

# 99年公務人員特種考試警察人員考試及 99年特種考試交通事業鐵路人員考試試題

等 別：四等考試、員級

類 科：警察、鐵路各類科別

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。

- 依據憲法第 111 條規定，中央與地方權限之分配，遇有爭議時，如何解決？  
(A)由立法院解決之 (B)由行政院解決之  
(C)由行政院報請總統解決之 (D)由司法院解決之
- 司法院大法官釋字第 295 號解釋，財政部會計師懲戒覆審委員會對會計師所為懲戒處分之覆審決議，被懲戒人如不服，可提起行政訴訟，旨在維護被懲戒人何項憲法保障之權利？  
(A)應考試權 (B)財產權 (C)訴訟權 (D)名譽權
- 司法院大法官釋字第 382 號解釋，宣告學校對學生所為退學或類此之處分行為，受處分之學生得提起訴願及行政訴訟，主要係保障學生之何種人權？  
(A)受教育權及訴訟權 (B)言論自由權 (C)生存權 (D)參政權
- 審計長如何產生？  
(A)行政院院長提名，經立法院同意任命 (B)總統提名，經立法院同意任命  
(C)監察院院長任命 (D)監察委員互選之
- 依憲法增修條文第 4 條之規定，全國不分區及僑居國外國民之立法委員，以下列那一種方式選舉之？  
(A)依各直轄市、縣市人口比例分配之 (B)依政黨名單投票選舉之  
(C)依國民男女比例分配之 (D)依各直轄市、縣市議會投票選舉之
- 有關司法院院長、副院長與大法官是否適用法官終身職之待遇，下列敘述何者正確？  
(A)司法院除院長與副院長以外，其他大法官不適用法官終身職之待遇  
(B)司法院除院長、副院長與秘書長以外，其他大法官不適用法官終身職之待遇  
(C)司法院大法官除法官轉任者以外，其他大法官不適用法官終身職之待遇  
(D)司法院全體大法官均適用法官終身職之待遇
- 依憲法增修條文之規定，有關立法院對行政院院長提出不信任案的敘述，下列何者正確？  
(A)不信任案提出 72 小時後，應於 48 小時內以無記名投票表決之  
(B)須經全體立法委員三分之一以上的連署，全體立法委員二分之一以上贊成始能通過  
(C)不信任案通過後，行政院院長應辭職並得逕行解散立法院  
(D)不信任案如未獲通過，2 年內不得對行政院院長提不信任案
- 下列行政院之官員中，所謂「不管部部長」的稱呼，指的是下列何者？  
(A)行政院秘書長 (B)行政院副院長 (C)行政院政務委員 (D)行政院主計長
- 依司法院大法官釋字第 514 號解釋，主管機關以職權命令，規定電動玩具業不得容許未滿 18 歲之兒童及少年進入其營業場所，係影響人民何項受憲法保障之權利？  
(A)言論自由 (B)營業自由 (C)人身自由 (D)訴訟權

