

## 98 年公務人員、關務人員升官等考試試題

等 別：薦任

類 科：各類科

科 目：法學知識與英文

- (B) 1. 下列何人之資格，須經考試院依法考選銓定之？  
(A)國民小學老師 (B)律師 (C)考試院秘書長 (D)國立大學教授
- (A) 2. 依憲法增修條文之規定，憲法法庭應如何組成？  
(A)由司法院大法官組成  
(B)由司法院院長、最高法院院長、最高行政法院院長組成  
(C)由司法院大法官、各級法院法官選出之法官代表組成  
(D)由總統選出之學者專家、司法院大法官、各級法院法官選出之法官代表組成
- (A) 3. 下列何者與法律相同，須經立法院三讀通過？  
(A)預算令 (B)法規命 (C)行政規則 (D)自治條例
- (C) 4. 依大法官第585號解釋，立法院行使調查權，要求與調查事項相關人民陳述證言時，應經何者之同意？  
(A)調查委員會 (B)司法及法制委員會  
(C)立法院院會 (D)立法院院長
- (D) 5. 下列何者屬於行政院職權範圍內之事項？  
(A)緊急命令之發布 (B)審計權之行使  
(C)公務人員考績之法制事項 (D)決算之提出
- (A) 6. 下列何者不得提起總統、副總統當選無效之訴？  
(A)選舉人 (B)檢察官 (C)候選人 (D)選舉機關
- (D) 7. 依憲法增修條文之規定，罷免總統、副總統之程序為何？  
(A)由選舉人連署提出罷免案，交立法院複決之  
(B)由選舉人連署提出罷免案，交選舉人投票決定之  
(C)由立法院提出罷免案，交國民大會複決之  
(D)由立法院提出罷免案，交選舉人投票決定之
- (D) 8. 我國國家賠償訴訟，依國家賠償法之規定，在原則上係採取何種程序先行主義？  
(A)訴願程序 (B)調解程序 (C)申訴程序 (D)協議程序
- (B) 9. 依公民投票法第3條之規定，全國性公民投票之主管機關為：  
(A)總統府 (B)行政院 (C)立法院 (D)全國性公民投票審議委員會
- (B) 10. 所得稅法規定納稅義務人已繳納其應納稅款之情形下，仍依應納稅額固定之比例加徵滯報金，又無最高額之限制，顯已逾越下列何種原則？  
(A)平等原則 (B)比例原則 (C)誠信原則 (D)法律保留原則
- (A) 11. 依大法官解釋，菸害防制法規定，菸品所含之尼古丁及焦油含量，應以中文標示於菸品容器上，係限制何種憲法上之基本權利？  
(A)表意自由 (B)遷徙自由 (C)訴訟權 (D)參政權
- (B) 12. 依地方制度法第82條規定，下列地方首長因辭職、去職、死亡者之代理規定何者錯誤？  
(A)直轄市長由行政院派員代理  
(B)縣(市)長由內政部派員代理  
(C)鄉(鎮、市)長由縣政府派員代理  
(D)村(里)長由鄉(鎮、市、區)公所派員代理
- (C) 13. 若台北市議會將針對市議員使用議會公物予以規範，應制定何種自治法規？  
(A)自治條例 (B)自治規則 (C)自律規則 (D)委辦規則
- (B) 14. 在我國現行地方制度中，下列那一種地方組織，其廢止，毋庸經過修憲程序，即得為之？  
(A)直轄市 (B)鄉(鎮、市) (C)省 (D)縣(市)
- (A) 15. 依我國憲法增修條文第4條規定，中華民國領土，依其固有疆域，若欲提出領土變更案，至

