

97 年公務人員普通考試試題

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）

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 160 條第 1 項的學齡兒童，係指：
(A)五至十二歲之兒童 (B)六至十二歲之兒童 (C)五至十五歲之兒童 (D)七至十二歲之兒童
- 2 下列有關信賴保護原則之敘述，何者正確？
(A)為法律保留原則之一 (B)只適用於行政處分之廢棄
(C)要求法規不得修改或廢止 (D)要求法規的修改或廢止應採取合理之補救措施
- 3 警察機關沒有經過法院的許可，就對人民的電話進行監聽，是違反憲法上保障人民的那一項自由權利？
(A)人身自由 (B)秘密通訊自由 (C)遷徙自由 (D)居住自由
- 4 下列何者尚未經司法院大法官解釋之基本人權？
(A)名譽權 (B)隱私權 (C)姓名權 (D)日照權
- 5 下列何種人民基本權利不屬於參政權？
(A)選舉權 (B)創制權 (C)複決權 (D)請願權
- 6 依憲法增修條文之規定，總統、副總統罷免案之提出至少應符合何種比例？
(A)出席立法委員二分之一提議，出席立法委員四分之三同意，始可提出
(B)全體立法委員二分之一提議，全體立法委員四分之三同意，始可提出
(C)全體立法委員四分之一提議，全體立法委員三分之二同意，始可提出
(D)全體立法委員三分之一提議，出席立法委員四分之三同意，始可提出
- 7 依憲法增修條文之規定，依法補選之總統其任期為：
(A)至原總統任期屆滿為止 (B)重新計算
(C)一律二年 (D)沒有規定
- 8 依司法院大法官解釋，總統決定行政院院長去留的行為，在法律上的屬性為何？
(A)屬於學理上所稱的統治行為，不受司法審查 (B)屬於學理上所稱的統治行為，但亦受司法審查
(C)屬於應受司法院大法官進行合憲性審查之事項 (D)屬於應受行政法院管轄的行政行為
- 9 下列何者於立法院各委員會邀請到會備詢時，有應邀說明之義務？
(A)考試院考試委員 (B)司法院大法官 (C)監察院秘書長 (D)司法院院長
- 10 依憲法本文及增修條文規定，下列有關行政院與立法院間關係的敘述，何者錯誤？
(A)行政院應對立法院負責
(B)行政院得對立法院決議之條約案，移請立法院覆議
(C)立法院不得對行政院提出不信任案
(D)行政院有向立法院提出施政方針及施政報告之責
- 11 政黨違憲解散事項，係由下列那一機關審理？
(A)最高法院 (B)中央選舉委員會 (C)憲法法庭 (D)憲法委員會
- 12 地方法院法官對於應適用之法律，依其合理之確信，認為有牴觸憲法之疑義者，得如何處置？
(A)拒絕適用違憲之法律，直接援引憲法規定判決
(B)裁定停止訴訟程序，請求最高法院聲請大法官解釋
(C)裁定停止訴訟程序，聲請大法官解釋
(D)仍須適用有違憲之虞的法律