- 10 中華民國女子無服兵役之義務，係出自下列何者之規定？  
(A)憲法本文 (B)憲法增修條文 (C)兵役法 (D)司法院大法官解釋
- 11 選舉訴訟由下列何者審理？  
(A)公務員懲戒委員會 (B)智慧財產法院  
(C)憲法法庭 (D)依其性質，由行政法院或普通法院審理
- 12 依據憲法增修條文之規定，下列關於教育、科學、文化經費之敘述，何者正確？  
(A)國民教育之經費應優先編列 (B)須達預算總額至少百分之二十  
(C)應保留特別預算編列 (D)立法院對相關預算不能刪減
- 13 依據憲法增修條文之明定，經濟及科學技術發展應與下列何者兼籌並顧？  
(A)國防 (B)社會救助 (C)環境與生態保護 (D)社會保險
- 14 憲法第 152 條規定，人民具有工作能力者，國家應給予下列何者？  
(A)適當之工作機會 (B)適當之職業訓練 (C)適當之工作 (D)適當之創業機會
- 15 依司法院大法官解釋，政府對某一道路範圍內之私有土地均辦理徵收，但對於既成道路之土地，則以公用地役關係為由，以命令規定繼續使用，無庸同時徵收補償之作法，主要係違反下列那一原則，而與憲法之規範不符？  
(A)比例原則 (B)平等原則 (C)明確性原則 (D)信賴保護原則
- 16 下列何者必須以法律定之？  
(A)日常生活用品之定價 (B)公私立小學之學費  
(C)服兵役之役期 (D)火車票價之折扣
- 17 中國清末法令變遷的過程中，主要參考對象為何者？  
(A)歐陸法系的成文法 (B)英美法系的判例法  
(C)中國過去的傳統法律 (D)西亞各國法律
- 18 關於法律生效日期的一般規定見諸下列何者？  
(A)行政院組織法 (B)立法院組織法 (C)中央法規標準法 (D)憲法
- 19 依據中央法規標準法第 18 條之規定，各機關受理人民聲請許可案件而適用法規時，如於處理程序終結前，據以准許之法規有變更者，應適用下列何一原則以決定法規之適用？  
(A)從新從輕原則 (B)從新從優原則 (C)從舊從輕原則 (D)從舊從優原則
- 20 對於某一個法律問題，法律依其內在目的及規範計畫，應規定而未規定。此在法學方法論上稱之為何？  
(A)法律三段論 (B)法律漏洞 (C)法律保留 (D)法律安定性
- 21 為期選舉之公平性，主管機關在劃分公職人員選舉之選舉區時，應特別留意那一項原則的遵守？  
(A)比例原則 (B)信賴保護原則 (C)誠信原則 (D)平等原則
- 22 依據憲法本文以及增修條文之規定，下列何者不得連任？  
(A)總統 (B)監察委員 (C)考試委員 (D)司法院大法官
- 23 下列債之消滅原因中，何者不須任何意思表示？  
(A)提存 (B)抵銷 (C)免除 (D)混同
- 24 關於一般寄託契約之敘述，下列何者錯誤？  
(A)一定是有償契約 (B)性質上為要物契約  
(C)一般寄託契約具有專屬性 (D)一般寄託物之所有權未移轉給受寄人

- 25 下列關於我國刑法上的正當防衛之敘述，何者錯誤？  
(A)係因避免自己或他人生命、身體、自由、財產之緊急危難而出於不得已之行為  
(B)無須考慮法益衡量  
(C)不能對動物之行為主張  
(D)屬性上為阻卻違法事由
- 26 刑法第 27 條第 1 項規定，已著手於犯罪行為之實行，而因己意中止或防止其結果之發生者，應如何處罰？  
(A)不罰 (B)得減輕其刑 (C)得免除其刑 (D)減輕或免除其刑
- 27 關於公司股東會之表決權，下列敘述何者錯誤？  
(A)原則上普通股一股有一表決權  
(B)表決之事項與股東有利害關係者，該股東不得加入表決  
(C)特別股之股東一定無表決權  
(D)公司依法持有自己股份者無表決權
- 28 關於特種買賣中之無條件解約權，下列敘述何者錯誤？  
(A)買受人得於收受商品後 7 日內退回商品或以書面通知企業經營者而為解除契約  
(B)買受人行使無條件解約權，無須說明理由及負擔任何費用  
(C)買受人亦得於收受商品前，以書面通知企業經營者解除買賣契約  
(D)雙方當事人可約定拋棄無條件解約權
- 29 下列那個地點的法院不是家庭暴力防治法規定之有關保護令聲請的管轄法院？  
(A)被害人之住所地 (B)相對人之居所地 (C)家庭暴力發生地 (D)相對人受逕行拘提地
- 30 以下有關勞動基準法所規定工時之敘述，何者正確？  
(A)雇主應置備勞工簽到簿或出勤卡，逐日記載勞工出勤情形。此項簿卡應保存 2 年  
(B)每週工作時數不得超過 40 小時  
(C)每日正常工作時間不得超過 10 小時  
(D)每二週工作總時數不得超過 84 小時
- 31 By visiting international websites, we can have direct \_\_\_\_\_ with the whole world.  
(A) contract (B) access (C) contact (D) admission
- 32 The conference was initially \_\_\_\_\_ to take place on August 8th, but due to the typhoon, it was canceled at the last minute.  
(A) scheduled (B) signaled (C) surveyed (D) schemed
- 33 I think he was just \_\_\_\_\_ me. His compliment on my big success didn't sound sincere.  
(A) assisting (B) blaming (C) engaging (D) flattering
- 34 To \_\_\_\_\_ the risk of heart disease, you should start reducing your daily intake of oil and salt.  
(A) capture (B) hasten (C) lessen (D) reserve
- 35 His parents died when he was very young, so his uncle \_\_\_\_\_ him.  
(A) adapted (B) attached (C) arrested (D) adopted
- 36 He proudly states that having a happy family and obtaining a Ph.D. degree top his list of \_\_\_\_\_.  
(A) accomplishments (B) developments (C) illustrations (D) probations
- 37 If more money is not \_\_\_\_\_, we will have to shut down the factory.  
(A) fulfilling (B) forthcoming (C) propelling (D) enhancing
- 38 I wish I \_\_\_\_\_ that Anne was ill. I would have gone to see her.  
(A) knew (B) would know (C) have known (D) had known
- 39 The passage mainly discusses the plight of \_\_\_\_\_ species.  
(A) endangered (B) endangering (C) is endangered (D) being endangering

