

等 別：佐級晉員級

類 別：鐵路、公路、港務各類別

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。

- 1 中華民國憲法受下列何者之付託而制定？
(A)孫文 (B)中國國民黨 (C)國民大會代表 (D)全體國民
- 2 依憲法增修條文之規定，有關領土之變更，除中華民國自由地區選舉人之參與外，應向下列何機關提出？
(A)總統府 (B)行政院 (C)立法院 (D)司法院
- 3 依憲法本文規定，下列何者並非我國之基本國策？
(A)保護僑民經濟事業之發展 (B)尊重條約及聯合國憲章
(C)嚴守中立，成為中立國 (D)保衛國家安全，維護世界和平
- 4 依憲法增修條文第 3 條規定，下列何者行政院可移請立法院覆議？
(A)戒嚴案 (B)法律案 (C)大赦案 (D)宣戰案、媾和案
- 5 下列何者不屬於憲法第 23 條所明文規定，得限制人民自由權利之理由？
(A)為防止妨礙他人自由之必要 (B)為避免緊急危難之必要
(C)為維持社會秩序之必要 (D)為增進個人利益之必要
- 6 有關選舉的爭議，我國憲法規定如何解決？
(A)由立法院決定之 (B)聲請司法院解釋之 (C)由法院審判之 (D)由總統協調解決之
- 7 總統、副總統之罷免案，須經全體立法委員至少多少人之提議？
(A)二分之一 (B)三分之一 (C)四分之一 (D)五分之一
- 8 依憲法增修條文規定，立法院對行政院院長所提不信任案，至少須經全體立法委員多少之贊成，始能通過？
(A)五分之一 (B)四分之一 (C)三分之一 (D)二分之一
- 9 下列那一個公務員不是由行政院院長提請總統任命？
(A)行政院副院長 (B)國防部部長 (C)審計長 (D)內政部部長
- 10 依司法院大法官釋字第 435 號解釋，下列有關立法委員言論免責權的敘述，何者正確？
(A)立法委員助理之言論亦適用之
(B)免責範圍僅限於立法委員對行政官員表示之言論
(C)立法委員當選後之所有言論皆受保障
(D)受此特權保障之言論，立法委員即使卸任後亦可主張免責
- 11 憲法學理上所謂的「違憲審查權」，在現行憲法上是由下列何者行使？
(A)立法委員 (B)大法官 (C)監察委員 (D)檢察總長
- 12 依憲法增修條文之規定，總統、副總統均缺位時，由何人代行其職權？
(A)行政院院長 (B)立法院院長 (C)司法院院長 (D)監察院院長
- 13 下列彈劾與糾舉之敘述，何者正確？
(A)彈劾是對違法公務人員為之，糾舉是對失職之公務人員為之
(B)彈劾是對中央級公務人員為之，糾舉是對地方級公務人員為之
(C)彈劾須監察委員九人以上之審查，始得成立；糾舉僅須監察委員三人以上之審查，即可成立
(D)彈劾是對人為之，糾舉是對事件為之
- 14 人民對於訴願決定不服，例如納稅義務人對於財政部訴願審議委員會的決定不服，向管轄高等行政法院提起救濟的手段，是為：
(A)陳情 (B)復查 (C)行政訴訟 (D)請願