- 13 依憲法增修條文規定，下列有關司法院院長之敘述，何者正確？
(A)院長同時亦為大法官 (B)須由法官轉任
(C)任期八年 (D)院長出缺由副院長繼任
- 14 下列有關考試院之敘述，何者錯誤？
(A)為國家最高考試機關
(B)掌理考試、公務人員之銓敘及退休等法制事項
(C)就有關所掌事項，不得向立法院提出法律案
(D)正、副院長及考試委員由總統提名，經立法院同意任命
- 15 監察院為國家最高監察機關，下列中何者非屬於監察院之職權？
(A)審判權 (B)彈劾權 (C)糾舉權 (D)審計權
- 16 在我國民主法治發展史上，下列關於「立法委員」的敘述，何者正確？
(A)自從中央民意代表全面改選以來，立法委員任期皆為三年
(B)自從中央民意代表全面改選以來，立法委員任期皆為四年
(C)現行憲法規定：立法委員連選得連任，但以三屆為限
(D)現行憲法規定：立法委員連選得連任
- 17 依據中央法規標準法第3條的規定，下列何者不是行政命令的名稱？
(A)規程 (B)通則 (C)標準 (D)辦法
- 18 下列那一項社會福利措施與我國「國民年金」的發展較無相關？
(A)勞工退休金 (B)敬老津貼 (C)老農津貼 (D)中低收入老人津貼
- 19 我國法院的判例，係根據何種規定而做成的？
(A)法律 (B)命令 (C)習慣 (D)法理
- 20 以下何者屬司法審判機關適用法律之原則？
(A)不告不理 (B)一事再理
(C)遇到法律漏洞得拒絕審判 (D)受上級法院指揮監督
- 21 關於行政行為之敘述，下列何者正確？
(A)行政行為僅以追求私益為目的 (B)行政行為應受法律及一般法律原則之拘束
(C)行政行為重視目的性，而不重視合法性 (D)行政行為僅追求公共利益，不必考量私益
- 22 下列何者屬公權力行政之行為？
(A)准予商標註冊 (B)提供助學貸款 (C)租用辦公廳舍 (D)國有土地出售
- 23 依民法之規定，若無繼承人承認繼承時，其遺產於清償債權並交付遺贈物後，如有賸餘，應歸屬下列何者？
(A)慈善團體 (B)地方自治團體 (C)國庫 (D)親屬會議
- 24 下列何者不是物權？
(A)永佃權 (B)地役權 (C)典權 (D)占有
- 25 刑罰是國家對犯罪人實施制裁的制度。下列何者屬於剝奪財產權之處罰？
(A)有期徒刑 (B)罰金 (C)拘役 (D)死刑
- 26 股份有限公司每一股份享有一個表決權，此為下列何種原則之具體規定？
(A)股份轉讓自由原則 (B)股份平等原則 (C)股東有限責任原則 (D)股份禁止回籠原則
- 27 下列何者不屬於全民健康保險的保險事故？
(A)死亡 (B)疾病 (C)傷害 (D)生育
- 28 關於勞工之敘述，下列何者錯誤？
(A)通常受雇主之指揮監督
(B)不一定必然仰賴工資為其生存基礎
(C)不適用勞動基準法者，基本上即不屬於勞工
(D)個別與集體勞動法上之勞工，其定義與範圍不盡相同

- 29 下列何者依家庭暴力防治法應對被害人通知家庭暴力罪受刑人預定出獄之日？
(A)監獄長官 (B)法官 (C)社工人員 (D)警察
- 30 依據性別工作平等法，雇主對於受僱者薪資之給付，應符合不分性別或性傾向同工（值）同酬之原則。下列何者為前述同工（值）同酬之意涵？
(A)同一單位的受僱者不論職位，應有相同薪資
(B)同一單位的受僱者不論年資，應有相同薪資
(C)具相同工作內容或價值的受僱者，不分性別或性傾向，應有相同薪資
(D)在同一單位內，同樣性別或性傾向的受僱者，應有同樣的薪資
- 31 I asked Joan to help me with the math question because I couldn't _____ the answer.
(A) count on (B) end up (C) figure out (D) turn into
- 32 The strawberry looks so delicious that I can hardly resist the _____. The urge to take a bite is so strong.
(A) temptation (B) appreciation (C) infection (D) hesitation
- 33 It is our dream that one day we can live in _____, rather than conflicts and violence, with people all over the world.
(A) harmony (B) benefit (C) substance (D) revolution
- 34 I wish to express my _____ for your kind help.
(A) attitude (B) gratitude (C) altitude (D) latitude
- 35 The computer programmer felt _____ because he had to work under pressure all the time.
(A) broken up (B) carried away (C) stressed out (D) torn down
- 36 When we heard a big thump from upstairs, we were shocked and everyone _____ up at the ceiling in astonishment.
(A) lifted (B) flashed (C) stared (D) perceived
- 37 It is very common for students to watch TV or play computer games for _____.
(A) creation (B) monument (C) procedure (D) recreation
- 38 On New Year's Eve, this pub will _____ its opening hours so that customers can stay as late as midnight to welcome the arrival of the new year.
(A) expand (B) attend (C) extend (D) observe
- 39 I have always regretted not having studied harder at school. I _____ more diligent at that time.
(A) had been (B) should be (C) was (D) should have been
- 40 My dog was hit by a car; now he lies _____ here.
(A) bury (B) burying (C) buried (D) to be buried

