

107年公務人員特種考試警察人員、一般警察人員考試及
107年特種考試交通事業鐵路人員考試試題

考試別：鐵路人員考試

等別：員級考試

類科別：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 下列有關立法院職權及其行使方式之敘述，何者錯誤？
(A)副總統缺位時，由立法院補選繼任之副總統
(B)立法院得聽取總統國情報告，但不得對報告內容進行質詢
(C)立法院得對總統、副總統提出彈劾案，由司法院大法官審理之
(D)立法院就緊急命令行使追認權，如認為緊急命令內容不當，得逕予變更
- 2 下列何者非憲法增修條文有關基本國策之規定？
(A)國家對於金融機構之管理，應以公營為原則
(B)國家對於身心障礙者之保險與就醫，應予保障
(C)國家對於社會救助和國民就業等救濟性支出，應優先編列
(D)國家對於僑居國外國民之政治參與，應予保障
- 3 依司法院大法官解釋意旨，下列敘述何者錯誤？
(A)要求電子遊戲場營業場所與醫院應保持一定距離之限制，合憲
(B)限制藥師執業處所應以一處為限之規定，違憲
(C)限制中醫師不得以西藥製劑、成藥為人治病之規定，合憲
(D)限制有特定犯罪前科之人不得從事計程車職業駕駛之規定，違憲
- 4 下列何種規定對於人民基本權利之限制，尚不違反比例原則？
(A)教師行為不檢有損師道，經有關機關查證屬實者，予以解聘或不續聘，終身不得聘任為教師
(B)土壤及地下水污染整治法之規定，適用於該法施行前已發生土壤或地下水污染之污染行為人
(C)依藥師法規定，藥師經登記領照執業者，其執業處所應以一處為限
(D)公職人員與受其監督之機關為承攬之交易行為，處交易行為金額一倍至三倍之罰鍰
- 5 依司法院大法官解釋意旨，有關言論自由之限制，下列規定何者違憲？
(A)化粧品廠商登載廣告，應於事前申請主管機關核准
(B)對於未經核准擅自使用無線電頻率者加以處罰
(C)禁止以廣告物傳布以兒童少年性交易為內容之訊息
(D)菸品容器上應以中文標示菸品之尼古丁及焦油含量
- 6 依司法院大法官解釋意旨，下列關於集會自由之敘述何者錯誤？
(A)集會自由可促進和平意見之表達，與社會進行對話
(B)室內集會不需主管機關事先許可
(C)偶發性集會不需先向主管機關申請許可
(D)緊急性集會仍應向主管機關申請許可
- 7 下列有關創制、複決權之敘述，何者錯誤？
(A)地方自治區域內之人民對於地方自治事項，有依法行使創制、複決之權
(B)憲法雖明定人民有創制、複決權，但我國憲政體制仍以代議民主制度為原則
(C)公民投票制度旨在實現人民之創制、複決權
(D)立法院就重大政策爭議，交由人民以公民投票方式直接決定，牴觸我國代議民主之憲政體制
- 8 依司法院大法官解釋，有關立法委員選舉之敘述，下列何者錯誤？
(A)憲法增修條文關於單一選區兩票制之規定，並不違憲
(B)憲法增修條文關於政黨比例代表席次之規定，並不違憲
(C)憲法增修條文關於百分之五之政黨門檻規定部分，並不違憲
(D)憲法增修條文規定每縣市應選出立法委員至少 1 人，違反票票等值原則
- 9 依司法院釋字第 627 號解釋，下列有關總統刑事豁免權之敘述，何者錯誤？
(A)除非總統涉犯內亂或外患罪之罪，否則於其任職期間，暫不得以總統為犯罪嫌疑人而進行偵查
(B)雖不得開始以總統為犯罪嫌疑人之偵查程序，但仍得依據本解釋之意旨，採取必要之證據保全
(C)總統之刑事豁免權，雖亦及於總統於他人刑事案件為證人之義務，但不得限制總統之人身自由
(D)總統之刑事豁免權，乃針對總統之職位而設，故擔任總統職位之個人，原則上不得拋棄此特權
- 10 有關行政院院長之敘述，下列何者錯誤？
(A)行政院院長綜理院務，並指揮監督所屬機關及人員
(B)行政院院長因事故不能視事時，由秘書長代理其職務
(C)行政院院長得邀請或指定有關人員列席行政院會議
(D)總統發布解散立法院之命令，無須行政院院長之副署

