

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—鐵路

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。

- 下列何者非屬司法院釋字第 499 號解釋所稱，憲法中具有本質之重要性而為規範秩序存立之基礎者？
(A)第 2 條國民主權原則 (B)第 2 章保障人民權利
(C)有關權力分立與制衡之原則 (D)地方自治團體之組織
- 依司法院釋字第 635 號解釋，關於徵收土地增值稅之敘述，下列何者錯誤？
(A)立法者就徵收土地增值稅，區別自耕農與非自耕農取得農業用地而為不同規定，未違反平等原則
(B)為扶植自耕農及自行使用土地之人，法律規定自耕農間移轉農業用地免徵土地增值稅，為租稅優惠措施
(C)非自耕農以自耕農名義購買農業用地應補繳土地增值稅，未違背納稅義務人應按其實質稅負能力負擔稅捐之精神
(D)財政部所為應補徵土地增值稅之函釋，係依其法定職權就土地稅法相關規定所為之闡釋，其見解無須受到限制
- 依憲法規定，下列關於審計制度之敘述何者錯誤？
(A)監察院設審計長
(B)審計長由總統提名，經立法院同意任命之
(C)審計長應於行政院提出決算後三個月內，依法完成其審核
(D)審計長完成審核後，應提出審核報告於監察院
- 下列何者就何種事項，無至立法院委員會備詢之義務？
(A)考試院院長就該院提出之法律案 (B)參謀總長就與其職務相關之不涉及國防機密事項
(C)司法院秘書長就該院提出之年度預算事項 (D)行政院大陸委員會主任委員就兩岸政策事項
- 司法院大法官依人民聲請所為法令違憲審查之解釋，對違憲法令之宣告，原則上不包括下列何者？
(A)單純宣告違憲 (B)定期或即時失效 (C)應定期檢討修正 (D)溯及失其效力
- 關於立法院院長，下列敘述何者錯誤？
(A)立法院院長由立法委員互選之 (B)立法院院長須由全國不分區立法委員擔任
(C)立法院院長為立法院會議之主席 (D)立法院院長為立法院全院委員會之主席
- 依憲法增修條文之規定，有關立法委員選舉，下列敘述何者正確？
(A)立法委員任期 4 年，連選得連任 1 次
(B)立法委員應於每屆任滿前 4 個月內選出
(C)採所謂「單一選區兩票制」
(D)全國不分區及僑民代表的立法委員係採「多數選舉制」選出
- 有關總統之國家安全相關大政方針決定權，依憲法增修條文及國家安全會議組織法之規定，下列敘述何者錯誤？
(A)行政院院長為國家安全會議出席人員之一
(B)國家安全會議主席由總統指定行政院院長兼任之
(C)國家安全會議決議事項與行政院之職權部分有關連性
(D)國家安全會議之決議，為總統決策之參考
- 總統為避免國家或人民遭遇緊急危難得發布緊急命令，下列敘述何者錯誤？
(A)須經行政院會議決議
(B)總統僅得於立法院休會期間發布
(C)具有暫時變更或替代法律的效果
(D)發布後十日內須經立法院之追認
- 依司法院大法官解釋意旨，關於大學自治，下列敘述何者正確？
(A)教育部對於大學自治事項，不但可為適法性監督，亦可為適當性監督
(B)法律不得強制大學設置特定課程之教學單位
(C)大學以自治規章規定碩士班學生之入學資格條件，違反法律保留原則
(D)大學生遭大學退學，基於尊重大學自治，不得對退學決定提起行政爭訟

