

103 年警察人員升官等考試、  
103 年交通事業鐵路人員升資考試試題

等 別：佐級晉員級

類 科：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)

- (D) 1. 下列何者非為我國憲法之性質？  
(A)民定憲法 (B)成文憲法 (C)剛性憲法 (D)協定憲法
- (B) 2. 我國國籍之取得，係採：  
(A)屬人主義 (B)屬人主義為主，屬地主義為輔  
(C)屬地主義 (D)屬地主義為主，屬人主義為輔
- (B) 3. 依憲法第 175 條之規定，憲法規定事項，有另定實施程序之必要時，如何處理？  
(A)由行政院發布命令 (B)由立法院制定法律  
(C)由總統發布命令 (D)由憲法法庭訂定規定
- (C) 4. 公民投票的意義，下列何者正確？  
(A)是直接民主模式，必然優於間接民主及選舉制度  
(B)賦予公民有權對特定人做出選擇  
(C)其效力可以分為拘束性與諮詢性公民投票  
(D)為求中立，我國公民投票制度可以免受司法審查
- (C) 5. 依據憲法增修條文第 10 條第 4 項之規定，國家對於公營金融機構之管理，應本何項原則？  
(A)最大利潤原則 (B)全面自由化原則  
(C)企業化經營原則 (D)社會經濟化原則
- (C) 6. 依憲法第 153 條之規定，國家針對婦女兒童從事勞動者，應按其何種情況，予以如何之保護？  
(A)不論其年齡及身體狀態，予以相同之保護  
(B)按其心理及精神狀態，予以分級之保護  
(C)按其年齡及身體狀態，予以特別之保護  
(D)就其學習及反應狀態，予以差別之保護
- (A) 7. 下列何者不屬於總統之外交權？  
(A)大赦 (B)締約 (C)宣戰 (D)媾和
- (C) 8. 國家機關監看人民的電子郵件，主要是限制人民下列何種基本權？  
(A)結社自由 (B)人身自由 (C)秘密通訊自由 (D)工作權
- (B) 9. 下列何者，應於立法委員改選後隨同行政院院長提出辭職？  
(A)行政院副秘書長 (B)教育部政務次長  
(C)公平交易委員會主任委員 (D)中央銀行總裁
- (C) 10. 有關人民納稅義務之敘述，下列何者錯誤？  
(A)國家必須以法律明文規定課徵名目與額度，方得命人民繳交稅款，此謂租稅法定主義  
(B)租稅法定主義源自法治國原則  
(C)空氣污染防治費係屬特別公課，非屬稅捐，無須法律依據  
(D)人民納稅義務之附加，必須符合實質課稅公平原則
- (B) 11. 限制欠稅人出境，主要是對其何種自由權利之限制？  
(A)人身自由 (B)旅行自由 (C)職業自由 (D)秘密通訊自由
- (A) 12. 憲法上規定，憲法由下列那一個機關解釋？  
(A)司法部 (B)法務部 (C)監察院 (D)立法院
- (D) 13. 下列何者非審判機關？  
(A)最高法院 (B)最高行政法院

公職王歷屆試題 (103 鐵路升等-佐級晉員級)

