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102年公務人員特種考試關務人員考試、102年公務人員特種考試稅務人員考試、102年公務人員特種考試海岸巡防人員考試、102年公務人員特種考試移民行政人員考試、102年特種考試退除役軍人轉任公務人員考試及102年國軍上校以上軍官轉任公務人員考試試題

等 別：四等稅務人員考試、四等海岸巡防人員考試、四等移民行政人員考試、四等退除役軍人轉任考試

類(科)別：財稅行政、海洋巡護科輪機組、移民行政、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。

- D 1 下列何者受憲法明定不得連任？
(A)總統 (B)立法委員 (C)監察委員 (D)司法院大法官
- B 2 依憲法增修條文之規定，經濟及科學技術之發展，應與何者兼籌並顧？
(A)工業及商業發展 (B)環境及生態保護 (C)文化及教育發展 (D)少數民族之保護
- A 3 依憲法增修條文之規定，下列何者應優先編列？
(A)社會救助與國民就業等救濟性支出 (B)醫療保健與福利服務等服務性支出
(C)福利服務與國民就業等福利性支出 (D)社會保險與醫療保健等保險性支出
- B 4 國家對於公營金融機構之管理，應本：
(A)干預原則 (B)企業化經營之原則 (C)扶助原則 (D)積極鼓勵原則
- C 5 依我國憲法第 172 條之規定，命令與憲法或法律牴觸者無效，下列何者係屬於此處所稱「命令」性質之法規範？
(A)海商法 (B)公寓大廈管理條例
(C)公平交易法施行細則 (D)地方稅法通則
- C 6 依據憲法增修條文之規定，領土變更案應由何者複決？
(A)司法院 (B)立法院 (C)公民投票 (D)行政院
- B 7 依憲法增修條文第 5 條之規定，下列有關大法官任期之敘述，何者正確？
(A)大法官之任期，依其屆次，統一計算
(B)大法官之任期，不分屆次，個別計算
(C)大法官之任期，原則上依其屆次，統一計算，惟至少 6 年
(D)大法官之任期，由總統依個案定之
- D 8 依司法院解釋，人民「接近使用傳播媒體」之權利，應在兼顧傳播媒體何種自由之原則下，予以尊重，並應以法律定之？
(A)發行自由 (B)營業自由 (C)契約自由 (D)編輯自由
- B 9 一般認為學術自由是屬於憲法所保障何種權利之保護範圍？
(A)言論自由 (B)講學自由 (C)著作自由 (D)出版自由
- D 10 下列關於憲法第 7 條平等原則之敘述，何者錯誤？
(A)得因事物本質不同而為差別待遇 (B)旨在保障實質之平等
(C)僅適用於保障人民合法權利之情形 (D)僅對國家之公法行為有拘束力
- B 11 依憲法增修條文第 3 條第 3 項規定，國家機關之組織、設立程序及總員額，得以下列何者為準則性規定？
(A)命令 (B)法律 (C)緊急命令 (D)臨時條款

