

106年公務、關務人員升官等考試、106年交通 事業鐵路、公路、港務人員升資考試試題

等 級：佐級晉員級

類科(別)：各類別—公路、港務

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。

- 1 依司法院大法官解釋之意旨，對集會自由之限制，下列何者違憲？
(A)集會遊行不得在總統府及其週邊範圍舉行
(B)同一時間、場所、路線已有他人申請並經許可者，不得舉行其他集會
(C)因事起倉促而須立即舉行之集會，應事先提出申請
(D)室外集會遊行，原則上應向主管機關申請許可
- 2 根據司法院釋字第 708 號解釋「受驅逐出國外國人之收容案」，下列敘述何者錯誤？
(A)外國人受驅逐前由入出國及移民署（現為內政部移民署）為暫時收容之處分，未由法院為之，乃屬違反憲法第 8 條第 1 項保障人身自由之意旨
(B)對於暫時收容處分，未賦予受暫時收容之外國人即時之司法救濟，與憲法第 8 條第 1 項正當法律程序有違
(C)對外國人暫時收容期間不宜過長，避免過度干預受收容人之人身自由
(D)逾越暫時收容期間之收容部分，由入出國及移民署（現為內政部移民署）逕為處分，非由法院審查決定，牴觸憲法規定保障人身自由之意旨
- 3 依憲法及其相關法律之規定，關於監察院職權之敘述，下列何者正確？
(A)監察院為對考試院人員行使彈劾權，得向考試院及其各部會調閱各種有關文件
(B)監察院對於司法院及其所屬各級機關之工作及設施，得提出糾正案，以促其注意改善
(C)對於公務人員之彈劾案，應向該公務人員之主管長官或其上級長官提出
(D)對於公務人員之糾舉案，應向主管公務員懲戒之機關提出
- 4 依司法院釋字第 175 號解釋之見解，司法院就其所掌有關司法機關之組織及司法權行使之事項，如何向立法院提出法律案？
(A)得自行向立法院提出
(B)應委請行政院代為提出
(C)報請總統諮商立法院提出
(D)應委請立法委員以立法委員名義提出
- 5 本於權力分立之要求，下列敘述何者錯誤？
(A)議會內部議事活動不得由司法機關加以判斷
(B)司法應尊重行政權之政治判斷
(C)司法應尊重地方自治團體合法性判斷
(D)司法應受環評審查結論之拘束
- 6 依憲法規定及司法院大法官解釋意旨，下列有關對立法委員監督方式之敘述，何者錯誤？
(A)任何選民對於所有立法委員皆可經由罷免程序追究其政治責任
(B)立法委員不得為監察院彈劾的對象
(C)立法院對於違反紀律之立法委員，得交付立法院紀律委員會進行懲戒案之審議
(D)依公職人員選舉罷免法之意旨，立法委員任期屆滿應即改選
- 7 依憲法之規定，立法院遇有下列何種情事，得召開臨時會？
(A)總統之咨請或立法委員四分之一以上之請求
(B)立法院院長之咨請或立法委員四分之一以上之請求
(C)行政院院長之咨請或立法委員四分之一以上之請求
(D)公民投票同意通過或立法委員四分之一以上之請求
- 8 依憲法增修條文規定，關於立法委員之逮捕、拘禁或追訴之敘述，下列何者正確？
(A)除現行犯外，任期中一律不得逮捕或拘禁
(B)除現行犯外，任期中不受刑事追訴
(C)除現行犯外，會期中須經立法院許可，始得逮捕或拘禁
(D)除現行犯外，會期中不得逮捕，但得受刑事上之追訴
- 9 依司法院大法官解釋，有關我國總統之國家機密特權之敘述，下列何者錯誤？
(A)總統有權核定國家機密
(B)就有關國家安全、國防及外交之資訊，總統有決定不予以公開之權力
(C)在訴訟程序進行中，總統不得拒絕提交相關證物給法院
(D)總統於刑事訴訟程序，就國家機密事項享有拒絕證言權

