

98年公務人員特種考試基層警察人員考試、98年公務人員特種考試稅務人員考試、
98年特種考試退除役軍人轉任公務人員考試、98年公務人員特種考試海岸巡防人員考試、
98年公務人員特種考試關務人員考試及98年國軍上校以上軍官轉任公務人員考試試題

等 別：三等退除役軍人轉任考試、三等海岸巡防人員考試

類(科)別：各類科（退除役軍人）、海巡行政（海岸巡防人員）

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 憲法第 2 條規定：「中華民國之主權屬於國民全體」，係基於下列何原則而來？
(A)法治國原則 (B)共和國原則 (C)民主國原則 (D)聯邦國原則
- 2 依憲法規定，附著於土地之礦乃屬：
(A)土地所有權人所有 (B)土地所有權人與地方政府所共有
(C)地方政府所有 (D)國家所有
- 3 依據司法院釋字第 499 號解釋，修改憲法的主要界限在於：
(A)國民大會作為複決修憲案之地位不得改變
(B)憲法條文中具有本質重要性者，不得聽任修改而變更
(C)立法院以絕對多數通過修憲案之門檻不得降低
(D)中央政府體制不得修改
- 4 下列有關我國憲法修改程序之敘述，何者正確？
(A)須由立法院提出憲法修正案，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之
(B)須經立法院立法委員四分之一之提議，二分之一之出席，及出席委員四分之三之決議，提出憲法修正案
(C)須經公民投票提出憲法修正案，並於公告半年後，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之
(D)須由總統提出憲法修正案，經中華民國自由地區選舉人投票複決，有效同意票過選舉人總額之半數，即通過之
- 5 警察實施臨檢，並要求受臨檢人同行至警察局時，係限制人民何種基本權利？
(A)言論自由 (B)居住自由 (C)人身自由 (D)秘密通訊自由
- 6 司法院釋字第 380 號解釋闡明，學術自由就大學教育而言，應包括研究自由、教學自由及學習自由等事項，其中下列何者係學習自由之主體？
(A)大學生 (B)大學教師 (C)大學職員 (D)大學研究人員
- 7 下列何種權利，我國憲法本文予以明文保障？
(A)環境權 (B)生存權 (C)隱私權 (D)知的權利
- 8 已逾學齡而未受基本教育之國民，得請求補習教育，可歸屬於下列何種權利之保障？
(A)自由權 (B)受教育權 (C)國務請求權 (D)國家補償請求權
- 9 關於人民依法服兵役之義務，下列敘述何者錯誤？
(A)兵役法規定祇有男子有依法服兵役之義務，並未違反憲法第 7 條平等原則
(B)兵役體位之判定行為屬於行政處分，得提起訴願、行政訴訟以為救濟
(C)後備軍人遷移居住處違反申報義務者，處以刑事罰之規定，與憲法有所抵觸
(D)免役、禁役、緩徵、緩召，應先經主管機關核定及複核之規定，並未限制人民爭訟之權利，與憲法並無抵觸
- 10 下列何者不屬於司法院大法官解釋所闡釋之訴訟權保障之核心領域？
(A)建立三級三審制度 (B)人民訴請法院救濟之權利
(C)保障當事人有陳述說明之機會 (D)受公平審判之權利
- 11 縣（市）長候選人之最低年齡為年滿幾歲？
(A)三十歲 (B)三十五歲 (C)四十歲 (D)沒有限制
- 12 依據公職人員選舉罷免法規定，選舉區之劃分由：
(A)行政院統一為之 (B)法律或各地方自治團體之自治條例為之
(C)中央或縣選舉委員會為之 (D)行政院、省政府及各地方自治團體政府為之