- 15 依照憲法之規定，中央與地方有關於權限分配之爭議，應由何者解決之？
(A)總統 (B)行政院 (C)立法院 (D)內政部
- 16 命令之廢止由何機關為之？
(A)最高行政法院 (B)原發布機關 (C)檢察機關 (D)最高法院
- 17 下列關於法院作成裁定之敘述，何者是錯誤的？
(A)裁定，原則是針對程序，而非針對實體上之事項
(B)對於裁定不服者，原則上得提起抗告
(C)裁定應經言詞辯論為之
(D)民事法院保全程序中之決定，均為裁定
- 18 相同事件，應給予相同對待；不同事件，應給予不同對待，此乃說明下列那一項行政法原則？
(A)平等原則 (B)誠信原則 (C)比例原則 (D)裁量原則
- 19 下列何者不屬司法院大法官之職權？
(A)宣告命令違憲
(B)組成憲法法庭，審理立法院所提出總統、副總統罷免案
(C)組成憲法法庭，審理政黨違憲之解散事項
(D)統一解釋法律及命令
- 20 有關拋棄繼承之敘述，下列何者正確？
(A)拋棄繼承應以書面向法院為之 (B)拋棄繼承得僅針對部分應繼分做拋棄
(C)拋棄繼承得僅針對被繼承人之債務做拋棄 (D)繼承人有數人時，應共同拋棄繼承
- 21 下列何者不屬於非因法律行為而取得不動產物權之事由？
(A)物權契約 (B)繼承 (C)公用徵收 (D)法院判決
- 22 刑法上具有完全責任能力之最低年齡為幾歲？
(A) 17 (B) 18 (C) 20 (D) 22
- 23 考量是否構成合理使用著作之判斷標準，下列何者錯誤？
(A)利用之目的 (B)所利用之質量及其在整個著作所占之比例
(C)著作之價格 (D)著作之性質
- 24 有關有限公司之敘述，下列何者錯誤？
(A)有限公司股東無論出資多寡，每人一表決權，除非公司章程另有規定
(B)有限公司之董事可以由非股東之人當選之
(C)有限公司之董事可以為與公司有競爭關係之行為，只要向全體股東說明其行為之重要內容，並經三分之二以上股東同意
(D)有限公司變更章程時，應得全體股東之同意
- 25 關於股份有限公司監察人之敘述，何者錯誤？
(A)監察人有權列席公司董事會並陳述意見
(B)監察人亦為公司之負責人，對公司負有忠實義務與善良管理人之注意義務
(C)公司之總稽核可以同時兼任監察人，蓋兩者功能相同，可以節省公司成本支出
(D)監察人於董事會不召集股東會時，得為公司之利益召集股東會
- 26 甲未得乙之同意，將乙之文章放置於自己的網站，供公眾瀏覽下載，且未標示乙為著作人。甲之行為未涉及乙之下列何種權利？
(A)姓名表示權 (B)重製權 (C)公開傳輸權 (D)公開展示權
- 27 勞工甲時薪平均為新臺幣 150 元，於星期一（工作日）加班 2 小時，請問該日共可獲得多少加班費？
(A)新臺幣 600 元 (B)新臺幣 200 元 (C)新臺幣 400 元 (D)新臺幣 1200 元

- 28 對於現行勞動基準法規定延長工作時間的敘述，下列何者錯誤？
(A) 1 個月不得超過 46 小時
(B) 與正常工作時間合計 1 日不得超過 12 小時
(C) 延長工作時間時，必須先得到工會或勞資會議之同意
(D) 延長工作時間之工資，一律按平日每小時工資額加給二分之一以上
- 29 關於促進工作平等的措施，以下何者錯誤？
(A) 女性受僱者因生理日致工作有困難者，每月得請生理假 1 日，其請假日數併入病假計算
(B) 妊娠未滿 2 個月流產者，應使其停止工作，給予產假 5 日
(C) 受僱者任職滿 6 個月後，於每一子女滿 3 歲前，得申請育嬰留職停薪
(D) 子女未滿 1 歲須受僱者親自哺乳者，除規定之休息時間外，雇主應每日另給哺乳時間 2 次，每次以 30 分鐘為度
- 30 以下何者並「非」家庭暴力防治法所規定的民事保護令種類？
(A) 通常保護令 (B) 暫時保護令 (C) 緊急保護令 (D) 非常保護令
- 31 The kids ate their lunch _____ and rushed out to play soccer.
(A) on occasion (B) by and large (C) little by little (D) in no time
- 32 A democratic country grants basic human rights and freedoms to the people she _____.
(A) governs (B) invades (C) overlooks (D) enforces
- 33 Paul has been unemployed for a month. His _____ for a job has never paid off.
(A) arrest (B) charge (C) respect (D) search
- 34 Many developing countries have debts that are too _____ for them to handle.
(A) huge (B) minimal (C) tiny (D) flourishing
- 35 The _____ amount you may withdraw per day has been lowered to \$30,000. If you need more money, you will have to come back tomorrow.
(A) negligible (B) maximum (C) plentiful (D) considerable
- 36 Nowadays few employees are _____ to their company. If another company offers higher salaries, they will quit the current job soon.
(A) sensitive (B) loyal (C) liberal (D) stable
- 37 Do you know how to _____ the coffee stain? I want to make my shirt clean.
(A) recover (B) rub (C) release (D) remove
- 38 You have to work harder; _____ you won't be able to keep your job.
(A) whereby (B) likewise (C) whereas (D) otherwise