- 10 關於總統涉及國家安全之職權，下列敘述何者錯誤？
(A)總統得設國家安全會議，作為決定國家安全有關之大政方針之諮詢機關
(B)總統關於國家安全之職權範圍，為國防、外交、兩岸關係及國家重大變故之相關事項
(C)國家安全會議於組織上隸屬於國家安全局，並受其指揮、監督
(D)國家安全會議及國家安全局均應受立法院之監督
- 11 依司法院大法官解釋意旨，下列何者係屬應受絕對保障之自由？
(A)集會自由 (B)宗教行為自由 (C)思想自由 (D)言論自由
- 12 A 教會發行之宗教刊物，其內容對同性戀之現象有所評論，且涉及對特定同志運動領導者之人身攻擊，下列敘述何者正確？
(A)此為 A 教會之言論自由，無論對他人言行為任何評論，皆不得加以限制
(B)此為 A 教會之內在信仰自由，故不得加以限制
(C)此為 A 教會之宗教行為自由，因與內在信仰自由有密切關聯，故不得加以限制
(D)此為 A 教會之言論自由，任何國家機關不得對 A 教會發行之宗教刊物為事前審查
- 13 依司法院釋字第 645 號解釋，下列對於複決權之敘述何者錯誤？
(A)依據憲法本文規定，複決權之行使應依據法律
(B)依據憲法增修條文規定，憲法修正案必須經由人民複決
(C)立法院提案公投，有違人民複決權之精神
(D)複決權之行使目前得依據公民投票法為之
- 14 依司法院釋字第 603 號解釋，強制人民按捺指紋的法律規定，係屬違憲。該規定侵害人民何種基本權利？
(A)身體完整性的權利 (B)資訊隱私權 (C)人身自由 (D)言論自由
- 15 下列何者非屬立法院全院委員會審查之事項？
(A)追認總統發布之緊急命令 (B)行政院移請覆議案
(C)對行政院院長提出之不信任案 (D)法律案
- 16 依性別工作平等法之規定，性騷擾事件之損害賠償請求權，自請求權人知有損害及賠償義務人時起，幾年間不行使而消滅？
(A)1 年 (B)2 年 (C)5 年 (D)10 年
- 17 依勞工保險條例之規定，職業災害保險費率分為那二種？
(A)行業別災害費率及上、下班災害費率 (B)公私部門別災害費率及區域別災害費率
(C)僱用類型別災害費率及上、下班災害費率 (D)公私部門別災害費率及僱用類型別災害費率
- 18 依消費者保護法規定，有關訪問交易之敘述，下列何者正確？
(A)若消費者係自行前往營業處所，原則上仍是訪問交易
(B)訪問交易之規範目的，在於企業經營者之突襲性來訪，有侵害消費者隱私權之虞
(C)消費者因檢查之必要，致其收受之商品有毀損或滅失者，喪失其契約解除權
(D)企業經營者為訪問交易，應將企業經營者之名稱、代表人、事務所或營業所及電話或電子郵件等消費者得迅速有效聯絡之通訊資料告知消費者
- 19 依性別工作平等法，有關生理假、產假、陪產假及安胎假之規定，下列敘述何者錯誤？
(A)女性受僱者每月得請生理假 2 日，併入病假計算
(B)雇主於女性受僱者分娩前後，應給予產假 8 星期
(C)雇主於女性受僱者妊娠未滿 2 個月流產者，亦應給予產假 5 日
(D)受僱者於其配偶分娩時，雇主應給予陪產假 5 日，工資照給
- 20 全民健康保險之保險費及滯納金，優先於下列何項權利？
(A)普通債權 (B)抵押權 (C)稅捐 (D)質權
- 21 下列情形，何者不得在未經合法授權之前提下，就著作權人所採取禁止或限制他人擅自進入著作之防盜拷措施，予以破解、破壞或以其他方式規避之？
(A)為電腦或網路進行安全測試者 (B)為訴訟準備之蒐證所需者
(C)為進行加密研究者 (D)為保護個人資料者
- 22 關於人事保證契約，下列敘述何者錯誤？
(A)是要式契約
(B)保證人以僱用人不能依他項方法受賠償者為限，負其責任
(C)未定期間者，自成立之日起有效期間為 5 年
(D)未定期間者，保證人得隨時終止契約
- 23 旅遊營業人所提供之旅遊服務，不具備通常之價值或約定之品質時，旅客不得主張下列何種權利？
(A)瑕疵改善 (B)解除契約 (C)減少費用 (D)損害賠償
- 24 有關最高限額抵押權之讓與要件，下列敘述何者錯誤？
(A)須在原債權確定前始得讓與 (B)不以抵押人之同意為必要
(C)可全部讓與他人 (D)須經登記，始生效力

