人應由主管部會首長兼任，以強化立法院對其之控制
- 14 下列何者非屬憲法工作權之保障範圍？
(A)職業選擇自由 (B)職業執行自由 (C)廣告自由 (D)免於競爭自由
- 15 關於刑法與社會秩序維護法的敘述，下列何者正確？
(A)社會秩序維護法為刑法的特別法
(B)社會秩序維護法沒有主刑與從刑之分
(C)刑法法律的位階高於社會秩序維護法
(D)社會秩序維護法的處罰中，也包括罰金的處分

- 16 2014 年 1 月 29 日通過之地方制度法修正案，關於本次重要修正內容，下列敘述何者正確？
(A)將我國由均權制改為地方分權制
(B)賦予我國「區長」由官派改為民選之法源依據
(C)將「省」的性質調整，使其非為地方自治團體
(D)賦予直轄市原住民區辦理區長與區代表選舉之法源依據
- 17 公務員在行政程序中，下列何種情形，不須自行迴避？
(A)當事人為公務員之配偶
(B)當事人為公務員之前配偶
(C)當事人為公務員四親等之血親
(D)當事人為公務員四親等之姻親
- 18 特種貨物及勞務稅條例於 100 年通過施行後，才能針對在中華民國境內銷售、產製及進口特種貨物或銷售特種勞務，課徵特種貨物及勞務稅，這是基於憲法保障人民權利的何種原則？
(A)法律保留原則
(B)法律優越原則
(C)誠實信用原則
(D)信賴保護原則
- 19 針對重大違規停車之拖吊執行時，倘違規停放之車輛執行拖吊尚未移動前，如駕駛人到達現場，執勤員警應請其出示駕駛執照、行車執照，查核無誤後，即停止拖吊，當場舉發，並責令駛離。此方式既能達成疏通交通之目的，且無須採行較重之拖吊手段。試問，此為比例原則中何者之適用？
(A)適當性
(B)必要性
(C)衡量性
(D)合目的性
- 20 下列何者屬於要式契約？
(A)僱傭契約
(B)收養契約
(C)訂婚契約
(D)借貸契約
- 21 下列敘述何者符合我國民法及相關法律規定？
(A) 17 歲之甲無法獨自到郵局開戶，是因其欠缺權利能力
(B)對前配偶施暴，不屬於家庭暴力防治法所規範之對象
(C)未經同意重製他人著作，雖未超出合理之範圍，仍屬違法
(D) 18 歲之丁婚後得以單獨從事有效之法律行為，無須其父母同意
- 22 超商陳列之商品，其外包裝上之標價，係屬於下列何種概念？
(A)要約
(B)承諾
(C)契約
(D)要約誘引
- 23 甲男與乙女於婚姻期間生下一個女兒 A，但又與外遇對象某丙生下第二個女兒 B，乙因此與甲離婚，而甲在離婚後，隨即與丙再婚。當 A 滿 20 歲，B 滿 17 歲時，甲因車禍死亡，留下遺產 1,000 萬及負債 100 萬。請依民法中身分法的相關規定判斷下列敘述何者正確？①B 在法律上被視為是甲之婚生子女；②乙是甲的法定繼承人之一；③丙的遺產應繼分為 450 萬；④A 的遺產應繼分為 300 萬。
(A)①②
(B)①④
(C)②③
(D)③④
- 24 某飲料店於門口看板標明「本店之冷飲價格，於氣溫 20 度以下就優惠 5 元！」關於此作法，下列何者正確？
(A)飲料店降價作法已明顯違反公平交易原則
(B)利用特殊情況，收取較高價錢，應屬違法
(C)並無違法，屬於買賣雙方之契約內容自由
(D)此乃屬違法行為，飲料店應返還不當利益
- 25 關於刑事之追訴，下列何者正確？
(A)公訴：檢察官向法院表示暫時不起訴的行為
(B)自訴：檢察官向法院提起訴訟的行為
(C)告發：被害人以外的第三人向檢警告知他人犯罪事實的行為
(D)告訴乃論罪：是指檢察官不需要被害人的告訴，即可依職權決定逕行向法院提起訴訟的刑事案件
- 26 根據我國之相關規定，下列那些敘述不符合「阻卻違法事由」而具違法性？
(A)隔壁民宅失火，某甲為搶救屋內女童而毀損鄰宅大門
(B)外科醫師乙為挽救車禍意外傷者之生命將其截肢
(C)某丙與搶銀樓之持槍歹徒扭打，造成歹徒手骨折
(D)醫師乙受癌末病人所託為其注射毒藥實施安樂死
- 27 某甲在網路上買了一個麵包機，於收受商品隔天卻想反悔不買，依據消費者保護法甲得作何主張？
(A)解除契約並且無需負擔任何費用
(B)解除契約但是必須負擔宅配費用
(C)商品已送達，非有瑕疵不得退回
(D)未經賣方之同意甲不得解除契約
- 28 勞動三權中，指「集合勞動者之力量集體向資方爭取較佳勞動條件」者，應是屬於下列何項權利？
(A)團結權
(B)工作權
(C)團體交涉權
(D)團體爭議權
- 29 下列何者不屬於我國家庭暴力防治法所規範之家庭暴力規範對象之範疇？
(A)甲乙為同居的同性戀情侶，甲長期對乙言語辱罵使之難以忍受
(B)丙在酒後，對同居女友拳腳相向
(C)戊在離婚後，仍受到前夫的跟蹤，甚至毆打
(D)丁因長期受到住在國外，又未曾見面的表舅以電話騷擾，而使其精神異常
- 30 總統對於已受罪刑宣告之某特定刑事罪犯，免除其刑罰之執行，是何種赦免權之行使？
(A)大赦
(B)特赦
(C)減刑
(D)復權