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少須經立法委員多少比例之提議、出席及決議，始得提出？

- (A)全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議之
- (B)全體立法委員三分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議之
- (C)全體立法委員二分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議之
- (D)全體立法委員四分之一之提議，全體立法委員三分之二之出席，及出席委員三分之二之決議之
- (B) 16. 行政行為採取之方法所造成之損害不得與欲達成目的之利益顯失均衡，此乃下列那一項原則？
- (A)平等原則 (B)比例原則 (C)合目的性 (D)誠信原則
- (B) 17. 甲擅自將乙寄放之自行車以自己的名義出售給丙，並交付之，請問對甲丙之間的法律行為，下列敘述何者正確？
- (A)甲丙間之債權行為及物權行為均無效
- (B)甲丙間之債權行為有效，物權行為效力未定
- (C)甲丙間之債權行為有效，物權行為無效
- (D)甲丙間之債權行為及物權行為均效力未定
- (A) 18. 甲女為A公司之女性業務員，因工作常需與客戶乙男接觸，乙男對甲女總是趁機會毛手毛腳，甲女不堪其擾，向A公司投訴，A公司置之不理，依據性別工作平等法，A公司應負何責任？
- (A)A公司對甲女之損害有民事賠償責任
- (B)A公司對於乙男之性騷擾行為不負有責任
- (C)A公司對甲女之精神上損害不負責任
- (D)A公司僅有行政上之責任，沒有民事賠償責任
- (C) 19. 一般公司行號之受僱勞工，其勞工保險之普通事故保險費負擔比例，下列何者錯誤？
- (A)被保險人須負擔百分之二十
- (B)投保單位負擔百分之七十
- (C)在省，由中央政府補助百分之二十
- (D)在直轄市，由直轄市政府補助百分之五
- (B) 20. 企業經營者未經邀約而在消費者之住居所或其他場所從事銷售，所為之買賣，謂之：
- (A)郵購買賣 (B)訪問買賣 (C)分期付款 (D)現物要約
- (B) 21. 「甲希望射殺乙，但因技術不佳，射穿旁邊的名貴花瓶。」針對此一情況，以下的敘述何者正確？
- (A)甲之行為成立殺人未遂與過失毀損，二罪併罰
- (B)甲之行為僅成立殺人未遂
- (C)甲的行為構成客體錯誤
- (D)甲的行為涉及選擇故意
- (D) 22. 下列何者非形成權？
- (A)撤銷權 (B)選擇權 (C)解除權 (D)使用權
- (B) 23. 下列何者非絕對權？
- (A)著作權 (B)債權 (C)抵押權 (D)漁業權
- (C) 24. 行政程序法規定受益行政處分之撤銷，機關給予相對人損失補償，此乃下列那一項原則的實踐？
- (A)必要性原則 (B)明確性原則 (C)信賴保護原則 (D)利益衡平原則
- (C) 25. 刑法第10條第1項規定：「稱以上、以下、以內者，俱連本數或本刑計算。」此一規定，在法律解釋方法上稱為：
- (A)文義解釋 (B)目的解釋 (C)立法解釋 (D)體系解釋

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- (A) 26. 依行政程序法第3條第1項之規定，下列何機關之行為不適用行政程序法之程序規定？  
(A)監察院 (B)行政院 (C)國防部 (D)外交部
- (B) 27. 關於我國智慧財產權法制之發展，下列敘述何者正確？  
(A)若我國被美國列為特別301觀察名單，我國應立即修改智慧財產權相關法律  
(B)我國智慧財產權相關法律常因應國際條約或世界貿易組織之協定而修改或增訂相關規定  
(C)我國智慧財產權相關法律屬固有法，不必隨著國際條約而修改或增訂相關規定  
(D)我國智慧財產權相關法律自民國初年制定後已確立基本原則及規範，鮮少修改
- (D) 28. 須由立法院提案，並交付人民複決通過始得修訂的法規為：  
(A)國際條約 (B)自治條例 (C)法律 (D)憲法
- (B) 29. 甲未得乙之同意，即將乙所有之汽車讓與知情之丙，則：  
(A)丙當然取得所有權  
(B)須乙承認，丙始能取得所有權  
(C)因丙知情，故不論乙是否承認，丙皆無法取得所有權  
(D)因丙知情，故甲丙為通謀意思表示無效，丙無法取得所有權
- (C) 30. 總統依憲法規定，於民國97年7月1日公布○○○○法，並宣示該法律自公布日起生效。請問該法律於何時對全體國民及各機關發生拘束力？  
(A)97年7月1日上午零時 (B)97年7月1日下午五時  
(C)97年7月3日上午零時 (D)97年7月3日下午五時