- 25 有關不動產役權之敘述，下列何者錯誤？
(A)甲於乙之土地上取得地上權而使用該土地，則甲可為該土地設定不動產役權，且嗣後甲之地上權消滅，該不動產役權亦並不因而消滅
(B)甲就自己所有之建築物及基地，如擬以其一設定抵押權時，為自己建築物之利益，得就其基地使用便宜之用，設定自己不動產役權
(C)不動產役權因時效而取得者，以繼續並表現者為限
(D)不動產役權，亦得就自己之不動產設定之
- 26 依民法租賃契約之規定，下列敘述何者正確？
(A)不動產租約均應以書面為必要
(B)租期最長不得逾 15 年
(C)定期租賃契約期限屆滿後，承租人繼續使用租賃物出租人亦不反對，視為以不定期限繼續契約
(D)租用基地建築房屋之租約，其期限不得低於 20 年
- 27 地方法規經地方立法機關通過後，行政機關認為窒礙難行，而可提請覆議者，屬下列何種法規？
(A)自治條例 (B)自律規則 (C)自治規則 (D)委辦規則
- 28 依地方制度法之規定，下級政府或機關間就其得全權處理之業務，依法完成法定效力後，陳報上級政府或主管機關知悉，屬下列何者？
(A)報告 (B)陳悉 (C)陳報 (D)備查
- 29 下列何項規定並未被司法院大法官宣告違反男女平等原則？
(A)通姦罪為告訴乃論
(B)妻以夫之住所為住所
(C)如不能證明為妻之特有或原有財產，所有權歸屬於夫
(D)父母對未成年子女權利之行使意思不一致時，由夫行使之
- 30 性別工作平等法中有關性騷擾防治之規定，下列敘述何者錯誤？
(A)為防治性騷擾行為之發生，僱用受僱者 30 人以上之雇主，應訂定性騷擾防治措施、申訴及懲戒辦法
(B)僱用受僱者 30 人以上之雇主所訂定之性騷擾防治措施，因屬內部規定，故不需在工作場所公開揭示
(C)雇主於知悉性騷擾情形時，應採取立即有效之糾正及補救措施
(D)性騷擾防治措施、申訴及懲戒辦法之相關準則，由勞動部定之
- 31 The mother makes a lot of _____ in order to raise up her children.
(A)occasions (B)sacrifices (C)glances (D)versions
- 32 Nowadays online shopping is very common and there are a _____ of products to choose from.
(A)pattern (B)mixture (C)thread (D)variety
- 33 Some researchers have proved a strong _____ between global warming and the greenhouse effect.
(A)fraction (B)equivalence (C)balance (D)association
- 34 When Google founders began their quest for the perfect search engine, they had a _____ goal – to make all the information available online for free.
(A)lefty (B)leafy (C)lofty (D)leaky
- 35 We had a heavy rain in the morning. The puddle of water _____ in the sun in the afternoon.
(A)evolved (B)evaluated (C)evaporated (D)evacuated
- 36 The investigators said that at least five foreign suspects could be _____ in operations that saw over NT\$80 million worth of cash stolen from the ATMs.
(A)evolved (B)involved (C)revolved (D)dissolved
- 37 Tokyo, the _____ of Japan, has a convenient public transportation system.
(A)cavity (B)captain (C)capital (D)capsule
- 38 Did you _____ to leave your keys at the front desk?
(A)sentence (B)scatter (C)forget (D)negotiate
- 39 Working in that fast food restaurant is just her _____ job. She will go abroad to study soon.
(A)fleet (B)excessive (C)immediate (D)temporary
- 40 Mike had to _____ the floor because his little brother just dropped a glass of water on the floor and got it all wet.
(A)climb (B)label (C)mop (D)renew

依下文回答第 41 題至第 45 題

About 110 million years ago, mammals had diverged into two distinct groups, the placental mammals and the marsupial mammals. These groups evolved in two increasingly different directions with great divergence in their 41 approaches.

Placental mammals 42 well-developed young. Since placental mammals develop inside their mother's womb for an extended period of time, their young are born quite alert and are often able to move about within just a few hours of birth. Marsupial mammals' young, 43, are less-developed at birth and must crawl up the mother's abdomen to the safety of her pouch. 44 inside the pouch, they continue their development until ready to move about on their own.