- 13 下列何者不得提起總統選舉當選無效之訴訟？
(A)選舉罷免機關 (B)檢察官 (C)候選人 (D)立法委員
- 14 有關司法獨立，下列敘述何者正確？
(A)為確保司法獨立，法官為終身職，絕不得對法官免職，只能記過
(B)法官應依法審判，不應依行政函釋審判，故地方法院法官得逕行宣告行政函釋違憲
(C)司法院於地方法院庭長任期屆滿後，得令免兼庭長
(D)法官不得兼任任何行政職
- 15 依憲法增修條文之規定，下列何者非屬考試院掌理之事項？
(A)公務人員任免之法制事項 (B)公務人員之懲戒
(C)公務人員考績之法制事項 (D)公務人員之退休
- 16 性別工作平等法有關性騷擾防治的規定，下列何者並非雇主應負的責任？
(A)雇主應訂定性騷擾防治措施、申訴及懲戒辦法，並在公共場所公開揭示
(B)雇主於知悉性騷擾情事時，應採取有效之糾正及補救措施，否則應負賠償責任
(C)雇主若未能及時發現以及制止性騷擾行為，應負刑事之共犯責任
(D)雇主對於性騷擾行為所造成的損害應與行為人負連帶賠償責任
- 17 下列有關地方制度法上「地方法規」之敘述，何者錯誤？
(A)自治條例應分別冠以各該地方自治團體之名稱，在直轄市稱直轄市法規，在縣（市）稱縣（市）規章
(B)直轄市、縣（市）、鄉（鎮、市）得就其自治事項或依法律及上級法規之授權，制定自治法規
(C)自治法規經地方立法機關通過，並由各該行政機關公布者，稱自治條例
(D)自治法規由地方行政機關訂定，並發布或下達者，稱行政規則
- 18 下列何者為我國全民健康保險之主管機關？
(A)國民健康局 (B)中央健康保險局 (C)行政院衛生署 (D)內政部
- 19 定型化契約條款如有疑義時，應如何解釋？
(A)有利於企業經營者的解釋 (B)有利於消費者的解釋
(C)有利於企業經營者與消費者的解釋 (D)依情況而定
- 20 我國刑法第 121 條和第 122 條關於賄賂罪之規定，其劃分的根據為何？
(A)賄賂物品的價值高低 (B)對於職務行為之違背或不違背
(C)行為主體規定不同 (D)對於國家機關形象的影響程度
- 21 下列何者非我國刑法規定之從刑？
(A)褫奪公權 (B)沒收 (C)罰金 (D)追徵
- 22 下列何者不是物權行為？
(A)拋棄 (B)買賣 (C)抵押權的設定 (D)所有權的移轉
- 23 法規明定自公布日施行者，自公布之日起算至何時起發生效力？
(A)自公布當日 (B)次日零時 (C)算至第三日 (D)算至第七日
- 24 甲之親屬中，下列何者得主張甲遺產之特留分？
(A)甲之姪兒 (B)甲之兄弟 (C)甲之女婿 (D)甲之岳母
- 25 「法規對於其他法規所規定之同一事項而為特別規定者，應優先適用之」稱之為何原則？
(A)法律保留原則 (B)新法優於舊法原則
(C)從一般到特殊原則 (D)特別法優於普通法原則
- 26 下列何者為動產？
(A)非臨時敷設的輕便軌道 (B)未與土地分離的果樹 (C)流動廁所 (D)廠房
- 27 行政機關依職權撤銷授益之行政處分時，依行政程序法第 117 條之規定，應注意那一項原則？
(A)比例原則 (B)信賴保護原則 (C)平等原則 (D)誠信原則
- 28 現代國家需要大量的委任立法，請問下列何者非大量委任立法的原因？
(A)行政活動日益專門，各種技術標準非立法機關所能處理
(B)立法過程過於冗長
(C)為了適應社會之機動
(D)為了使行政機關與立法機關可以相互制衡

- 29 民法第 7 條規定：「胎兒以將來非死產者為限，關於其個人利益之保護，視為既已出生。」其中所使用的「視為」一詞，在法學方法論上，稱為：
(A)法律續造 (B)擬制 (C)漏洞補充 (D)類推適用
- 30 關於民法之繼受，下列敘述何者正確？
(A)我國民法主要係繼受俄國法及日本法 (B)我國民法主要係繼受德國法及瑞士法
(C)德國民法主要係繼受英國法及愛爾蘭法 (D)德國民法主要係繼受希臘法及西班牙法
- 31 To make the best use of your time, you have to list your goals in order of _____.
(A) privation (B) privacy (C) priority (D) privilege
- 32 Every act of abortion _____ the death of a baby.
(A) adapts to (B) intends to (C) relies on (D) results in
- 33 Just _____ something when you forget your speech.
(A) impress (B) imprison (C) improve (D) improvise
- 34 Neither Chinese nor American government is under any illusion that the trade imbalance between the two countries will soon be _____.
(A) dignified (B) rectified (C) specified (D) verified
- 35 Mary broke up with George mainly because she could not stand his _____ language and rude behavior to her parents.
(A) remorse (B) vainglorious (C) physical (D) vulgar
- 36 It is a _____ of our time in the West that never have so many people been so relatively well off and never has society been more troubled.
(A) maxim (B) credibility (C) ambiguity (D) paradox
- 37 Although John _____ Chinese for three years, he still doesn't know how to speak the language.
(A) has read (B) has studied (C) has understood (D) has comprehended
- 38 People will choose _____ of these regimes they find suits them best.
(A) whatever (B) whoever (C) wherever (D) whichever
- 39 I _____ from the roller coaster rides and the wild water slides.
(A) was exhausted (B) was exhausting
(C) being exhausted (D) had been exhausted myself
- 40 Nikos Mitrelis' list of chores is long: sweeping steps, hanging laundry, and _____ bathroom.
(A) scrubbed (B) scrubbing (C) scrub (D) scrubs
- 41 According to governmental statistics, the percentage of credit card users in Taiwan is 46 higher now than _____ two years ago.
(A) which was (B) they were (C) there were (D) it was