- 11 人民之工作權受憲法保障，下列關於工作權之敘述，何者正確？
(A)憲法第 15 條工作權保障內涵不包含職業自由
(B)法律對工作權之限制，其憲法容許性之寬嚴標準都相同
(C)針對各類專門職業人員執業之方法、時間及地點而為限制，必須具有憲法上目的正當性
(D)專門職業人員執業資格、方式或執業場所之限制，應由立法機關以法律明定，不得授權行政機關發布命令規範之
- 12 下列與刑事羈押及處罰性質不同之限制人身自由處分，依司法院大法官解釋意旨，何者須由法院裁定？
(A)依行政執行法所為之管收處分
(B)依入出國及移民法所為之暫時收容處分
(C)依傳染病防治法所為之暫時隔離處分
(D)依大陸地區與臺灣地區人民關係條例所為之暫時收容處分
- 13 A 教會向主管機關申請設立大學，此學校之設立及教育內涵，未涉及下列何種憲法原則或基本權利？
(A)私人興學自由 (B)宗教行為自由 (C)大學自治原則 (D)宗教結社自由
- 14 依司法院釋字第 371 號解釋，採用成文憲法之現代法治國家，基於下列何種憲政原理，莫不建立法令違憲審查制度？
(A)權力分立 (B)比例原則 (C)國會自律 (D)依法行政
- 15 關於程序基本權之意義，下列敘述何者正確？
(A)只有訴願與訴訟之權
(B)人民不得就便民事項向政府機關請願
(C)提起任何行政訴訟必須先經訴願程序
(D)訴訟權確保人民有依法定程序提起訴訟與受公平審判之權
- 16 根據性別工作平等法，在認定性騷擾行為時，下列事項何者不應該列入審酌？
(A)事件發生之背景 (B)當事人之關係
(C)被害人平日之衣著言行 (D)工作之環境
- 17 根據性別工作平等法第五章救濟及申訴程序之規定，下列何者正確？
(A)受僱者對雇主性別歧視之事實，自始至終均應負舉證責任
(B)受僱者或求職者因雇主違反本法之規定，而向法院提起訴訟時，主管機關並無必要提供法律扶助
(C)主管機關在受僱者或求職者因雇主違反本法之規定而提出申訴時，即應主動提供法律扶助
(D)雇主為處理受僱者之申訴，得建立申訴機制協調處理
- 18 根據勞動基準法第 49 條規定，除法律有特別規定外，雇主原則上不得使女工於那一段時間內工作？
(A)午後十二時至翌晨六時 (B)午後十時至翌晨六時
(C)午後八時至翌晨四時 (D)午後十時至翌晨八時
- 19 監督、管理人員或責任制專業人員，經下列何項程序，得由勞雇雙方另行約定，不受勞動基準法工時相關規定之限制？
(A)經地方主管機關核定公告
(B)經中央主管機關核定公告
(C)經勞雇雙方口頭約定不受勞動基準法工時規定之限制者
(D)經勞雇雙方書面約定不受勞動基準法工時規定之限制者
- 20 關於出賣人物之瑕疵擔保之效力，下列敘述何者錯誤？
(A)出賣人應就物之瑕疵負擔保之責者，不論其瑕疵情形如何，買受人均得解除其契約或請求減少其價金
(B)買賣之物，缺少出賣人所保證之品質者，買受人得請求不履行之損害賠償
(C)出賣人故意不告知物之瑕疵者，買受人得請求不履行之損害賠償
(D)買賣之物，僅指定種類者，如其物有瑕疵，買受人得即時請求另行交付無瑕疵之物
- 21 關於債務人責任，下列敘述何者錯誤？
(A)除法律另有規定外，債務人就其故意或過失之行為，應負責任
(B)當事人間若定有債務人就事變亦應負責之特約者，債務人就事變亦應負責
(C)當事人間若預定有免除債務人重大過失責任之特約者，債務人就重大過失亦不需負責
(D)應與處理自己事務為同一注意者，如有重大過失，仍應負責
- 22 依勞工保險條例第 41 條規定，下列何者非門診醫療給付範圍？
(A)診察（包括檢驗及會診） (B)看護費用
(C)藥劑或治療材料 (D)處置、手術或治療
- 23 根據勞工保險條例第 6 條規定，年滿 15 歲以上，65 歲以下的勞工，下列何者應參加勞工保險為被保險人？
(A)無一定雇主而參加產業工會者 (B)受僱從事漁業生產之勞動者
(C)無一定雇主而參加漁會之乙類會員 (D)受僱於僱用三人以上公司、行號之員工