- 11 有關立法院文件調閱權之敘述，下列何者正確？
(A)立法院之文件調閱權與監察院之調查權，二者在功能及目的上均有重疊，可能產生扞格
(B)犯罪偵查中案件之卷證，如無偵查內容外洩，或妨礙偵查之疑慮，立法院自得調閱之
(C)立法院經院會決議得調閱文件原本，經委員會之決議得調閱文件影本
(D)立法院得經院會或委員會之決議，要求有關機關就議案涉及事項提供參考資料
- 12 下列有關人民聲請司法院大法官解釋憲法之敘述，何者錯誤？
(A)就人民聲請解釋之案件作成違憲宣告解釋公布前，原聲請人以外之人，以同一法令牴觸憲法聲請解釋者，雖未合併辦理，仍為該解釋效力所及
(B)人民原則上必須用盡訴訟救濟程序，始得聲請大法官解釋
(C)人民聲請大法官解釋時，大法官審查之客體不及於確定終局裁判適用法律、命令所表示之見解
(D)司法院就人民聲請解釋憲法，宣告法律違憲定期失效者，聲請人就聲請釋憲之原因案件即得請求再審或其他救濟
- 13 依司法院大法官解釋，有關公務員懲戒之敘述，下列何者錯誤？
(A)公務員懲戒屬司法權之範圍
(B)公務員懲戒程序，未設上訴救濟，侵害人民訴訟權
(C)公務員懲戒委員會之委員，屬憲法上之法官
(D)公務員懲戒程序，亦有正當法律程序原則之適用
- 14 下列有關審計制度之敘述，何者錯誤？
(A)審計長應就行政院之決算提出審核報告於立法院 (B)審計長由總統提名，經立法院同意任命之
(C)審計人員依法獨立行使其審計職權 (D)審計長應隨執政黨更迭或政策變更而進退
- 15 有關地方自治團體行政機關人員之備詢義務，下列敘述何者錯誤？
(A)地方自治團體行政機關人員，除法律另有規定者外，有接受立法院各種委員會邀請，到會備詢之義務
(B)直轄市議員於議會定期會開會時，得向直轄市政府各一級單位主管及所屬一級機關首長，提出質詢
(C)立法院各種委員會，依憲法第 67 條第 2 項規定，得邀請地方自治團體行政機關有關人員到會備詢
(D)直轄市議會審議總預算定期會之延長會期，不得作為質詢之用
- 16 下列關於特定性工作之敘述，何項正確？
(A)特定性定期契約最長不得逾三年，逾三年者縮短為三年
(B)特定性定期契約期限逾三年者，於屆滿三年後，勞工得終止契約
(C)特定性工作之定期契約屆滿後，雖經另訂新約，惟其前後勞動契約之工作期間超過九十日，前後契約間斷期間未超過三十日者，視為不定期契約
(D)有繼續性但可在特定期間完成之特定性工作，得為定期契約
- 17 我國勞動基準法對於勞動契約終止之敘述，下列何者錯誤？
(A)勞工在第 59 條規定之醫療期間，雇主得終止契約
(B)雇主對於勞工，實施暴行或有重大侮辱之行為者，勞工得不經預告終止契約
(C)契約所訂之工作，對於勞工健康有危害之虞，經通知雇主改善而無效果者，勞工得不經預告終止契約
(D)特定性定期契約期限逾三年者，於屆滿三年後，勞工得終止契約
- 18 下列何者無須列於股東會之開會通知中，得以臨時動議提出？
(A)選任或解任董事 (B)董事之報酬 (C)公司合併 (D)變更章程
- 19 17 歲的甲向商人乙訂購一架空拍機，乙問甲是否已成年，甲拿出其偽造身分證，並回答已成年。於是雙方簽訂 10 萬元購買空拍機的書面契約。下列敘述何者正確？
(A)甲、乙間的買賣契約不成立 (B)甲、乙間的買賣契約不生效力
(C)甲、乙間的買賣契約有效 (D)甲、乙間的買賣契約得撤銷
- 20 關於我國憲法發展的敘述，下列何者正確？
(A)現行憲法由制憲國民大會於民國 34 年 12 月 25 日通過
(B)現行憲法於民國 35 年 12 月 25 日開始施行
(C)現行憲法於民國 36 年因制定公布動員戡亂時期臨時條款被凍結
(D)自民國 80 年起，部分憲法本文被憲法增修條文所取代而暫停適用
- 21 有關地方自治條例，下列敘述何者正確？
(A)直轄市法規就違反地方自治事項之行政業務者，得處最高新臺幣五萬元罰鍰
(B)直轄市法規就違反地方自治事項之行政業務者，得處勒令停工或停止營業之行政罰
(C)自治條例經各該地方立法機關議決後，如規定有罰則時，應報經各該主管機關查照後發布
(D)直轄市法規未定有罰則者，發布後應報中央各該主管機關轉行政院查照
- 22 依現行地方制度法之規定，下列何者有自治立法權？
(A)省 (B)直轄市所屬山地原住民區
(C)縣所屬山地原住民區 (D)鄉所屬山地原住民村
- 23 有關法律適用之順序，下列敘述何者錯誤？
(A)後法優先於前法 (B)特別法優先於普通法
(C)法規命令優先於授權之法律 (D)國際法優先於國內法
- 24 關於行政院對於立法院決議案覆議之敘述，下列何者錯誤？
(A)覆議案由行政院提出，但提出前須經總統之核可
(B)行政院應於立法院決議案送達十日內移請立法院覆議
(C)立法院對於覆議案如逾期末議決者，原決議失效
(D)覆議時，如經全體立法委員二分之一以上決議維持原案，行政院長應即提出辭職