依下文回答第 42 題至第 46 題

Sometimes the normal processes of cell growth, death, and regulation get completely deranged. Cells are transformed and begin robbing their neighbors' blood supply, like vampires. They defy normal limitations on growth, multiply unceasingly, and then invade space reserved for others. They refuse to die on schedule. These are cancer cells, and they are responsible for about two million new cases of various cancers that occur every year in the United States, and over half a million deaths. One out of five people in industrialized countries will die of cancer, most of them from tumors that originated in a lung, breast, prostate gland, colon, or rectum. And except for a few very clear instances such as lung cancer caused by smoking or exposure to certain chemicals and radiation, no one knows exactly why.

Unlike smallpox or malaria, cancer is not a distinctive disease with a single cause. It arises from various kinds of mutations in a cell's DNA. Some mutations occur naturally. In the course of an average human lifetime, billions of trillions of cell divisions take place. Given this huge number of replications, mistakes are bound to happen. They may result in a disadvantageous change for the organism; some may even spawn cancers. More often, mutations and cancers are prompted by external causes.

- 42 Which of the following statements best characterizes cancer cells?
(A) They are mostly found in human blood.
(B) They can grow and proliferate continuously.
(C) They can be transformed into vampires.
(D) They can defy the process of mutations in a cell's DNA.

- 43 What does “deranged” in the first paragraph mean?
(A) Uncontrollable (B) Undecided (C) Unidentified (D) Unnecessary
- 44 How many people in the United States may suffer from cancer every year?
(A) Over half a million (B) One million
(C) About two million (D) Over two and a half million
- 45 According to this article, which of the following statements is NOT true about cancer?
(A) No one can be sure of the causes of cancer except for a few clear cases such as lung cancer.
(B) Cancer can occur in various places of the human body.
(C) Cancer may arise from the mistakes that occur in the process of cell divisions.
(D) Cancer is rarely caused by external factors.
- 46 What does this article suggest about diseases such as smallpox or malaria?
(A) They are diseases caused by exposure to certain chemicals.
(B) They are diseases caused by various kinds of mutations in a cell’s DNA.
(C) They are diseases that cause many deaths in industrialized countries.
(D) They are diseases with a distinctive cause.

第 47 題至第 50 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

In an early 19th-century best seller, a famous food writer offered a cure for obesity and chronic disease: a low-carbohydrate diet. The notion that what you eat shapes your medical fate has had a strong influence throughout history. 47 For many Americans, it is more a canon than a principle to suggest that what you eat affects your health. Accordingly, they believe that you control your own destiny and that it is never too late to reinvent yourself. 48 If not, you get healthy.

That very American canon is what lies behind the criticism and disbelief that greeted a recent report that a low-fat diet might not prevent breast cancer, colon cancer, or heart disease, after all. 49 It raises important questions about how much even the most highly motivated people can change their eating habits and whether the relatively small changes that they can make really have an effect on health. The study, of nearly 49,000 women who were randomly assigned to follow a low-fat diet, found that the diet did not make a significant difference in development of the two cancers or heart disease. 50 And when it comes to this urge, it is remarkable how history repeats itself. Over and over again, medical experts and self-styled medical experts have insisted that one diet or another can prevent disease, cure chronic illness, and ensure health and longevity. So, when the study’s results were published in *The Journal of the American Medical Association*, the study investigators braced themselves for attacks.

- 47 (A) If you eat or drink or inhale the wrong things, you get sick.
(B) And its appeal continues to this day, medical historians and researchers say.
(C) The report was put together from a huge federal study called the Women’s Health Initiative.
(D) The researchers also suggested, though indirectly, that low fat might make a difference in breast cancer.
- 48 (A) If you eat or drink or inhale the wrong things, you get sick.
(B) And its appeal continues to this day, medical historians and researchers say.
(C) The usefulness of a healthy diet has become questionable.
(D) The report was put together from a huge federal study called the Women’s Health Initiative.
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- 50 (A) And its appeal continues to this day, medical historians and researchers say.
(B) The report was put together from a huge federal study called the Women’s Health Initiative.
(C) The researchers also suggested, though indirectly, that low fat might make a difference in breast cancer.
(D) The study’s results frustrate our primal urge to control our destiny by controlling what we put in our mouths.