In the summer, many people often decide to get fit. But 41 their motivation is correct, the methods sometimes are not. Over the years, statements like “eat less to lose weight” have been passed around as good advice. In fact, 42 fitness strategies are unhealthy—and even dangerous. Unfortunately, many people want to lose weight so badly that they will believe any advice—good or bad. Here are two of the most 43 myths about getting fit.

“If I just eat less, I will lose weight.” Many people only focus on the amount of food they consume each day. They neglect to pay attention to what they're eating. So they may be eating less, but they're not eating healthily. Be sure to eat a good balance of protein, carbohydrates and fats. You need all three food groups to 44 a healthy body. What you eat is just as important as how much you eat.

“If I build muscle, I will gain weight.” This statement is actually true. Muscle is more dense than fat, so the same amount weighs more. But muscle also takes up less space. When you 45 muscle, you will be thinner and your clothes will feel looser.

- 41 (A) when (B) unless (C) while (D) because

- 42 (A) such (B) so (C) much (D) few
43 (A) well-organized (B) often-heard (C) good-looking (D) heart-breaking
44 (A) hold (B) maintain (C) stay (D) contain
45 (A) substitute fat for (B) provide fat for (C) interchange fat with (D) replace fat with
46 Student: I think it is time that I should work harder!

Teacher: How right you are! _____ I'm glad you can start to take action.

- (A) Better late than never. (B) A rolling stone gathers no moss.
(C) Curiosity killed the cat. (D) Don't make a mountain out of a molehill.

When Laura Bush walked into the room wearing a stunning tangerine suit, I wanted to say—just the way I would to a friend—“Have you been working out?” “Have you changed your hairstyle?” She looked slimmer and even younger than the woman I interviewed a little less than four years ago, on the day before the world changed. Back then, on September 10, 2001, Washington, still reeling from an election that rested on a mere 537 votes in Florida, was recovering from culture shock. The Bushes ran a very different White House than the Clintons. They were on time for appointments, they spent quiet evenings with intimate friends, and they went to bed early. Not exactly a hip Hollywood lifestyle. But the First Lady, a title she still thinks of as too lofty and inauthentic to describe her, was winning hearts and minds. She is, after all, a teacher and educator. She taught elementary school in Houston and Austin for several years, and produced an outstanding book fair in Washington with some of America's greatest authors populating vast lawns filled with tents, talking to throngs about their works. Laura Bush's love of reading is partly what defines her. I always wondered if books were substitutes for the brothers and sisters she didn't have growing up in Midland, Texas and if they kept her from feeling lonely.

- 47 Why did the writer want to ask Laura if she had been working out?
(A) Laura looked very tired.
(B) Laura looked slender and younger.
(C) Laura was younger than other first ladies.
(D) Laura was an old friend of the writer.
- 48 Whom does “the woman” in the passage refer to?
(A) Laura herself
(B) Laura's secretary
(C) One of Laura's sisters
(D) The writer's neighbor
- 49 The culture shock in Washington was due to _____.
(A) the US presidential election in 2000
(B) the lifestyle of the Bush family
(C) the 911 incident in 2001
(D) the reading movement in schools
- 50 Laura Bush grew up _____.
(A) as the only child in her family
(B) with a large number of siblings
(C) away from her brothers and sisters
(D) without the care of her parents