- (C)公務員懲戒委員會 (D)法務部
- (A) 14. 憲法本文規定，應由下列何機關依法定程序，始得審問處罰？  
(A)法院 (B)檢察署 (C)警察機關 (D)監獄
- (C) 15. 依憲法增修條文規定，中央與省、縣之關係，以下列何種方式定之？  
(A)行政院之命令 (B)自治條例 (C)法律 (D)內政部之命令
- (C) 16. 刑法第 122 條第 1 項規定「公務員或仲裁人對於違背職務之行為，要求、期約或收受賄賂，或其他不正利益者，處 3 年以上 10 年以下有期徒刑，得併科 7 千元以下罰金。」  
下列何者為該規定之「賄賂」？  
(A)延展返還債務的期間 (B)參加婚禮致贈新臺幣 3,000 元的禮金  
(C)致贈名貴手錶 (D)致贈生日蛋糕
- (D) 17. 關於國家的要素，何者非屬傳統的三要素之一？  
(A)主權 (B)領土 (C)人民 (D)君主
- (B) 18. 依中央法規標準法第 2 條關於法律名稱之規定，下列何者非立法院制定通過之法律？  
(A)地方稅法通則 (B)土地登記規則 (C)性騷擾防治法 (D)產業創新條例
- (D) 19. 自治條例規定罰鍰或其他種類之行政罰者，其內容不得規定：  
(A)新臺幣 10 萬元以下之罰鍰  
(B)連續處罰  
(C)勒令停工、停止營業、吊扣執照或其他一定期限內限制或禁止為一定行為之不利益處分  
(D)命令歇業、吊銷證照或其他剝奪或消滅一定資格或權利之處分
- (C) 20. 有關強行法與任意法的敘述，下列何者錯誤？  
(A)強行法與任意法最大的區別在於法律上效果的不同  
(B)私法領域內亦有強行法  
(C)所有的公法皆為強行法  
(D)公法領域內亦有任意法
- (A) 21. 有關普通抵押權之敘述，下列何者錯誤？  
(A)抵押物僅能為債務人所有  
(B)抵押權不得由債權分離而為讓與  
(C)普通抵押權之設定行為屬於處分行為  
(D)保全抵押權之費用由抵押人負擔
- (A) 22. 下列何種身分行為無須以書面為之？  
(A)生父認領非婚生子女 (B)子女姓氏之約定  
(C)夫妻財產制之訂立 (D)配偶一方冠他方之姓氏
- (B) 23. 下列何種行為原則上應由夫妻共同為之？  
(A)認領子女 (B)收養子女 (C)提起裁判離婚 (D)提起婚生否認之訴
- (C) 24. 我國民法關於成年年齡規定為幾歲？  
(A)滿 18 歲 (B)滿 19 歲 (C)滿 20 歲 (D)滿 21 歲
- (A) 25. 某餐廳刊登徵人廣告，徵求「外場女服務生」。餐廳此一行為最可能因為違反下列何種法律而受罰？  
(A)性別工作平等法 (B)營業秘密法  
(C)食品安全衛生管理法 (D)消費者保護法
- (D) 26. 下列何者非股份有限公司創立會之職權？  
(A)選舉董事、監察人 (B)決定公司是否要設立  
(C)修改章程 (D)催繳股款
- (A) 27. 下列關於股份有限公司股票之敘述，何者錯誤？  
(A)公司無論規模大小，均應發行股票予股東  
(B)公司非經設立登記或發行新股變更登記後，不得發行股票  
(C)記名股票應以背書方式轉讓之，並將受讓人之姓名或名稱記載於股票  
(D)公開發行公司發行股票時，洽證券集中保管事業機構登錄發行內容後，得免印製股票而為無實體發行

公職王歷屆試題 (103 鐵路升等-佐級晉員級)

- (D) 28. 有限公司之監察權，由下列何人行使？  
(A)監察人 (B)檢查人 (C)執行業務股東 (D)不執行業務股東
- (A) 29. 下列關於勞動基準法適用對象之敘述，何者正確？  
(A)公司與外包廠商間之關係不適用勞動基準法  
(B)派遣勞工不適用勞動基準法  
(C)定期契約勞工不適用勞動基準法  
(D)部分工時勞工不適用勞動基準法
- (B) 30. 下列何者非我國立法院制定法律的法定必要程序？  
(A)提案 (B)公聽會 (C)審查 (D)讀會
- (C) 31. Conducting a \_\_\_\_\_ experiment seems to be trekking on an uncharted territory, since nobody has done it before.  
(A) digital (B) fatal (C) pilot (D) sturdy
- (A) 32. To prevent further conflict, the two team coaches were forced to \_\_\_\_\_ to stop the athletes from coming to blows.  
(A) step in (B) step down (C) get behind (D) get over
- (C) 33. Emily has such a charismatic personality that she' s the sort of person who \_\_\_\_\_ in a crowd.  
(A) passes out (B) makes out (C) stands out (D) fills out
- (D) 34. The Prime Minister stepped down in the \_\_\_\_\_ of a serious political scandal.  
(A) bias (B) cost (C) task (D) wake
- (C) 35. Taiwan' s wide range of wildlife \_\_\_\_\_ and national parks is perfect for travelers looking to immerse themselves in natural beauty.  
(A) exploits (B) hazards (C) habitats (D) shrines
- (B) 36. Joy is an animal lover and has \_\_\_\_\_ herself to volunteer work that helps save and protect endangered animal species.  
(A) generated (B) dedicated (C) formulated (D) suffocated
- (D) 37. Chuang Tzu' s \_\_\_\_\_ are famous in Chinese culture, both as works of intrinsic literary merit and as pithy expressions of Taoist philosophy.  
(A) anecdotes (B) chronicles (C) errands (D) parables

請依下文回答第 38 題至第 42 題

There' s no question that taking care of the elderly and frail will incur huge costs, stretching already overburdened pension and health-care systems. But with people living longer and continuing to contribute productively to society, we need to recalibrate just what we mean by old. In Japan, for instance, more than a quarter of the population is currently at the age of 60 or older, a figure that' s set to reach 42% by 2050. However, many of these folks are hardly sitting idly at home. One in three Japanese aged 60 or over is still part of the labor force. Keeping older folks employed is particularly important because by mid-century, says the UN, the world will have more elderly people than children. By 2050, nearly a third of the developed world' s labor force will be aged 50 or older. Many elderly are spending more, too. While a good chunk of their savings will be needed to fund longer retirements and higher health payments, older people have considerable purchasing power. Britons over 50 years of age, for instance, control 75% of the country' s wealth. Businesses catering to a so-called silver economy are booming, offering everything from elderly-friendly housing to trips for retiree globetrotters.