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- A 12 立法院對行政院院長提出不信任案，為下列何種制度之特徵？
(A)內閣制 (B)總統制 (C)委員制 (D)兩黨制
- B 13 憲法第 154 條規定勞資雙方應本何種原則發展生產事業？
(A)促進經濟成長 (B)協調合作 (C)確保生產進度 (D)以勞工權益優先
- C 14 下列何種人民之基本權利保障，非經修憲，不得予以變更之？
(A)公務人員考試資格
(B)因宗教信仰因素申請服替代役
(C)因犯罪嫌疑被逮捕拘禁，至遲於 24 小時內移送該管法院審問
(D)人民取得專門職業及技術人員資格之程序
- D 15 司法院釋字第 443 號解釋認為，內政部「役男出境處理辦法」限制役男之出境自由，係侵犯何種基本人權？
(A)人身自由 (B)集會自由 (C)言論自由 (D)遷徙自由
- B 16 依性別工作平等法之規定，下列何者限於有配偶之受僱者始有適用？
(A)產假 (B)陪產假 (C)家庭照顧假 (D)育嬰留職停薪
- D 17 依中央法規標準法第 13 條規定，如果法律未特別規定施行日，僅規定公布日施行者，該法律何時發生效力？
(A)自公布之日起發生效力 (B)自公布翌日起發生效力
(C)自公布翌日起算至第 3 日起發生效力 (D)自公布之日起算至第 3 日起發生效力
- B 18 關於有權解釋種類之敘述，下列何者錯誤？
(A)立法解釋 (B)學說解釋 (C)行政解釋 (D)司法解釋
- B 19 為興建科學園區而徵收農民之土地，直接限制了人民那一種基本權？
(A)平等權 (B)財產權 (C)隱私權 (D)訴訟權
- B 20 下列何種職位之產生，憲法增修條文並未改變了憲法本文之規定？
(A)監察委員 (B)立法院院長 (C)司法院大法官 (D)行政院院長
- A 21 甲夫乙妻欲收養 A，下列何種情形法院不得認可？
(A) A 為甲之孫 (B) A 為乙之妹之媳婦 (C) A 為甲之兄之子 (D) A 為乙之弟之女
- D 22 債務人怠於行使其權利時，債權人因保全債權，得以自己之名義，行使其權利。此種權利稱為：
(A)管理權 (B)代理權 (C)代償權 (D)代位權
- C 23 甲機關欲建造之高架道路，會經過乙之 A 地上空 30 公尺至 50 公尺處。甲對 A 地應取得下列何種權利？
(A)不動產役權 (B)普通地上權 (C)區分地上權 (D)區分所有權
- C 24 中華民國人民在中華民國領域外犯下列何罪，不適用中華民國刑法？
(A)偽造貨幣罪 (B)製造一級毒品罪 (C)詐欺罪 (D)內亂罪
- C 25 作為公務員職務之對價，下列何者為「不正利益」？
(A)現金 (B)金銀珠寶 (C)債務免除 (D)豪宅一棟
- B 26 甲欲購買筆記型電腦，於參訪乙電腦公司網站提供之品牌、機種及性能等資訊後，經閱讀定型化契約並按下確認鍵，以完成雙方交易。試問甲與乙電腦公司成立下列何種法律關係？
(A)訪問買賣 (B)郵購買賣 (C)分期付款買賣 (D)拍賣
- B 27 下列關於著作權合理使用原則之敘述，何者正確？
(A)合理使用原則適用於限制著作人格權與著作財產權
(B)符合合理使用之利用行為，無須得權利人之同意，即屬合法行為
(C)合理使用原則僅須考慮利用結果是否影響系爭著作之潛在市場與現在價值
(D)非營利行為對於系爭著作價值之影響不大，所以均符合合理使用原則

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- C 28 被保險人參加勞工保險，被裁減資遣而自願繼續參加勞工保險者，得由原投保單位為其辦理參加普通事故保險，至符合請領老年給付之日止。但其年資必須合計滿幾年？
(A) 10 年 (B) 12 年 (C) 15 年 (D) 20 年
- B 29 目前的中華民國刑法主要繼受自那個法系？
(A) 中華法系 (B) 歐陸法系 (C) 南亞法系 (D) 普通法系
- A 30 下列那一國家係採英美法系？
(A) 澳大利亞 (B) 奧地利 (C) 日本 (D) 巴西
- D 31 Harry carries a box everywhere. I am _____ about what is in the box.
(A) eager (B) jealous (C) obvious (D) curious
- D 32 My doctor _____ a new and healthy diet for me as I had suffered from eating junk foods for years.
(A) exercised (B) governed (C) reduced (D) recommended
- D 33 These sentences in your writing are _____. You just kept repeating and rephrasing the same message.
(A) anonymous (B) eloquent (C) indispensable (D) redundant
- B 34 The bullet-proof vests were _____ to the policemen who were assigned to arrest the escaped convict.
(A) endowed (B) distributed (C) obtained (D) equipped
- C 35 Work hard, _____ you can earn more money to support your family.
(A) but (B) or (C) and (D) than
- C 36 Cindy: Susan, would you like some more rice noodles?
Susan: _____
Cindy: Here you are.
Susan: Thanks a lot. It's very kind of you.
(A) No, thanks. They look very delicious. (B) Thank you. I'm stuffed.
(C) Yes, please. They are really very delicious. (D) Thanks. But I really can't.
- B 37 Mary: What do you usually do on your day off, John?
John: Well, I always get up very early, around 5 o'clock. And I lift weights for an hour.
Mary: _____
John: No, and then I usually jog for about two hours.
(A) I don't believe you! (B) You're kidding! (C) I like to do that, too! (D) You are so energetic!