Comparison reveals that, although placental and marsupial mammals formed separate lineages, they still evolved similar 45 to the environments. In some cases, placental and marsupial mammals even physically resemble each other. The pouched marsupial mouse and the harvest mouse, the marsupial mole and the common mole, and the marsupial wombat and marmot are some examples.

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|----|-----------------|-----------------|-------------------|-------------------|
| 41 | (A)generative | (B)reproductive | (C)transformative | (D)affirmative |
| 42 | (A)bring about | (B)fend for | (C)take care of | (D)give birth to |
| 43 | (A)instead | (B)in addition | (C)in contrast | (D)alternatively |
| 44 | (A)Once | (B)Then | (C)Since | (D)Because |
| 45 | (A)interactions | (B)adaptations | (C)applications | (D)considerations |

依下文回答第 46 題至第 50 題

The Dublin Regulation is a European Union (EU) law that determines as quickly as possible the EU Member State responsible for examining an asylum application. The principle is that only one Member state is responsible for the application for international protection, which prevents the submission of multiple applications by one person and avoids refugees from being sent from one country to another. The country to which refugees first apply for asylum has to either accept or reject asylum, and refugees cannot restart the process in another country. Usually, the responsible Member State is the state through which the asylum seeker first enters the EU.

When an asylum seeker has illegally crossed the border into a Member State, the Member State has the responsibility to examine the asylum application. This responsibility ceases 12 months after the date on which the border has been illegally crossed. If an asylum seeker has a family member who is legally living in a Member State, the Member State is responsible for examining the application. When the asylum seeker possesses a valid visa or residence document, the Member State that issued it is responsible for examining the application. If one has more than one valid visa or residence document, the Member State that granted the longest period of residency has to be responsible for the asylum claim.

The protection of refugees has been an international responsibility since the early 1950s with the introduction of the Geneva Convention. According to Refugee Convention in 1951, any person who is under "fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion" has a right to be granted international protection. It was not until the 1980s and 1990s that refugee issues were addressed within the EU. In 1990, the Dublin Convention was established; in 2003 it grew into the Dublin II Regulation and then developed into the Dublin III Regulation in 2013.

In April 2015, five boats carrying about 2,000 migrants to Europe sank in the Mediterranean Sea, which claimed 1,200 lives. This tragedy resulted in the wide use of the term "European migrant crisis." Under the Dublin Regulation, if one who has filed for asylum in an EU country illegally crosses borders to another country, they shall be returned to the former. In June 2015, Hungary was so overburdened by asylum applications that it refused to receive back the applicants who later crossed to another EU country. In August 2015, Germany, having been complaining the Dublin Regulation is failing, quietly stopped to enforce the regulation and processed applications from Syrians even if they have made their way through other EU countries.

- 46 What is this passage mainly about?
- | | |
|--|--|
| (A) Serious migrant crisis. | (B) The Dublin Regulation. |
| (C) International protection for refugees. | (D) The steps of the asylum application procedure. |
- 47 Which is NOT a criterion to decide the country responsible for an asylum application?
- | | |
|--|---|
| (A) Whether one has financial support. | (B) Whether one possesses a valid EU visa. |
| (C) Whether it is the first EU country one enters. | (D) Whether one has a family member in an EU country. |
- 48 How did Germany deal with Syrian refugees in August 2015?
- | | |
|--|--|
| (A) They stuck to the Dublin Regulation. | (B) They directly processed their applications. |
| (C) They sent them back to the former countries. | (D) They asked other countries to accept the refugees. |
- 49 According to the passage, which of the following statements is correct?
- | | |
|--|--|
| (A) Refugees can submit only one asylum application. | (B) The EU started to discuss refugee issues in the 1950s. |
| (C) In 2015, about 2000 refugees died when they were sent back to Hungary. | (D) Refugees that have been rejected can restart their applications 12 months later. |
- 50 Which of the following is NOT mentioned in the passage?
- | | |
|---|--|
| (A) Brutal treatments of migrants in shelters. | (B) The development of the Dublin Regulation. |
| (C) Hungary's attitude toward applicants in 2015. | (D) The definition of a refugee by Refugee Convention. |