- 31 Friend A: Hey, bud. Long time no see!
Friend B: Hi, my friend. _____
Friend A: Not bad! I'm surviving pretty well.
(A) How time flies! (B) How bad do you feel?
(C) How pretty the flower is! (D) How's everything going?
- 32 This button should be pushed only in case of _____. Do not touch it.
(A) agency (B) emergency (C) policy (D) fantasy
- 33 Autumn is the _____ season and you can see farmers working in the golden fields.
(A) harvest (B) sacrifice (C) rehearsal (D) graduation
- 34 The girl decided to stay to keep her little brother _____ because he is afraid of being alone.
(A) company (B) comfort (C) condition (D) competition

請回答第 35 題至第 38 題：

Vincent Van Gogh, one of the three great Post Impressionists, is regarded as the greatest Dutch painter after Rembrandt. During his short ten-year painting career, he produced more than 800 oil paintings and 700 drawings, but he sold only one of them in his lifetime.

At the early age of sixteen, Van Gogh started to learn art dealing and had worked in the Hague, London, and Paris until 1876. Disliking art dealing, Van Gogh began to isolate himself and became a minister. But in 1880, he was dismissed by his superiors and became poor. Then he began to draw. He understood the limitations of learning by himself, so he went to Brussels to study drawing.

In 1881, he went to the Hague and produced his first masterpiece, *The Potato Eaters*, in 1885. He then attended an art school in Belgium. Inspired by the paintings of Peter Paul Rubens at the school, he was soon off to Paris, where he met Gauguin and found Impressionists like Camille Pissarro. Van Gogh established his personal style of painting during his two years' stay in Paris.

Tired of city life, Van Gogh left Paris and rented a house in Arles in the south of France. Gauguin joined him later in October, but in a quarrel on Christmas Eve, Van Gogh cut off part of his own left ear. He was then kept in a psychiatric hospital for one year. Then, he moved to the home of a physician-artist. But two months later, on July 27, 1890, he shot himself and died.

- 35 What does the word "dismissed" in the second paragraph mean?
(A) Fired by one's employers. (B) Punished by the police.
(C) Laughed at by one's peers. (D) Robbed by some bad guys.
- 36 Why did Van Gogh cut off part of his left ear?
(A) Because he didn't want to be sent to a psychiatric hospital.
(B) Because he had an angry argument with his friend.
(C) Because the busy city life exhausted his mind and body.
(D) Because he knew very well that he was going to die.
- 37 Which of the following statements is true?
(A) Van Gogh's painting career lasted only for ten years.
(B) Regarding himself as a genius, Van Gogh never went to school to learn painting.
(C) Van Gogh created his personal style of painting when he was very young.
(D) When it comes to art dealing, Van Gogh was a professional.
- 38 What can be inferred from this passage?
(A) Van Gogh had become very popular before he died.
(B) Post Impressionists had the tendency of going insane.
(C) At Van Gogh's time, Paris was the best place in the world to study drawing.
(D) The life of Van Gogh was full of misfortune and tragedy.