請依下文回答第 39~41 題

I wasn't born and raised to be a Kyoto geisha. I wasn't 39 born in Kyoto. I am a fisherman's daughter from a little town called Yoroido on the Sea of Japan. In all my life I have never told more than a handful of people anything at all about Yoroido, or about the house 40 I grew up, or about my father and mother, or my older sister. I certainly have not told anybody about how I became a geisha or 41 it was like to be one. Most people would rather carry on their fantasies that my mother and grandmother were geishas and that I began my training in dance when I weaned from the breast, and so on.

- 39 (A) still (B) even (C) ever (D) been
- 40 (A) which (B) in which (C) of which (D) that
- 41 (A) how (B) that (C) which (D) what
- 42 A: _____ Your drums are driving me crazy.
B: Sorry, I wasn't aware of the noise.
A: That's OK.
(A) Could you foot my bill? (B) Could you keep me posted?
(C) Could you knock it off? (D) Could you eat your words?

- 43 Man: Would you tell me where the train station is?
Woman: _____
Man: It's OK. Thanks anyway.
(A) Go straight, and turn right at the second traffic light.
(B) It's within walking distance.
(C) The train just left. You have to wait for another fifty minutes.
(D) Sorry, I am a tourist, too.
- 44 A: Do you know what time it is?
B: It's ten to five.
A: _____ I'm supposed to pick up my kids at 5:00.
(A) Count on me. (B) It is worthwhile. (C) Oh, I'd better go. (D) It is never too late.
- 45 Alex: I wonder what's keeping Steve?
Winnie: Oh, I forgot to tell you. He is not going to show up. He called just before we left.
Alex: What kind of excuse did he give you this time?
Winnie: Something about his car broken again.
Alex: _____ He doesn't even have a car. He commutes everywhere by bike. The man is totally unreliable.
(A) I believe his story. (B) We should take pity on him.
(C) What nonsense! (D) Honesty is the best policy.

請依下文回答第 46~50 題

Many US bird populations are in decline, some of which are even on the brink of extinction. Of the 800 species of birds in the United States, 67 are listed as endangered or threatened; another 184 are listed as "species of conservation concern" because they have small distribution, are facing high threats or have a declining population. Hawaiian birds and ocean birds appear most at risk. More than one-third of all US bird species are in Hawaii. However, 71 Hawaiian species have gone extinct since A.D. 300 and about 10 species have not been seen in the past 40 years. The declines of US bird populations can be traced to a variety of factors, including agriculture, climate change, unplanned urban development, and overfishing. In the grasslands, for example, intensified agricultural practices have hurt bird populations. Grassland cannot support many birds if it is overused or burned too frequently. Besides, public lands and parks are mowed too frequently and the grass is too short to provide a habitat for birds.

While many bird species are in decline, some other species are thriving. Research shows that wetland bird species began to increase in the late 1970s, which reflects the importance of the artificial habitats to the survival of many bird populations. The results prove that investment in wetlands has paid off and that it is now necessary to invest similarly in other neglected habitats where birds are undergoing steepest declines.

- 46 What is this passage mainly about?
(A) Variety of bird species in Hawaii. (B) The decline of bird species in the US.
(C) The habitat of bird species in the US. (D) The need for stricter bird protection laws.
- 47 Which of the following is NOT mentioned as a reason for the decline of the bird population?
(A) Agriculture. (B) Climate change. (C) Harmful chemicals. (D) Overfishing.
- 48 How many bird species inhabit Hawaii?
(A) About 70. (B) About 120. (C) About 180. (D) About 270.
- 49 According to the passage, which measure can effectively protect bird species?
(A) To monitor bird migration. (B) To increase and preserve wetlands.
(C) To promote education in bird conservation. (D) To develop medicine that can help birds live longer.
- 50 Which of the following statements is true?
(A) All of the US bird species are declining.
(B) Long grass provides ideal habitats for birds.
(C) Mowing can help birds to build their nests.
(D) In Hawaii 71 bird species have disappeared for three decades.