- 25 不能由書面行政處分中得知處分機關，違反下列何種基本原則？
 (A)授權明確性原則 (B)比例原則 (C)信賴保護原則 (D)明確性原則
- 26 乙竊取甲收藏的 P 版畫，數週後將 P 版畫拿至公開的跳蚤市場，以新臺幣（以下同）2000 元賤售給不知情的丙。下列敘述何者正確？
 (A)甲得向乙主張所有物返還請求權 (B)甲得向丙主張所有物返還請求權
 (C)依實務見解，丙未取得 P 版畫之所有權 (D)甲得償還丙 2000 元，向丙請回復 P 版畫
- 27 受輔助宣告之人為下列何種行為時，不須經輔助人之同意？
 (A)兩傘之借貸 (B)擔任法人之負責人 (C)為訴訟行為 (D)擔任連帶保證人
- 28 關於罪刑法定主義之禁止類推適用，下列敘述何者正確？
 (A)禁止刑法條文的擴張解釋 (B)禁止刑法條文的目的解釋
 (C)禁止刑法條文的比附援引 (D)禁止刑法條文的演繹推論
- 29 依地方制度法規定，自治法規須經上級政府核定者，下列關於上級政府核定程序之敘述，何者正確？
 (A)上級政府應於一個月內為核定與否之決定，逾期視為核定，由函報機關逕行公布或發布
 (B)上級政府應於一個月內為核定與否之決定，逾期視為不予核定
 (C)上級政府應於三個月內為核定與否之決定，逾期視為核定，由函報機關逕行公布或發布
 (D)上級政府應於三個月內為核定與否之決定，逾期視為不予核定
- 30 著作財產權不包括下列何項權利？
 (A)公開播送權 (B)公開展示權 (C)公開發表權 (D)改作權
- 31 The number of moviegoers dropped _____ after the negative comments by the film critic appeared in the newspapers.
 (A) generously (B) reliably (C) considerably (D) offensively
- 32 Doing your _____ to find out as much as you can about the company you would like to work for can help you do well at the job interview.
 (A) construction (B) measurement (C) research (D) calculation
- 33 My grandparents live in a very _____ area far from the city. It takes several hours to drive there.
 (A) remote (B) diverse (C) comic (D) formal
- 34 After finishing writing the birthday card, Robert put it in the _____ and mailed it to his best friend in America.
 (A) drawer (B) envelope (C) invitation (D) service
- 35 Taking a _____ amount of sugar is very important for your health.
 (A) brilliant (B) fictional (C) limited (D) sticky

