

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：薦任、員級晉高員級

類科(別)：各類科—公務、各類別—鐵路、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 下列何機關之法律提案權係經由司法院大法官解釋而確認者？
(A)考試院 (B)行政院 (C)監察院 (D)總統
- 2 依憲法增修條文之規定，司法院所提出之年度司法概算，行政院應如何處理？
(A)得加註意見後刪減，編入中央政府總預算案 (B)得刪減後加註意見，編入中央政府總預算案
(C)不得增加，可刪減後編入中央政府總預算案 (D)不得刪減，但得加註意見編入中央政府總預算案
- 3 依司法院大法官解釋意旨，下列何者無向立法院報告並備質詢之義務？
(A)行政院大陸委員會主任委員 (B)國家通訊傳播委員會主任委員
(C)中央選舉委員會主任委員 (D)參謀總長
- 4 有關中華民國總統府及國家安全會議組織之敘述，下列何者錯誤？
(A)總統府秘書長得作為聲請人，向司法院大法官聲請解釋憲法
(B)總統為決定國家安全有關大政方針，得設國家安全會議
(C)國家安全會議以總統為主席，並置秘書長一人，承總統之命，依據國家安全會議之決議，處理會務
(D)國家安全會議之固定出席成員除副總統、行政院院長、副院長及與國家安全有關之部會首長外，亦包括內政部、財政部及經濟部部長
- 5 依公職人員選舉罷免法規定，下列何者之被選舉權受有限制？
(A)退役軍人 (B)受緩刑宣告者 (C)軍事學校學生 (D)替代役服役完畢之役男
- 6 國家賠償之訴訟，受損害人原則上應向何機關提起損害賠償之訴？
(A)普通法院 (B)行政法院 (C)賠償義務機關 (D)國家賠償委員會
- 7 憲法增修條文第 4 條第 1 項及第 2 項規定單一選區兩票制，依政黨名單投票所採比例代表制選舉並設有百分之五之席次分配門檻。對此相關規定，下列敘述何者錯誤？
(A)此一混合設計及其席次分配，牴觸國民主權原則
(B)百分之五之政黨門檻規定部分，有選票不等值之現象
(C)有關政黨門檻規定部分，並未變動選舉權及平等權之核心內涵
(D)有關政黨門檻規定部分，未損及民主共和國基本原則之實現
- 8 下列敘述何者與財產權之保障無關？
(A)侵害商標權者處以刑罰 (B)土地徵收之要件與補償 (C)營利事業所得稅之課徵 (D)子女提起婚生否認之訴
- 9 下列何者屬於憲法第 22 條所導引出來之基本人權？
(A)隱私權 (B)平等權 (C)財產權 (D)居住自由權
- 10 兒童及少年福利與權益保障法第 30 條規定：「疑似發展遲緩、發展遲緩或身心障礙兒童及少年之父母或監護人，得申請警政主管機關建立指紋資料。前項資料，除作為失蹤協尋外，不得作為其他用途之使用。」下列敘述何者錯誤？
(A)指紋乃重要之個人資訊，個人對其指紋資訊之自主控制，受資訊隱私權之保障
(B)依司法院大法官解釋，國家不得強制錄存人民指紋，否則即牴觸憲法保障人民對於其指紋資訊之自主控制權
(C)政府機關若蒐集人民個人資料，應配合當代科技發展，運用足以確保資訊正確及安全之方式為之，並對所蒐集之資料檔案採取組織上與程序上必要之防護措施，方符憲法保障人民資訊隱私權之本旨
(D)警政機關須經父母或監護人申請，方得建立發展遲緩或身心障礙兒童及少年之指紋資料，除供失蹤協尋外，不得為其他用途之使用
- 11 依司法院大法官解釋意旨及現行相關規定，有關人民結社自由之敘述，下列何者錯誤？
(A)結社自由旨在保障人民組成特定團體並參與其活動之自由
(B)團體名稱之選定受到結社自由之保障
(C)法律對團體名稱選用之限制，須符合比例原則
(D)法律得禁止教育事業技工、工友組成工會