第31題至第34題為題組

When asked to name the most ferocious dinosaur, most people would immediately think of Tyrannosaurus rex, T-rex for short. The T-rex could reach a height of almost fifty feet in length and a weight of five tons. It is equipped with eight-inch talons on its feet and a huge jaw lined with teeth as long and sharp as steak knives. 31

Imagine the surprise, then, when scientists digging in eastern Utah in 1992 found a dinosaur that could well have been a match for T-rex fossilized in the rocky lands. 32 The Utahraptor was twenty feet long, smaller than the T-rex. However, it had twelve-inch hooked claws on each of its hind legs. While the T-rex had short, stubby forelimbs, the Utahraptor had large, powerful arms equipped with ten-inch claws. With these, it could grasp its prey. 33

With such evenly matched assets, it is hard to imagine what would happen if the two dinosaurs met each other. However, a contest between the two powerful creatures never took place. 34 Even though scientists can only speculate as to why that happened, it was fortunate for the other dinosaurs that such formidable predators did not exist at the same time.

- (B) 31. (A)With its sturdy back legs, the Utahraptor could probably outrun any other creature.  
(B)With such a dangerous build, the T-rex was thought to have been the most terrifying of all carnivorous dinosaurs.  
(C)This is because Utahraptors had been dead for fifty million years before the T-rex appeared.  
(D)Once a victim was caught, it would be slashed and smashed by the raptor's claws on the hind feet.
- (D) 32. (A)Once a victim was caught, it would be slashed and smashed by the raptor's claws on the hind feet.  
(B)With its sturdy back legs, the Utahraptor could probably outrun any other creature.  
(C)This is because all of the Utahraptors had been dead for fifty million years

- before the T-rex appeared.
- (D)The name of this equally terrifying and ferocious dinosaur is Utahraptor.
- (D) 33. (A)However, it would be premature to say for sure what it was that brought the dinosaurs to extinction.
- (B)With its sturdy back legs, the Utahraptor could probably outrun any other creature.
- (C)The name of this equally terrifying and ferocious dinosaur is Utahraptor.
- (D)Once a victim was caught, it would be slashed and smashed by the raptor's claws on the hind feet.
- (A) 34. (A)This is because all of the Utahraptors had been dead for fifty million years before the T-rex appeared.
- (B)With such a dangerous build, the T-rex was thought to have been the most terrifying of all carnivorous dinosaurs.
- (C)However, it would be premature to say for sure what it was that brought the dinosaurs to extinction.
- (D)With its sturdy back legs, the Utahraptor could probably outrun any other creature.
- (D) 35. Apart from sheer size, India and China differ from neighboring "trading states" in another critical aspect: their ambition to be the regional superpower in South Asia and East Asia \_\_\_\_ .
- (A)aggressively (B)individually (C)provincially (D)respectively
- (C) 36. You need to \_\_\_\_ the document before signing it.
- (A)undermine (B)fabricate (C)peruse (D)execute
- (C) 37. J. K. Rowling, author of the popular *Harry Potter* series, exhibits \_\_\_\_ control over her stories.
- (A)intrusive (B)inaccessible (C)impeccable (D)intrinsic
- (C) 38. In my family with Chinese tradition, only Daddy and the oldest brother were allowed individual \_\_\_\_ . Daughters were all expected to be of one standard.
- (A)contributions (B)controversies
- (C)idiosyncrasies (D)consistencies
- (D) 39. A \_\_\_\_ hairline at the forehead is a part of the male aging process.
- (A)conceding (B)interceding (C)proceeding (D)receding
- (B) 40. In America, "wellness" has become a huge industry \_\_\_\_ especially to the prosperous discontent of the baby-boomers.
- (A)proposing (B)catering (C)deferring (D)referring
- (D) 41. From a distance it is a postcard image; get closer to Mt. Fuji, however, you will notice that Japan's iconic mountain has a garbage problem, a stark contrast to a country known for its cleanliness.
- (A)Mt. Fuji maintains a beautiful postcard image and reinforces the clean image of Japan despite its garbage problem.
- (B)Suffering from a garbage problem, Mt. Fuji is no longer an icon of Japan, a country as beautiful as a postcard image.
- (C)Although Mt. Fuji is not as beautiful and clean as it appears from a distance, it still stands for the cleanliness of Japan.
- (D)Though a symbol of the country known for its cleanliness, Mt. Fuji is actually not as clean as it appears from a distance.
- (B) 42. It seems a very simple thing to tell the truth, but, beyond all questions, there is nothing half so easy as lying.

