

## 測驗題標準答案

考試名稱： 99年警察人員升官等考試、99年交通事業郵政人員升資考試

類科名稱： 行政警察人員、技術類、業務類、海岸巡防人員、消防人員

科目名稱： 法學知識與英文（試題代號：2501）

題 數： 50題

標準答案：

題序	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20
答案	A	A	B	C	B	D	D	A	B	A	C	A	B	B	C	D	B	C	C	A

題序	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40
答案	C	B	B	A	D	B	A	C	A	B	A	C	A	A	D	C	D	C	B	A

題序	41	42	43	44	45	46	47	48	49	50
答案	A	C	A	A	B	A	B	A	C	B

備 註： 無更正紀錄。

等(級)別：警正警察官升官等、員級晉高員級

科(類)別：各科別、各類別

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。

- 自治條例經各該地方立法機關議決後，如規定有下列何項內容時，應分別報經行政院、中央各該主管機關核定後發布？  
(A)罰則 (B)規費 (C)行政執行 (D)救助措施
- 依據憲法第 111 條規定，中央與地方權限分配遇有爭議時，由何機關解決？  
(A)立法院 (B)行政院 (C)監察院 (D)司法院
- 直轄市、縣(市)、鄉(鎮、市)對於上級機關代行處理之處分，如認為有違法時，應採取何項行為？  
(A)向公務人員保障暨培訓委員會提起申訴 (B)依行政救濟程序辦理  
(C)向該轄高等法院直接提起訴訟 (D)向該轄地方法院提起訴訟
- 我國憲法中雖未明文規定，但依司法院解釋仍屬人民之基本權利者為：  
(A)生存權 (B)參政權 (C)隱私權 (D)工作權
- 依司法院解釋，法律規定舉辦證券投資講習屬證券投資顧問事業之營業範圍者，須經主管機關核准，並取得證券投資顧問事業之資格，方得為之，涉及下列何種基本權利之限制？  
(A)結社自由及言論自由 (B)職業自由及言論自由 (C)言論自由及集會自由 (D)集會自由及職業自由
- 依司法院解釋，政府機關對於人民所打的電話或手機，未向主管機關申請或未依法定程序予以監聽者，此將侵犯憲法所保障之何種權利？  
(A)言論自由 (B)工作權 (C)財產權 (D)秘密通訊自由
- 依國家賠償法之規定，下列何種人員所生之國家賠償責任，其成立要件有明顯之限制？  
(A)公有公共設施之管理人員 (B)受委託行使公權力之民間團體或個人  
(C)受上級機關委任執行職務之下級機關公務員 (D)有審判或追訴職務之公務員
- 有下列何種情事者，檢察官或候選人得向該管轄法院提起選舉無效之訴？  
(A)選舉委員會辦理選舉、罷免違法，足以影響選舉或罷免結果  
(B)當選票數不實，足認有影響選舉結果之虞  
(C)當選人曾對有投票權人以強暴、脅迫或其他非法之方法，妨害其自由行使投票權  
(D)當選人曾對其他候選人行求期約或交付賄賂或其他不正利益，而要求其放棄競選
- 依憲法本文及增修條文之規定，當總統缺位時，應如何處理？  
(A)由副總統繼任，並辦理副總統之補選 (B)由副總統繼任，不辦理副總統之補選  
(C)由副總統代行總統職權，並辦理總統之補選 (D)由副總統代行總統職權，不辦理總統之補選
- 依憲法增修條文之規定，行政院對於立法院通過之法律案，提請立法院覆議，下列敘述何者正確？  
(A)覆議案應於送達 15 日內作成決議  
(B)立法院若要維持原法律案，應有出席立法委員三分之二以上決議  
(C)立法院維持原法律案，行政院院長應辭職  
(D)覆議案逾期未議決，原法律案仍有效
- 依司法院釋字第 585 號解釋對立法院調查權之見解，下列何者錯誤？  
(A)正式承認立法院擁有一定的調查權，而不以文件調閱權為限  
(B)除所欲調查之事項必須與其行使憲法所賦予之職權有重大關聯者外，凡國家機關獨立行使職權受憲法之保障者，即非立法院所得調查之事物範圍  
(C)行政首長對於可能影響或干預行政部門有效運作之資訊，雖有決定不予公開之行政特權，但不得限制立法院的調查權  
(D)立法院調查權乃立法院行使其憲法職權所必要之輔助性權力，基於權力分立與制衡原則，立法院調查權所得調查之對象或事項，並非毫無限制
- 依據司法院釋字第 601 號解釋，有關司法院院長之敘述，下列何者錯誤？  
(A)司法院院長為行政職，故不當然受憲法第 81 條有關法官非依法律，不得減俸規定之保障  
(B)司法院院長為憲法第 80 條規定之法官  
(C)司法院院長由大法官擔任，故有關司法人員專業加給之保障，與大法官同  
(D)司法院院長不受任期之保障