- 12 依司法院大法官解釋，下列何者違反憲法第 16 條保障之訴訟權？
(A)刑事訴訟法第 321 條規定對配偶不得提起自訴
(B)行政訴訟法第 73 條規定寄存送達，於依法送達完畢時，即生送達效力
(C)稅捐稽徵法第 19 條第 3 項規定，對公同共有人中之一人為送達者，其效力及於全體
(D)公職人員選舉罷免法第 127 條規定，選舉訴訟以二審終結，且不得提起再審之訴
- 13 依照目前我國之憲政制度，人民主張憲法上權利遭受中央或地方機關侵害，但該權利並非憲法所明文列舉者，人民應如何主張其權利之保障範圍？
(A)應先求諸國際人權法上是否有明文之保障規定 (B)應先求諸憲法明文規定得否衍生出該權利保障
(C)應先求諸聯合國人權宣言是否有明文之保障規定 (D)應先求諸我國是否有該權利保障之憲法慣例
- 14 依司法院大法官解釋意旨，下列何者不違反國家之宗教中立及宗教平等原則？
(A)國家對所有宗教均給予獎勵及扶助 (B)國家對所有宗教均不予獎勵及扶助
(C)國家對特定宗教給予獎勵及扶助 (D)國家對特定宗教不予獎勵及扶助
- 15 依司法院大法官解釋之意旨，有關言論自由之敘述，下列何者正確？
(A)言論自由為民主之基石，受憲法絕對保障
(B)言論自由之保障，不因其性質而有所不同
(C)言論自由不保障商業言論，因其具自利性格
(D)言論自由保障意見自由流通，使人民獲得自我實現之機會
- 16 關於地方自治規則的敘述，下列何者錯誤？
(A)僅得依據法律定之 (B)不得牴觸法律
(C)不得牴觸上級自治團體之自治條例 (D)由地方行政機關訂定，並發布或下達
- 17 違反性別工作平等法第 26 條至第 28 條之規定，其損害賠償請求權時效為何？
(A)自受僱者知雇主有性別歧視之行為起，2 年間不行使而消滅，自有該行為時起，逾 10 年者，亦同
(B)自受僱者離職起，2 年間不行使而消滅，自有該行為時起，逾 10 年者，亦同
(C)自受僱者遭遇性騷擾時起，5 年間不行使而消滅
(D)自受僱者遭遇性騷擾時起，1 年間不行使而消滅
- 18 性別工作平等法中，有關救濟及申訴程序之規定，下列何者錯誤？
(A)雇主為處理受僱者之申訴，得建立申訴制度協調處理
(B)受僱者發現雇主有違反性別工作平等法中促進工作平等措施之行為時，得向地方主管機關申訴
(C)地方主管機關應於接獲申訴後 7 日內展開調查，並得依職權對雙方當事人進行協調
(D)雇主若因受僱者提出申訴而予以解僱，可處新臺幣 10 萬元以上 50 萬元以下罰鍰
- 19 派遣公司所派遣之員工到要派公司工作期間，如果遭到要派公司之員工性騷擾，根據我國現行性別工作平等法，下列何者正確？
(A)派遣公司是派遣員工之真正雇主，所以應依同法第 13 條第 2 項在知悉情形後，採取立即有效之糾正及補救措施
(B)要派公司之員工實際性騷擾派遣員工，自應要派公司負監督不周之責任
(C)派遣公司及要派公司都應負法律責任
(D)由派遣員工對要派公司之行為人向法院提起訴訟
- 20 司法院釋字第 42 號解釋略謂：「憲法第 18 條所稱之公職涵義甚廣，凡各級民意代表、中央與地方機關之公務員及其他依法令從事於公務者皆屬之。」係採下列何種解釋方式？
(A)文義解釋 (B)目的解釋 (C)當然解釋 (D)擴張解釋
- 21 根據勞工保險條例第 19 條規定，被保險人年金給付及老年一次金給付之平均月投保薪資的計算，參加保險未滿 5 年者，下列何種計算方式正確？
(A)按加保期間最高 60 個月之月投保薪資予以平均計算 (B)按加保期間最高 20 個月之月投保薪資予以平均計算
(C)按實際投保年資之平均月投保薪資計算 (D)按加保期間最高 10 個月之月投保薪資予以平均計算
- 22 下列關於法律之敘述，何者錯誤？
(A)依法律形式，法律可分為成文法與不成文法 (B)依法律位階，法律可分為固有法與繼受法
(C)依法律適用之效力，法律可分為強行法與任意法 (D)依法律規範內容，法律可分為實體法與程序法
- 23 依勞工保險條例之規定，受領遺屬年金給付及遺屬津貼之順序為何？
(A)一、子女。二、配偶及父母。三、祖父母。四、孫子女。五、兄弟、姊妹
(B)一、子女。二、配偶。三、父母及祖父母。四、孫子女。五、兄弟、姊妹
(C)一、配偶。二、子女。三、父母。四、祖父母及孫子女。五、兄弟、姊妹
(D)一、配偶及子女。二、父母。三、祖父母。四、孫子女。五、兄弟、姊妹
- 24 根據全民健康保險法第 20 條規定，雇主或自營業主應以下列何項為其投保金額？
(A)薪資所得 (B)營利所得 (C)執行業務所得 (D)獎金