請依下文回答第 36 至 40 題：

With human growing reliance on plastic for packaging and other uses, eight million tons of plastic are dumped in the ocean annually. More than five trillion pieces of plastic have been 36 in the oceans, and the equivalent of one garbage truck of plastic waste is being added to the sea every minute. The pieces of plastic 37 smaller pieces due to UV exposure and wave action. These tiny plastic particles are 38 end up in the food chain. The smallest ones, called nano-plastics, sink deep into the ocean and can end up in plankton. Larger pieces, known as micro-plastics, float in water and are eaten by fish, which then get eaten by “apex predators” higher up the food chain-- including humans. When humans consume the fish, they consume the micro-plastics along with it. Research showed that the fish consuming micro-plastics may 39 internal injuries, malnutrition, reduced hatching rates, or a slow and painful death. Research also showed that European shellfish lovers consume up to 11,000 micro-plastics annually, and that the amount of plastic 40 from seafood will increase as plastic pollution in the ocean gets worse. What research hasn't proven yet is how dangerous this plastic consumption might be.

- 36 (A) accelerating (B) accommodating (C) accomplishing (D) accumulating
 37 (A) arise from (B) break down into (C) consist of (D) keep up with
 38 (A) that (B) how (C) what (D) why
 39 (A) breed (B) engage (C) infect (D) suffer
 40 (A) absorbed (B) emerged (C) moderated (D) removed

請依下文回答第 41 至 45 題：

Women's participation in sports in Afghanistan has gone up in recent years, but there are still many challenges. These include safety problems, social problems, and parents not wanting their daughters to do sports. Even in school, girls don't have many chances to exercise since there are not enough gyms and equipment. One major obstacle to women doing sports is a belief that exercise can be bad for a woman's health. However, some experts on Islam say that exercise is okay for women as long as they follow some rules. The rules include wearing proper clothing and having a female coach. The other major problem is safety. Even though there are policemen standing near where they exercise, many women still say they feel unsafe. One woman who is jogging based on advice from her doctor said that, “The doctor has advised me to exercise but I couldn't find anywhere in my home town to take regular exercise. So I come all the way to the next town and jog, but I still don't feel safe there.” Even though there are many difficulties, the benefits of exercise are worthy of the women's effort. One of the members of the national women's football team said, “Football changed my life and my personality. Football made me a very strong fighter and a strong woman; a woman with passion and goals. I used football as a tool to stand against all the obstacles and problems which I was and am facing as a woman in a male-dominated country like Afghanistan.”