請依下文回答第 38 題至第 42 題

Few would deny that what we see in the media affects the way we think and act. Advertisers know this 38 anyone else, paying millions of dollars every year to sell their products. For 39 time television advertising in the United States, companies pay up to two million dollars for a single forty-second advertisement. In that short time, a company expects to influence enough buyers both to 40 the cost of the ad itself, and to make a profit from the ad.

In the competition for audience attention, advertisers will do almost anything they can think of to sell their products. A common 41 in commercial advertising is to tie the advertised product to sex or glamour, even when these features do not 42 relate to the product. How many times have we seen a pretty woman selling a car? Other ads may make exaggerated claims about the effectiveness of their products.

- B 38 (A) sooner than (B) better than (C) more or less as (D) not far from
- B 39 (A) modern (B) prime (C) marginal (D) leisure
- D 40 (A) spend (B) deliver (C) take (D) cover
- D 41 (A) flaw (B) issue (C) cost (D) tactic
- A 42 (A) directly (B) hardly (C) consequently (D) vaguely

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請依下文回答第 43 題至第 46 題

Researchers in a new field of science called chronobiology are studying the body's natural rhythms, or patterns, to find out just what makes people sleepy. Chronobiologists have learned that a person's temperature, blood pressure, and hormone levels go up and down in a regular pattern that repeats itself every twenty-four hours. The daily cycle of body temperature affects how a person feels at different times during the day. For most people, body temperature begins to drop in the early evening. This slows other bodily functions and makes you feel drowsy. Around daybreak, body temperature rises and you begin to feel more alert.

Many chronobiologists now think that the time of day a person gets drug treatment for cancer affects the success of treatment. Other studies are revealing that we do different types of work better at different times of the day. Physical coordination, for example, peaks during the afternoon. And some studies show that eight to nine hours of sleep every night might not be necessary. Frequent naps might work just as well or even better. Findings such as these are helping people to organize their lives so that they work with their natural rhythms rather than against them.

- C 43 What do chronobiologists study?
(A) The best time for people to get treatment. (B) How our body reacts to temperature.
(C) How our body works and why people feel sleepy. (D) Efficient ways to improve our health.
- B 44 Which of the following statements is true?
(A) Body temperature varies from day to day.
(B) When body temperature decreases, our energy level also goes down.
(C) The change of temperature has little to do with our bodily functions.
(D) For most people, body temperature drops to the lowest in the early morning.
- D 45 What does the word "drowsy" mean?
(A) Sober (B) Vigorous (C) Hungry (D) Sleepy
- A 46 What advice will a chronobiologist give to doctors?
(A) Studying their patients' body patterns before giving drug treatment.
(B) Sufficient sleep has a better healing effect than drugs.
(C) Taking a nap before prescribing drugs.
(D) Treatment carried out around daybreak is usually more effective.

請依下文回答第 47 題至第 50 題

Many single-child parents face a dilemma: whether or not to have a second child. Because there are no other children in the family for an only child to associate with, he or she might feel lonely at times. Besides, it is often reported that an only child may be more spoiled than one with siblings. A single child will not easily learn to negotiate with others, leaving the child less capable of interacting well with people his or her own age.

However, for some single-child parents, particularly those with busy careers, the pressures of devoting time and energy to a second child can seem too overwhelming. For other parents, the financial burden of having a second child may be the prime consideration.

Advocates of single-child families argue that there are advantages for both the child and the parents. With just one child, there is less potential for family arguments arising from favoritism. Moreover, the parents can give, and the child can receive, more quality time and attention. This often leads to increased self-esteem and confidence.

Unfortunately, there is no simple answer to the question. The circumstances affecting each set of parents are unique, and what is appropriate for one family may not be for another.

- B 47 What is this passage mainly about?
(A) The challenges parents face in child-raising. (B) The pros and cons of having a second child.
(C) Parents' roles in children's development. (D) The growing concern about the declining birthrate.
- B 48 Which of the following is NOT a reason why parents do not want a second child?
(A) They have demanding jobs. (B) They have low self-esteem.
(C) They have a heavy economic burden. (D) They don't have enough time and energy.
- C 49 Based on the passage, what would the writer probably agree on?
(A) An only child is a naughty child.
(B) Parents should have at least two children.
(C) To have a second child or not is not a simple decision to be made.
(D) Career women can afford to raise a second child.
- A 50 What does the word "sibling" mean in the first paragraph?
(A) A brother or sister (B) A father or mother (C) A nephew or niece (D) An uncle or aunt