- 25 投保單位申報被保險人投保薪資不實者，依勞工保險條例之規定，應如何處理？
(A)由保險人通知投保單位請其按照同一行業相當等級之投保薪資額進行調整
(B)由保險人通知當地勞工主管機關按照同一行業相當等級之投保薪資額進行調整
(C)由保險人按照同一行業相當等級之投保薪資額逕行調整通知投保單位
(D)由保險人通知被保險人依其實際薪資重新調整
- 26 A 股份有限公司採募集設立，設立時所發行之股份共 100 萬股。下列關於 A 公司設立之敘述，何者錯誤？
(A)募集設立時即得發行特別股
(B)每一發起人應至少認購 1 股
(C)全體發起人所認股份不得少於 25 萬股
(D)若公司無法成立，公司設立產生之費用，由全體發起人及認股人負連帶責任
- 27 下列有關製版權之敘述，何者錯誤？
(A)製版權是以無著作財產權或著作財產權消滅之文字著述或美術著作為對象
(B)經製版人就文字著述整理印刷，或就美術著作原件以影印、印刷或類似方式重製首次發行，不須依法登記，製版人就其版面，便享有以影印、印刷或類似方式重製之權利
(C)製版人之權利，自製版完成時起算存續 10 年
(D)製版權之讓與或信託，非經登記，不得對抗第三人
- 28 下列有關消費者保護法中定型化契約之敘述，何者錯誤？
(A)定型化契約條款如有疑義時，應為有利於消費者之解釋
(B)定型化契約中之條款違反誠信原則，對消費者顯失公平者，無效
(C)為確保消費者有充分時間考慮締結契約與否，企業經營者與消費者訂立定型化契約前，應有 30 日以内之合理期間，供消費者審閱全部條款內容
(D)定型化契約條款未經記載於定型化契約中者，企業經營者應向消費者明示其內容；明示其內容顯有困難者，應以顯著之方式，公告其內容，使消費者明知或可得而知，該條款即生效
- 29 下列關於股份有限公司發起人之敘述，何者錯誤？
(A)無行為能力人或限制行為能力人，不得為發起人
(B)政府或法人股東一人所組織之股份有限公司，不受股份有限公司應有 2 人以上發起人之限制
(C)股份有限公司股份得自由轉讓，故即便是發起人之股份，亦得隨時轉讓之
(D)公司得為股份有限公司之發起人
- 30 依公司法規定，A 公司股東會作成下列何種決議時，其不同意之股東無法主張股份收買請求權？
(A)A 公司將主要營業或財產讓與其他公司
(B)A 公司私募有價證券
(C)A 公司與 B 公司合併，B 公司為持有 A 公司股份 60% 之控制公司
(D)A 公司進行公司分割，分割後使公司其中一個部門變成 A 公司 100% 持股之子公司
- 31 After days of effort, the search and rescue crew finally _____ the dead bodies of the two fire fighters who had gone missing since the day the massive gas explosion took place.
(A)aggregated (B)excavated (C)infiltrated (D)orientated
- 32 The number of people outside the music hall quickly _____ when word spread that free tickets were being given away.
(A)multiplied (B)vanquished (C)suffocated (D)bypassed
- 33 Luca Lampariello is an Italian _____ who has learned 11 languages so far, including German, Russian, Polish and Mandarin Chinese.
(A)bilingualist (B)monoglot (C)polyglot (D)trilingualist
- 34 Many countries have made efforts to protect and preserve the arts, culture and _____ of indigenous people.
(A)wealth (B)quotation (C)foundation (D)heritage
- 35 The feeling of tension was _____ when two teams were only one point apart during the last 30 seconds of the game.
(A)successive (B)indefinite (C)inferential (D)palpable
- 36 Nina enjoys being alone and she does many things by herself, like doing grocery shopping and going to the movies; she totally agrees that “_____ is good company.”
(A)coincidence (B)fascination (C)solitude (D)vitality
- 37 A man can be rightly called a wage slave if the job society offers him is of no interest to himself but he is _____ to take it by the necessity of earning a living.
(A)conditional (B)compulsory (C)compelled (D)compressed
- 38 Promoted to assistant manager last month, Hillary is preparing to take greater _____ in her company.
(A)instruments (B)occupations (C)responsibilities (D)temptations
- 39 Tina has just got a job offer in Taipei, but she is having trouble finding an _____ apartment since housing prices are so expensive in Taipei City.
(A)affordable (B)excusable (C)interpretable (D)observable
- 40 Jennifer's justification for missing her homework again struck the teacher as being _____, so the teacher was irritated.
(A)uncanny (B)unsound (C)authentic (D)automatic

依下文回答第 41 題至第 45 題

The match of the century was ending in Seoul, Korea. A Google computer program defeated a South Korean master of Go, an ancient board game 41 its complexity, in their last face-off. Go is a two-person game of strategy said to have been created in China more than 3,000 years ago. The players compete for 42 by placing black and white stones on intersections of a board of 19 horizontal and 19 vertical lines.