- 41 According to the passage, which of the following beliefs is a key obstacle to women's participation in sports in Afghanistan?
(A) Regular exercise must be done indoors. (B) Exercising can do harm to a woman's health.
(C) Women can only go jogging at night. (D) The police need to stand nearby.
- 42 Which of the following is one of the rules given by experts on Islam for women in Afghanistan when they exercise?
(A) Making sure that they do not spend money. (B) Considering family needs as the most important.
(C) Doing exercise only with their family members. (D) Hiring only women as their coaches.
- 43 Which of the following is true about Afghan women when policemen stand near where they exercise?
(A) They stop exercising. (B) They start to protest. (C) They exercise longer. (D) They feel insecure.
- 44 Which of the following statements is true about a male-dominated country?
(A) Females need not to follow rules in the country. (B) Males make all the decisions in the country.
(C) Both genders make decisions in the country. (D) Females lead while males follow in the country.
- 45 What do schools need to do in order to give girls many chances to exercise?
(A) Girls should stay after school to exercise. (B) Schools need to purchase more equipment.
(C) Parents need to talk to an expert on Islam. (D) Doctors have to advise girls to exercise.

請依下文回答第 46 至 50 題：

War is horrible. It is a crime against humanity and utterly ineffective in resolving any kinds of disputes. But we can't deny that armed conflicts also gave us brilliant inventions. The patent records of the United States, England, and Germany indicate that war is a powerful stimulus to invention.

One of the most famous examples is the sun lamp. In the winter of 1918, half of all children in Berlin were suffering from rickets—a condition whereby bones become soft and deformed. At the time, the exact cause was not known, although it was associated with poverty. Doctor Kurt Huldshinsky decided to conduct an experiment on his patients. He put them under mercury-quartz lamps which emitted ultraviolet light. As the treatment continued, the bones of his patients were getting stronger. In May 1919, when the sun of summer arrived, he had them sit on the terrace in the sun. The results of his experiment, when published, were greeted with great enthusiasm. Children around Germany were brought before the lights. In Dresden, the child welfare services had the city's street lights dismantled and taken to hospitals to be used for treating children. Researchers later found that Vitamin D is necessary to build up the bones with calcium and the production of Vitamin D is triggered by ultraviolet light. The undernourishment brought on by WWI produced the knowledge to cure the ailment.

Another invention that also owed its success to WWI is Daylight Saving Time (DST). The idea of putting the clocks one hour forward in spring and back in autumn was not new when WWI broke out. Benjamin Franklin had suggested it in a letter to *The Journal of Paris* in 1784. Candles were wasted in the evenings of summer because the sun set before human beings went to bed and sunshine was wasted at the beginning of the day because the sun rose while they still slept. Similar proposals were made in New Zealand in 1895 and in the UK in 1909, but without concrete results. It was WWI that secured the change. Faced with acute shortages of coal, the German authorities announced that from April 30, 1916, the clocks should move forward from 23:00 to midnight to give an extra hour of daylight in the evenings. What started in Germany as a means to save fuels quickly spread to other countries. Britain began three weeks later on May 21, 1916. Other European countries followed. On March 19, 1918, the US Congress established several time zones and made DST official from March 31. After the war ended on November 11, 1918, DST was abandoned, but the idea had been planted and it eventually returned.

- 46 Which of the following is the best title for this passage?
(A) Disasters of War (B) War-time Inventions
(C) Technological Research (D) Science and the Natural World
- 47 According to the passage, what will happen during exposure to sunlight?
(A) Vitamin D will be produced. (B) One's bones will become soft.
(C) One's skin will turn dark. (D) The calcium level in the blood will decrease.
- 48 Why did Germany carry out Daylight Saving Time in 1916?
(A) Benjamin Franklin supported the idea.
(B) Other countries had benefited from the idea.
(C) Severe coal shortage had to be tackled.
(D) The government wanted people to be involved in war work.
- 49 What does the word "dismantled" in the second paragraph mean?
(A) To be invented. (B) To be given a signal. (C) To be burned down. (D) To be taken apart.
- 50 Which of the following statements is correct?
(A) Daylight Saving Time was invented by *The Journal of Paris*.
(B) DST did not go into effect in the United States until the WWI was over.
(C) When DST was first practiced, clocks went forward one hour in spring and summer.
(D) The results of Dr. Kurt's experiment were challenged by many researchers.