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- (A) Though it may appear simple, telling the truth is not as difficult as telling lies.
- (B) Though it may appear simple, telling the truth is certainly far more difficult than telling lies.
- (C) Though it may appear difficult, telling the truth is definitely less questionable than telling lies.
- (D) Though it may appear easy, telling lies is believed by honest people to be the most difficult thing.
- (B) 43. Try to improve or optimize one of these global financial crisis parameters and you end up paying somewhere else along the line.
- (A) Improving one or two of the global financial crisis parameters is very likely to create more crisis parameters in the end.
- (B) The global financial crisis parameters are so intertwined that you can gain some here and lose some there.
- (C) To improve the global financial crisis parameters, you need to take care of them all at the same time instead of one at a time.
- (D) You need to pay close attention to the global financial crisis parameters before you can even improve or optimize one of them.
- (A) 44. It is ironic that the very institutions carrying out the research that informs the public of global climate change are often not terribly good at acting on their own understanding.
- (A) The fact that research institutions, which provide us with information on global climate change, are not really good at applying their knowledge in actual practice is satirical.
- (B) Global climate change is terrible and it is ironic that much research has been done by research institutions but the public has found little use of the research result in their everyday life.
- (C) It is terrible to see that research institutions, which conduct research on and inform the public about global climate change, often fail to do what they preach.
- (D) That institutions carrying out the research which informs people about global climate change do not recycle natural resources in the research processes is ironically expected.
- (B) 45. As luck would have it, there was typhoon on the day of graduation.
- (A) Fortunately, there was typhoon on the day of graduation.
- (B) Unfortunately, there was typhoon on the day of graduation.
- (C) I had good luck on the day of graduation.
- (D) I had bad luck on the day of graduation.

第46題至第50題為題組

Although the epoch of the crusades ignited a genuine economic and cultural revolution in western Europe, in the Orient these holy wars led to long centuries of decadence and obscurantism. Assaulted from all quarters, the Muslim world turned in on itself. Henceforth modernism became alien. Should cultural and religious identity be affirmed by rejecting this modernism, which the West symbolized? Or, on the contrary, should the road of modernization be embarked upon with resolution, thus risking loss of identity? Neither Iran, nor Turkey, nor the Arab world has ever succeeded in resolving this dilemma. Even today we can observe a lurching alternation between phases of forced westernization and phases of extremist,

strongly xenophobic traditionalism.

The Arab world — simultaneously fascinated and terrified by these Franj [Franks], whom they encountered as barbarians, but whom subsequently managed to dominate the earth—cannot bring itself to consider the crusades a mere episode in the bygone past. It is often surprising to discover the extent to which the attitude of the Arabs (and of Muslims in general) towards the West is still influenced, even today, by events that supposedly ended some seven centuries ago.

- (D) 46. The crusades had a negative impact on the Muslim world, and this idea is suggested by the word \_\_\_\_\_ in the passage.  
(A)genuine (B)revolution (C)holy (D)decadence
- (A) 47. What does the sentence “the Muslim world turned in on itself” suggest?  
(A)self-enclosure (B)submission  
(C)self-pity (D)inferiority
- (B) 48. According to the passage, the Muslim world has been caught in the dilemma between self-identity and \_\_\_\_\_.  
(A)obscurantism (B)westernization  
(C)alternation (D)traditionalism
- (D) 49. What does the word “barbarians” in the second paragraph refer to?  
(A)Iranians. (B)Turks. (C)Arabians. (D)Franks.
- (A) 50. Which of the following words best describes the influence of the crusades on the Arab world?  
(A)Long-lasting. (B)Temporary. (C)Insignificant. (D)Transitional.

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