請回答第 39 題至第 41 題：

Helicopter parents are a new breed, a never-before seen group of overly involved, overly anxious parents. They 39 like helicopters over their children, monitoring their every move.

Taiwan is home to three million children between the ages of five and fourteen, and over one million preschoolers and high school students. Their parents 40 an estimated population of six million, which averages 1.5 children per couple. Born mostly between 1961 and 1976, these six million parents went through compulsory education or college around the time when martial law was lifted, and were trained to see educational achievement as the 41 for all success. For them, going to the top school means getting the top job.

- 39 (A) crumble (B) hover (C) plunge (D) wrestle
40 (A) make up (B) turn down (C) bring up (D) put down
41 (A) basis (B) demonstration (C) outcome (D) pride

請回答第 42 題至第 45 題：

In America, most people use a firm handshake, accompanied by direct eye contact, as the standard 42. Occasionally, among very good friends, women may briefly hug other women, and men may quickly kiss the cheek of a woman. Males rarely hug one another, however. Occasionally, men may shake hands with the left hand 43 covering the handshake or lightly gripping the forearm. This shows greater warmth and friendship.

Many people in the United States tend to stand just about one arm's 44 away from each other while talking or standing in public. This is called "the comfort zone."

Many American women still enjoy having men open doors for them, help them get seated, and give up their seats in public transportation. 45 increasing emphasis on equality between the sexes, however, there are some women who object to this type of behavior.

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|-----------------|-------------|-------------|--------------|
| 42 (A) behavior | (B) living | (C) policy | (D) greeting |
| 43 (A) either | (B) whether | (C) neither | (D) rather |
| 44 (A) width | (B) length | (C) range | (D) distance |
| 45 (A) While | (B) Because | (C) With | (D) By |

請回答第 46 題至第 50 題：

I think that being adopted is a lot like being left-handed. You just don't notice it unless someone else points it out. I was constantly hearing the comment, "Jason's not really your brother, is he?" Not being the particularly shy and reclusive type, I would oftentimes meet a comment like that with raised eyebrows, and a "No, Jason comes from Mars, and I was born right here on the planet Earth." My brother, Jason, and I were both adopted. Jason was born in Michigan and I, in Korea. Together with my parents we made a family. I can't say that I am really offended when people see our family together and inquire about it. Education has done a lot to promote the idea that families are made in many ways. Still, there are times when I wish that it were not so obvious that we are different.

It wasn't until I was in my teens that I started to realize that I came from another country, another culture, and that given different circumstances, my life would be completely different. I felt different for the first time. I felt unsure about who I was and had a hard time resolving that. At first I denied my heritage; I wanted to be like everyone else. Fortunately for me, I have the most wonderful parents in the world! They stood by me and when I finally was ready to explore my feelings and needs, they were there to guide and share with me. From one extreme, I went to the other, and immersed myself in learning about my Korean heritage and the history of my birth-country. Slowly I moved towards the middle ground, and am now happily at peace with who I am. I want to say, however, that having a supportive and loving family was essential in reaching the place that I now am.

- 46 Which of the following is true of the author?
- (A) She is a left-hander.
 (B) She doesn't like to meet people.
 (C) She grew up in a multicultural family.
 (D) She felt insulted when people commented on her family.
- 47 Why was the author constantly hearing the comment, "Jason's not your brother, is he?"
- (A) Because she and Jason look apparently different.
 (B) Because she and Jason have very different interests.
 (C) Because she and Jason have very different personalities.
 (D) Because Jason comes from Mars and she was born on Earth.
- 48 Right after the author came to realize she was from Korea, how did she feel?
- (A) She felt special rather than different.
 (B) She wanted to go back to her birth-country.
 (C) She liked herself for who she was.
 (D) She had difficulty facing the reality.
- 49 Which of the following best describes the author's current attitude towards her special family background?
- (A) Unsure.
 (B) Angry.
 (C) Peaceful.
 (D) Embarrassed.
- 50 What can be inferred from the passage?
- (A) The author's parents play a vital role to help her accept the truth.
 (B) The author has always wanted to know more about her native culture.
 (C) The author probably thinks that multicultural adoption is not a good idea.
 (D) The author is ashamed of her family background.