The game has been the last remaining great 43 for computer programmers attempting to make software more adept than humans at board games since the I.B.M.-developed supercomputer Deep Blue routed the world chess champion Garry Kasparov in 1997. 44, the program AlphaGo's 4-1 victory was a historic stride for computer programmers and artificial intelligence researchers trying to create software that can 45 humans in board games. More than 100 million people had watched the AlphaGo-Lee matches.

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|----|-------------------|------------------|------------------|---------------------|
| 41 | (A) notorious for | (B) renowned for | (C) mistaken for | (D) responsible for |
| 42 | (A) territory | (B) crossroads | (C) threshold | (D) cornerstones |
| 43 | (A) burden | (B) hurdle | (C) haven | (D) resort |
| 44 | (A) However | (B) Instead | (C) Likewise | (D) Accordingly |
| 45 | (A) outwit | (B) gauge | (C) scrutinize | (D) observe |

依下文回答第 46 題至第 50 題

The list of cancer-causing agents is long—and getting longer. Experts already tell us to avoid smoking, exposure to UV radiation from the sun and even air pollution since these factors can increase the risk of cancer. Now the World Health Organization says hot drink like coffee and tea belong on that list too.

The group's International Agency for Research on Cancer (IARC) looked at about 1,000 studies that investigated a connection between high-temperature drinks and cancer. Based on the available evidence, they conclude that drinking very hot beverages—anything above 149°F (65°C), which is significantly cooler than most coffee served in restaurants and cafés—is linked to a higher risk of cancer of the esophagus.

Hot drinks now join a list of 79 other substances—including red meat, emission from frying foods, DDT and the human papillomavirus—that have been deemed by the agency to be a “probable” carcinogen in humans.

Of course, that doesn't mean a steaming cup of coffee every morning will always cause cancer. And in fact, the same report had some good news for coffee lovers. Back in 1991, the last time the IARC looked at coffee, the group deemed it a “possible” carcinogen based on data linking it to bladder cancer. But in light of a large, newer body of research, the group says there isn't adequate evidence to classify coffee itself as a carcinogen—it's the temperature at which it's consumed that seems to tip the balance.

Experts think that people with a condition called Barrett's esophagus, which often precedes esophageal cancer, are especially vulnerable. And while a small risk exists for everyone, Dr. Otis Brawley, chief medical and scientific officer at the American Cancer Society, says smoking and excessive drinking are much bigger threats to health than piping-hot coffee or tea.

Some research has shown that coffee and tea may even prevent cancers in several other parts of the body. More research is needed, but for now, experts are advising only minor changes to people's morning routines.

“It's a pretty simple message,” says Mariana Stern, a professor at the university Southern California and one of the IARC's working-group members. “You can drink your favorite hot drink. Just make sure the temperature is not superhot.”

- 46 What is the main idea of this article?
- | | |
|--|---|
| (A) Very hot drinks are a probable cancer trigger. | (B) A cup of coffee a day will jeopardize your life. |
| (C) IARC's new finding has influenced many people. | (D) Consuming anything under 65°C affects our health. |
- 47 Which of the following is NOT mentioned as a carcinogen?
- | | | | |
|--------------|----------------|-------------------|-------------------|
| (A) Exhaust. | (B) Hot soups. | (C) Insecticides. | (D) UV radiation. |
|--------------|----------------|-------------------|-------------------|
- 48 What does the author mean by saying “it's the temperature at which it's consumed that seems to tip the balance”?
- | | |
|--|---|
| (A) Temperature produces delicious elements. | (B) Temperature is the determinant to cause cancer. |
| (C) Temperature changes the part and parcel of coffee. | (D) Temperature disturbs the healthy balance of coffee. |
- 49 Which of the following statements is true about the findings of IARC?
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| (A) People with Barrett's esophagus should drink hot coffee. |
| (B) Beverages like coffee will cause bladder cancer. |
| (C) Drinking hot coffee might cause esophageal cancer. |
| (D) Piping-hot coffee is more detrimental to health than excessive drinking. |
- 50 What is the author's attitude toward the new research conducted by IARC?
- | | | | |
|--------------|------------------|----------------|-----------------|
| (A) Neutral. | (B) Indifferent. | (C) Sarcastic. | (D) Supportive. |
|--------------|------------------|----------------|-----------------|