- 13 有關司法院院長、副院長同時出缺時之敘述，下列何者正確？  
(A)司法院院長、副院長同時出缺時，由最高法院院長代理院長  
(B)司法院院長、副院長同時出缺時，由總統就大法官中指定一人代理院長  
(C)司法院院長、副院長同時出缺時，由立法院決議就大法官中指定一人代理院長  
(D)司法院院長、副院長同時出缺時，由大法官互推一人代理院長
- 14 考試院對於下列那一事項，有執行之權？  
(A)任免 (B)銓敘 (C)考績 (D)陞遷
- 15 依憲法第 97 條第 1 項之規定，監察院經各該委員會之審查及決議，得提出何種案，移送行政院及其有關部會，促其注意改善？  
(A)糾舉 (B)彈劾 (C)糾正 (D)審計
- 16 司法院釋字第 365 號解釋認定「父權優先條款」違反男女平等原則。請問，在此「父權優先條款」所指的是：  
(A)子女應從父姓  
(B)父母對於未成年子女之權利的行使，由父行使之  
(C)子女之姓氏，由父母約定之，約定不成時，從父姓  
(D)父母對於未成年子女之權利的行使，於意思不一致時，由父行使之
- 17 民法第 74 條第 1 項規定：「法律行為，係乘他人之急迫、輕率或無經驗，使其為財產上之給付或為給付之約定，依當時情形顯失公平者，法院得因利害關係人之聲請，撤銷其法律行為或減輕其給付」。下列關於此暴利行為之敘述，何者是正確的？  
(A)此非衡平規定 (B)此係強行規定 (C)此係任意規定 (D)此係嚴格規定
- 18 下列有關法治國家原則之敘述，何者正確？  
(A)行政機關為限制人民權利之行政處分，因事後有救濟機會，得不必事先聽取人民之意見  
(B)人民明顯違法者，行政機關雖無搜索票，亦得自行搜索扣押以調查人民之違法證據  
(C)對於以公權力限制人民基本權利之行政機關行為，一律應給予司法救濟之機會  
(D)公共利益恆大於個人利益
- 19 甲因過失撞及乙所駕之計程車，致乙車毀人傷，則下列敘述，何者正確？  
(A)就該車之毀損，乙除財產上損害賠償之外，並可請求精神上損害賠償  
(B)該車因毀損所減少之價值超過修復費用時，乙仍只能請求修復費用，不可請求再賠償差額  
(C)乙可請求賠償因受傷不能駕駛所喪失之營業利益  
(D)乙就受傷部分，只能請求財產上損害賠償，不可另行請求精神上損害賠償
- 20 甲出賣 A 車於乙，並已收受價金，但於交車前不慎毀損該車。乙可如何請求返還價金？  
(A)解除契約，請求回復原狀 (B)撤銷契約，請求返還不當得利  
(C)主張契約失效，請求返還不當得利 (D)主張侵權行為，請求損害賠償
- 21 有關民法繼承規定之敘述，下列何者錯誤？  
(A)繼承人得拋棄其繼承權 (B)拋棄繼承應以書面向法院為之  
(C)被繼承人得以遺囑完全剝奪法定繼承人之繼承權 (D)遺產管理人得請求報酬
- 22 因養父甲虐待養子乙，乙乃請求法院宣告終止收養關係，乙於終止收養關係後，於下列何種情形下，得向甲請求給與相當之金額？  
(A)甲有過失 (B)乙生活陷於困難 (C)乙無過失 (D)甲須與乙共同生活
- 23 甲教唆乙傷害丙，乙誤解甲的意思，以為甲要求殺死丙，竟殺害丙死亡，請問各行為人之刑責如何？  
(A)甲成立教唆殺人既遂罪，乙成立殺人既遂罪 (B)甲成立教唆傷害既遂罪，乙成立殺人既遂罪  
(C)甲成立教唆傷害既遂罪，乙成立傷害既遂罪 (D)甲成立過失致人於死罪，乙成立殺人既遂罪
- 24 甲通過國家考試及格而任職於某稅務機關，屬於以下何種公務員？  
(A)依法令服務於國家、地方自治團體所屬機關而具有法定職務權限之公務員  
(B)非服務於國家、地方自治團體所屬機關，而具有依法令從事於公共事務，而具有法定職務權限之公務員  
(C)受國家、地方自治團體所屬機關依法委託，從事與委託機關權限有關之公共事務之公務員  
(D)受私人委託行使公權力之公務員
- 25 從犯罪分類的角度而言，下列那一組概念不屬於彼此相對立的概念？  
(A)故意犯與過失犯 (B)作為犯與不作為犯 (C)實害犯與危險犯 (D)結果犯與具體危險犯
- 26 消費者與企業經營者締結定型化契約，其中的條款違反誠信原則，而對消費者顯失公平者，該條款之法律效力為何？  
(A)有效 (B)無效 (C)效力未定 (D)由雙方協議
- 27 甲女為 A 公司唯一的女性，該公司其他男性員工喜歡開黃腔，或公開討論甲女之身材及穿著，讓甲女很不舒服，依據性別工作平等法，下列敘述何者正確？  
(A)此已構成敵意工作環境之性騷擾  
(B)此已構成交換式工作場所性騷擾  
(C)開玩笑不傷大雅，不構成性騷擾  
(D)性別工作平等法只處罰違反薪資同工同酬者，對於性騷擾只有訓示規定