When we talk about “communication”, most of us probably think about verbal communication—that is, the words we use when talking. However, there is another important aspect to communication: non-verbal communication, which is communication done by using our bodies, gestures, and tones of voice—simply everything 40 the actual words we use. Actually, non-verbal communication is a rather recent field of study. Originally, scientists called this field kinesics, which is the scientific study of body movements used in communication. Movements 41 gestures, facial expressions, and posture. In addition to these movements, we also communicate with our speech rate and the volume of our speech. Non-verbal communication includes a wide range of actions.

The field of kinesics 42 a great deal to one man: Raymond Birdwhistle. Birdwhistle was a very famous American anthropologist. He predicted that about 70 percent of what is communicated in a conversation is non-verbal. It was Birdwhistle’s belief that the meaning of non-verbal behavior depended on the 43 in which it occurred. Because of this belief, he was very 44 looking at the whole context of non-verbal behavior—how and where certain types of non-verbal behavior appeared, not just the particular behavior alone.

- 40 (A) as well as (B) besides (C) except (D) exclusive  
 41 (A) point out (B) refer to (C) show up (D) boast of  
 42 (A) provides (B) contributes (C) grants (D) owes  
 43 (A) context (B) atmosphere (C) consequence (D) influence  
 44 (A) considerate of (B) concerned with (C) conformed to (D) confined by

45 Ticket Agent: May I help you?

Woman: Yes. I have this ticket for next Saturday’s train to Tainan. \_\_\_\_\_

Ticket Agent: Do you want to go somewhere else?

Woman: No. I’m still going to Tainan, but I need to go today. My sister had her baby early!

- (A) I need to buy a ticket to Taipei. (B) I don’t know if it’s on time or not.  
 (C) I want to know when it will arrive. (D) I need to exchange it.

To toot, to cut the cheese, or to pass gas. These are all funny ways to talk about something that everyone does: Farts! A normal person passes about half a liter of gas a day. That equals about 14 farts per day.

Then where do farts come from? There are several sources of fart gas. We get fart gas from the air we swallow. Gas also goes into our intestines from our blood. In addition, gas is also produced from chemical reactions and bacteria living in our intestines. Nervous people usually have more gas. This is because they swallow more air. Besides, food goes through their digestive systems faster. This means oxygen cannot be absorbed from the food in time. It turns into fart gas.

People’s diet affects the stinkiness of farts. The smell has to do with the sulphur in foods such as eggs, meat, and cauliflower. Beans cause a lot of farts, but these farts aren’t usually really stinky. Beans are not high in sulphur, but the sugar in them produces gas in the intestines.

Finally, people wonder, “Where do farts go when you hold them in?” Well, these farts will not poison you. However, you may get a bad stomachache from the pressure. Farts you hold in are neither released nor absorbed. They will come out sooner or later.

46 What is this passage mainly about?

- (A) The way to reduce farts. (B) Facts to know about farts.  
 (C) How to have a healthy diet. (D) The dangers of holding in farts.

47 Which of the following is NOT a way we call “fart”?

- (A) To cut the cheese. (B) To toot. (C) To pass gas. (D) To empty bowels.

48 Why do nervous people have more farts?

- (A) They eat too many beans. (B) They do not have enough sleep.  
 (C) Their blood pressure is too high. (D) The food they eat is not well digested.

49 According to this passage, which of the following foods is likely to cause the stinkiest farts?

- (A) Beans. (B) Steak. (C) Bread. (D) Pasta.

50 When we hold in a fart, where does it go?

- (A) It is absorbed by the intestines.  
 (B) It is released from the mouth or nose.  
 (C) It is just delayed and will come out later.  
 (D) It goes back to the stomach and helps with digestion.