- 24 B 公司為非公開發行公司，作成下列股東會決議時，何者為決議無效或得撤銷之情況？
(A)股東會決議修正公司章程，將董事報酬全權交由董事會訂定
(B)以臨時動議提出解除董事競業禁止義務
(C)監察人於無召集股東會之必要時召集股東會
(D)以臨時動議提出解任董事案
- 25 合夥財產不足清償合夥之債務時，各合夥人就不足之額，對債權人應如何負責？
(A)依合夥人數平均負責 (B)依各合夥人出資比例負責
(C)依各合夥人入夥之年資比例負責 (D)各合夥人連帶負責
- 26 甲委由乙代書處理不動產所有權移轉及登記，下列敘述何者正確？
(A)甲乙間之委任契約為要物契約
(B)此項委任之內容為事實行為，故無須以書面授與處理權及代理權
(C)此項委任之內容為法律行為，故須以書面授與處理權及代理權
(D)不動產所有權移轉登記為事實行為，不得授權由他人代理
- 27 有關拋棄繼承，下列敘述何者錯誤？
(A)繼承人拋棄其繼承權，應於知悉其得繼承之時起二個月內，以書面向法院為之
(B)繼承之拋棄，不得專就被繼承人之某一特定債權為之
(C)繼承開始前，預為繼承權之拋棄者，不能認為有效
(D)繼承之拋棄，溯及於繼承開始時發生效力
- 28 依中央法規標準法之規定，下列何者非法規之廢止事由？
(A)法規規定之事項已執行完畢，無繼續施行之必要者
(B)法規因有關法規之廢止或修正致失其依據，而無單獨施行之必要者
(C)法規規定之主管機關已裁撤者
(D)同一事項已定有新法規，並公布或發布施行者
- 29 依中央法規標準法規定，命令定有施行期限，主管機關認為需要延長者，應如何處理？
(A)應於期限屆滿一個月前，送立法院審議通過後，由上級機關發布延長之
(B)應於期限屆滿三個月前，送立法院審議通過後，由上級機關發布延長之
(C)應於期限屆滿三個月前，送上級機關同意後，由原發布機關發布延長之
(D)應於期限屆滿一個月前，由原發布機關發布延長之
- 30 民國 87 年底之後，依憲法增修條文規定，省政府主席透過下列何種過程產生？
(A)直轄市、縣（市）議員互選 (B)9 位省政府委員互選
(C)總統提名經立法院同意任命之 (D)行政院院長提請總統任命之
- 31 Although natural resources are _____, we are using up the resources in an alarming rate.
(A) insatiable (B) irrevocable (C) finite (D) regulated
- 32 To keep Taipei clean and attractive, people should not _____ at will; there are garbage cans available in the streets.
(A) dispose of (B) rid off (C) litter (D) swear
- 33 After the torrential rain, the air is _____ with water vapor.
(A) dismantled (B) gobbled (C) humiliated (D) saturated
- 34 Lucy grew very red in the face and tried to say something; she hardly knew what she was trying to say and burst into _____.
(A) tears (B) blossoms (C) leaves (D) flames
- 35 According to the news report, the two major motor companies have decided to tie up and _____ develop a new vehicle.
(A) hardly (B) jointly (C) worldly (D) typically
- 36 Jason took some painkillers to _____ the ache on his back.
(A) enhance (B) soothe (C) stimulate (D) intensify
- 37 I really don't think Jeffery would make a good teacher. He has _____ patience.
(A) a little (B) little (C) a few (D) few
- 38 Do you know what happened to Peter? He _____ his driver's license taken away for speeding on highway.
(A) let (B) made (C) had (D) said