With the older generation controlling so much of the world' s money, it' s hardly fair to dismiss senior citizens as an inevitable burden on society. "Many Japanese are living so long, it' s like they' ve been given second lives," says Toshiko Katayose, editor of a Tokyo magazine. "They' re doing everything with energy: working, turning kimonos into cool

patchwork designs; even doing math drills to keep mentally fit. ”

- (A) 38. Which of the following is the main idea of the passage?
- (A) The older generation can still contribute to society.
  - (B) Elderly people in Japan are considered a burden on society.
  - (C) Programs to help senior citizens have been overlooked.
  - (D) Rich and old people in Japan refuse to retire at the age of 50.
- (B) 39. Which of the following statements is true?
- (A) More than 40% of the population in Japan is older than 60.
  - (B) One out of three Japanese aged 60 or older is still employed.
  - (C) 75% of the wealth in Britain is in the hands of those older than 60.
  - (D) In order to save up for health payments, old people tend to spent very little.
- (D) 40. What does the author think of the elderly?
- (A) They are an inevitable burden on society.
  - (B) The government has to do more to ensure their welfare.
  - (C) They have to rely on their children for necessities.
  - (D) Many of them are living with great enthusiasm.
- (C) 41. What does the word “recalibrate” in the first paragraph mean?
- (A) Restart (B) Reapply (C) Redefine (D) Review
- (D) 42. What does the phrase “retiree globetrotters” in the first paragraph refer to?
- (A) People who are reluctant to retire.
  - (B) Old people who are seeking housing.
  - (C) People unwilling to spend a lot of money on traveling.
  - (D) Retired people interested in traveling around the world.

請依下文回答第 43 題至第 46 題

You forgot where the car was parked at the airport yesterday. The name of that old boyfriend or girlfriend is 43 your tongue—but what is it? Your memory is terrible. Or so you think. But common sense tells us that forgetfulness is vital to a healthy brain by clearing our minds of decaying memories.

Today, a small band of scientists are trying to discover how and why the brain chooses to erase certain memories. Their aim isn't to increase our ability to remember, 44 are they researching some kind of evil memory-erasing pill. What interest them is the prospect of helping people get rid of the unwanted memories that, researchers are discovering, can 45 mental illnesses such as depression and mental disorder caused by an unpleasant experience.

If you can't remember what you had for breakfast, it's probably because your brain never bothered to encode the information. Also evidence suggests that the brain naturally suppresses unwanted memories. In at least some cases, forgetting is not a passive process of decay, 46 an active process of governing and controlling.

- (A) 43. (A) on the tip of (B) from the top of  
(C) in the front of (D) at the edge of
- (B) 44. (A) also (B) nor (C) but (D) or
- (A) 45. (A) contribute to (B) result from  
(C) come up against (D) reflect on

公職王歷屆試題 (103 鐵路升等-佐級晉員級)

- (C) 46. (A) instead of (B) in addition to  
(C) but rather (D) other than

請依下文回答第 47 題至第 50 題

While the merchants of Europe were looking for a sea route to India and the Far East, the admiral Cheng Ho set out from China to travel west. He took with him a huge 47 that included 62 treasure ships and 250 smaller vessels. He made seven journeys across the China Sea and the Indian Ocean, visiting thirty countries and gathering information about 48. Their vessels carried up to 30,000 people, including doctors, translators, merchants, craftspeople, and priests. The ships stayed at sea for months 49. On his seventh voyage, Cheng Ho's ships sailed a distance of over 12,600 miles. In the journeys, they knew more about keeping healthy at sea than the Europeans did. Cheng Ho's 50 grew vegetables on board, and doctors looked after the sick. Nevertheless, the journeys were full of hazards, and many people did not survive them.

- (A) 47. (A) fleet (B) flesh (C) flock (D) fluid  
(B) 48. (A) that (B) them (C) then (D) there  
(A) 49. (A) at a time (B) in time (C) on time (D) over time  
(A) 50. (A) crew (B) crib (C) crop (D) curb

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