- 28 下列關於技術生之敘述，何者錯誤？  
(A) 雇主只能招收 15 歲以上或國中畢業之人為技術生  
(B) 雇主須與技術生簽訂書面訓練契約，明定雙方之權利義務事項  
(C) 雇主須支付不低於基本工資之薪資給技術生  
(D) 建教合作生應準用勞動基準法關於技術生之規定
- 29 在家庭暴力事件中，下列何者不是醫療院所應負的責任？  
(A) 保護被害人及其子女至醫療處所  
(B) 不得無故拒絕診療  
(C) 開立驗傷診斷書  
(D) 知有家庭暴力之犯罪嫌疑者，應通報當地主管機關
- 30 股東甲原先以委託書方式，請乙代為出席大華股份有限公司之股東會後，甲於開會當日又臨時決定親自出席，則：  
(A) 以甲出席為準  
(B) 以乙代理人出席為準  
(C) 視為無人出席  
(D) 由甲乙互相溝通後，決定由誰出席
- 31 I need to know the \_\_\_\_\_ cost of the whole project to write a grant proposal. There is no need to produce a detailed quote; a rough estimate will do.  
(A) approximate (B) deductive (C) established (D) provocative
- 32 Many pure metals have little use because they are too soft, rust too easily, or have some other \_\_\_\_\_.  
(A) merits (B) additives (C) drawbacks (D) disparities
- 33 According to scientists, adults spend \_\_\_\_\_ a third of their lives asleep while infants sleep twice that much or even more.  
(A) nearly (B) hardly (C) mostly (D) fairly
- 34 \_\_\_\_\_ the sudden downpour, we would have arrived in the airport half an hour ago.  
(A) But for (B) Except for (C) Apart from (D) Owing to
- 35 \_\_\_\_\_ by the intensity of an earlier earthquake, most residents of this village are making efforts to strengthen the constructions of their houses.  
(A) Having terrified (B) Be terrified (C) Terrifying (D) Terrified

The 29 films Ismail Merchant made with director James Ivory in 44 years—they shared a line in the *Guinness Book of World Records* for the most 36 movie partnership—were stately endeavors. But Merchant's death in London last week at 68 was a shock to the international film community. A genial friend had left life's banquet much too early. Born in Bombay, he met Ivory in 1961 in Manhattan. The Merchant-Ivory brand won wide 37 with their first collaborations, *The Householder* and *Shakespeare Wallah*, both written by Ruth Praver Jhabvala. In these fables about a 38—rather, a gentle jostling—of cultures old and new, imperial and 39, the team had found their enduring theme. Their excellent productions seem to indicate the noble lineage of stiff-upper literature was now wholly in the care of the boy from Bombay, the kid from Oregon and the Polish-German lady who had married an Indian. Merchant, Ivory and Praver Jhabvala were like the servants who had been 40 a ducal castle just as its ramparts were crumbling, its halls haunted, by the ghosts of the glory days.