依下文回答第 39 題至第 45 題

Do you ever wish that you could step out of the rat life and into a life that is lived at a gentler pace, one at which you could savor the scenery, smell the roses, and eat food that was carefully and slowly prepared using traditional methods? If all of this 39 to you, then you might want to hop on a plane and head to Greve, Italy. There, life is officially slower, as it is part of the Slow movement that is encouraging small cities to 40 their own uniqueness and to keep globalization 41. Lying in the hills, the town of Greve is home to only a few thousand people, but it still acts as the trading center for wine and local produce. Although business is brisk in Greve, the pace at which people stroll through the market is not. Everyone seems to have all the time in the world to 42 cheese, to wander into a shop just to see what's new and chat with new or old friends. 43 that it is qualified to become an official Slow City. A city that wants to be part of the Slow City group must first be vetted to make sure it 44 all the criteria, such as an ability to maintain the city's cultural identity and to 45 local produce and crafts. As the mayor Saturnini says, the goal is to "maintain the soul, the essence, the specialness" of these cities.

- 39 (A) adapts (B) appeals (C) appears (D) attaches
40 (A) embrace (B) disgrace (C) embark (D) embarrass
41 (A) at the bay (B) with the reach (C) on their heels (D) at arm's length
42 (A) scramble (B) temple (C) sample (D) tumble
43 (A) No wonder (B) No chance (C) No way (D) No time
44 (A) makes (B) takes (C) meets (D) needs
45 (A) prolong (B) predict (C) prevent (D) promote

依下文回答第 46 題至第 50 題

Children who experience social anxiety—feeling discomfort or distress in social situations—or who are socially incompetent are particularly at risk for developing dependence on electronic media. This is true whether the preferred agent be the Internet, video games, or a smartphone. The more a child hides behind a screen, the more socially awkward he or she becomes, creating a self-perpetuating cycle. In contrast, a shy child who continually works at overcoming social anxiety is likely to overcome it. In the past, the strong desire to belong to a social group during adolescence helped override resistance to social interaction, which would lessen over time simply due to practice. Nowadays, socially anxious or awkward children and teens aren't forced to practice face-to-face and eye-to-eye interaction because some of their social needs are met online. Thus, in socially anxious children, the ability to tolerate the physical presence of others never builds, and "walls" are erected instead to keep the child feeling safe. An adolescent with somewhat poor social skills in high school can easily become reclusive as a young adult, spending more and more hours online and less and less time interacting in real life. This pattern makes it increasingly harder to make and keep friends. Relationship problems show up at home, too; research indicates that the more time a child spends using the Internet, the less healthy the parent-child relationship becomes. Thus, social incompetence and screen-time represent another bidirectional relationship.

- 46 Which of the following words best describes socially incompetent children?
(A) Shy. (B) Playful. (C) Practical. (D) Anxious.
- 47 In the past, what did teenagers with poor social skills do to improve their relation with others?
(A) They were forced to participate in sports to get more contact with people.
(B) They made good use of letters and telephone calls to develop friendship.
(C) They took part in more group activities to fit into the circle of their friends.
(D) They studied hard to get higher grades and to make themselves interesting people.
- 48 What are possibly the "walls" that the socially anxious children erect to make themselves feel safe?
(A) Books and bookshelves.
(B) Parents, teachers, and friends.
(C) A home and a comfortable bedroom.
(D) Video games, the Internet, and smartphones.
- 49 What is the problem that this passage is likely to address about teenagers?
(A) Drug abuse. (B) Academic stress.
(C) Body image anxiety. (D) Addiction to electronic devices.
- 50 According to this passage, which of the following statements is true about the children behind the screen?
(A) They are physically healthy. (B) They have relationship problems.
(C) They become a dependent adult. (D) They have poor computer skills.