- 36 (A) insistent (B) intertwined (C) enduring (D) irresistible
- 37 (A) ovation (B) claim (C) celebration (D) acclaim
- 38 (A) cooperation (B) cohabitation (C) collision (D) coordination
- 39 (A) revolutionary (B) indigenous (C) indecent (D) independent
- 40 (A) bequeathed (B) inherited (C) handled (D) abandoned
- 41 A computer with a very large memory can store a set of instructions lengthy enough to permit it to learn by experience, just like an intelligent animal.  
(A) A computer with a very large memory to keep instructions possesses the ability of an intelligent animal to learn by experience.  
(B) A computer with a very large memory for storing lengthy instructions can learn from the experiences of an intelligent animal.  
(C) A computer with a very large memory and rich experience can learn from the lengthy instructions of an intelligent animal.  
(D) A computer with a very large memory to learn by experience is able to take lengthy instructions from an intelligent animal.
- 42 It is tragic to live through an epidemic of violence against women, one that society stubbornly refuses to acknowledge.  
(A) There is a disease spreading fast among women.  
(B) Violence targeting at women is a tragedy.  
(C) The society refuses to recognize the spreading violence against women.  
(D) The society goes through a tragedy of violence against women.

- 43 Most obscene words seem to serve a similar purpose: to substitute a trivializing or deforming resemblance for the complex human reality of what is being described.
- (A) Most dirty words tend to turn the complexity of what is being described into something petty and vulgar.
  - (B) Most dirty words tend to be used for describing the correlation between reduction and complexity.
  - (C) Most dirty words are used to hurt people by turning them into worthless and ugly creatures.
  - (D) Most dirty words are used for one similar purpose: to reduce the complexity of truth to its most minimum dimension.
- 44 Although the term “narcissist” has a derogatory stamp, the very people we label narcissistic often are those who attract as well as repel us.
- (A) Though we label others narcissistic in a negative sense, those narcissists we refer to are often those who attract us as well.
  - (B) When we refer to others as narcissists, we are trying to separate them from us since we do not wish to be labeled narcissistic.
  - (C) One thing narcissists have in common is that they seem to enjoy being able to attract as well as repel others at the same time.
  - (D) The very people we label narcissistic are often those who repel us, but somehow we also wish that we could be just like them.
- 45 Many parents probably wish that they could all just submit their children’s brains right now to a talent-check to discover if they are wasting their time and money or not on their children’s piano, violin, painting, ballet, or tennis lessons.
- (A) Many parents may wish that they could help their children make the most of their inborn gifts without investing too much time and money on their children.
  - (B) Many parents may wish that they could verify their children’s inborn gifts to make sure that it is worth their time and money to make the most of those gifts.
  - (C) Many parents may wish that they could just see through their children’s brains to find out their children’s inborn gifts and make money out of those gifts.
  - (D) Many parents may wish that they could just implant certain gifts into their children’s brains to make sure they are not wasting their time and money on their children.
- 46 The best way to predict the future is to invent it.
- (A) To create the future is better than to forecast it.
  - (B) Prophecy about the future is the best invention.
  - (C) The invention of the future is the best way.
  - (D) Better to foresee the future than to invent it.

Travel can create a lot of stress when doing business. By learning tips on etiquette, you will be able to focus more on getting things done. But what may seem acceptable in your culture does not always work overseas. It is prudent to research the country you are traveling to in detail. Remember, a simple faux pas can break an international business deal. That leather jacket you are wearing on a business trip to Mumbai is not appropriate when meeting a Hindu colleague, for whom the cow is a sacred animal. Jetting off to see your Italian supplier? Make sure you are well groomed, as aesthetics are crucial there. Punctuality is not necessarily an important character in Brazilian business culture; the higher the rank of an individual, the later they are likely to turn up for a meeting, while being on time can be of great importance in Japan. When having a business lunch in the Middle East it is always important to establish a personal relationship, so wait for your host to bring up more serious matters, same in France. It is perhaps better not to bring up the topics of religion or the Russian monarchy in Russia. Your views on Taiwan or Tibet may not be welcome in China, while in Thailand the royal family is highly respected.

- 47 According to the passage, which of the following statements is NOT true?
- (A) Brazilian businessmen do not think being on time is necessary.
  - (B) Italian businessmen are never concerned about whether you look neat or tidy.
  - (C) Russians usually avoid the topics of religion.
  - (D) The cow is considered a sacred animal in Hinduism.
- 48 What does the phrase “faux pas” mean in the passage?
- (A) Blunder
  - (B) Response
  - (C) Discussion
  - (D) Suggestion
- 49 What does the phrase “jetting off” mean in the passage?
- (A) Calling on people at work
  - (B) Hurrying up to be in time
  - (C) Setting out on a trip by airplane
  - (D) Meeting people on an airplane
- 50 What is the most appropriate title for this passage?
- (A) Tips on Travel to Different Countries
  - (B) Etiquette in Different Cultures for Business Deals
  - (C) The Leather Industry in Different Countries
  - (D) Undesirable Topics in Business Meetings