

考試別：原住民族考試

等別：三等考試

類科組別：各類科

科目：基礎能力測驗（作文、英文及中華民國憲法）

考試時間：2小時

座號：_____

※注意：(一)禁止使用電子計算器。

(二)本科目試題包括作文及測驗兩部分，請妥適分配各題作答時間。

甲、作文部分：（40分）

(一)作答時請將試題題號及答案依照順序寫在申論試卷上，並以藍、黑色鋼筆或原子筆由左至右橫式作答，於本試題上作答者，不予計分。

(二)不得於試卷上書寫姓名或座號。

面對現實生活，要有承擔責任的勇氣，也要有退讓成全的肚量。有一首偈語：「手把青秧插滿田，低頭便見水中天。六根清淨方為道，退步原來是向前。」如果能以如此豁達的態度來待人處事，社會將變得更加和諧。

在人際互動中，沒有底線的逆來順受、委屈求全，容易「人善被人欺」，甚至忽視你的付出與分享。不要讓你的退讓成為別人予取予求的提款機，適時表達你的堅持或意見，才能肯定自我，贏得別人的尊重。

你對「退讓」有什麼看法？請以「退讓的智慧」為題，作文一篇，文中必須針對以上二段文字發表意見，並就你的生活經驗或所見所聞，書寫文章，議論、記敘、抒情皆可，文長不限。

乙、測驗題部分：（60分）

代號：1401

(一)本試題為單一選擇題，請選出一個正確或最適當答案。

(二)共30題，每題2分，須用2B鉛筆在試卡上依題號清楚劃記，於本試題或申論試卷上作答者，不予計分。

- 1 Most people are generally _____ about social media interactions because they could express themselves more freely.
(A) indifferent (B) inclined (C) enthusiastic (D) declined
- 2 The last wild Tasmanian tiger is believed to have been shot in 1930 by a farmer who _____ it prowling near a hen house on his farm.
(A) spared (B) spotted (C) teased (D) tossed
- 3 Evidence as to the major underlying mechanisms of the defect remains _____; hence, further research is needed.
(A) erosive (B) elusive (C) eternal (D) editorial
- 4 After the flood finally _____, all the old landmarks were once more visible.
(A) suppressed (B) surrendered (C) subsided (D) substituted

- 5 Studies show that leaders with _____ are likeable. They tend to motivate and influence a group of people to work together.
(A) charisma (B) disposal (C) enrichment (D) guard
- 6 The employee's performance _____ was considered very positive, so she was offered a promotion.
(A) deduction (B) appraisal (C) induction (D) reprimand
- 7 Life is beautiful and worth celebrating, but one should be always ready to face _____ and challenges.
(A) contribution (B) adversity (C) felicity (D) consolation
- 8 More qualifications will guarantee more opportunities for one to _____ an ideal job.
(A) dismiss (B) observe (C) locate (D) transform
- 9 The _____ of virtual reality technology allowed me to experience things in a way that I never thought was possible.
(A) costume (B) novelty (C) nonsense (D) commonplace
- 10 Drinking lots of water helped to _____ his thirst after a long and tiring hike through the desert.
(A) ignite (B) trigger (C) quench (D) aggravate
- 11 The politician's bombastic remarks, filled with exaggerated promises and claims, failed to _____ the skeptical crowd of voters.
(A) approve (B) eliminate (C) convince (D) negate
- 12 His job responsibilities _____ yours, so you will be sharing some of the work with your teammates.
(A) pierce (B) overlap (C) dominate (D) undergo
- 13 Nothing is better than visiting the national park during spring and seeing _____ vegetation beneath the trees.
(A) stingy (B) barren (C) lush (D) meager
- 14 Scientists have used _____ engineering to protect various crops such as rice and tomatoes.
(A) genetic (B) generous (C) gentrified (D) gentle
- 15 In terms of infant nutrition, from 6 months of age, breast milk should be _____ a variety of adequate, safe and nutrient-dense foods.
(A) composed of (B) implemented by (C) complemented with (D) consumed with

請依下文回答第 16 題至第 20 題：

Drinking culture exists in almost every country around the world because alcohol consumption has become an integral part of socializing in many cultures. However, since different countries have their own beliefs and practices about drinking alcohol, it is better to heed to those different traditions and customs in order not to get yourself embarrassed or even in trouble while you are in a different land. Different countries, for instance, do have their own drinking etiquette, times, places and regulations. In the UK, almost everyone knows that you will be discriminated if you don't buy your round before leaving a pub or bar. In the Czech Republic, it is wise to place your beer mat on top of your drinking cup to indicate that you're finished with your drinking. Or your empty cup will get filling up even if you don't want to drink any more. In Germany, always keep your eye contacts with people you're having a toast with. If you don't, you'll be **condemned** with having seven years of bad luck. In Japan, however, you should avoid offending your colleagues, especially those who are your seniors, by averting your head from them.

Drinking times also vary in different cultures. People in the UK, Iceland, and the Czech Republic tend to drink after the midday, in the evening or even after the midnight in the case of Iceland, whereas it is customary for people in Spain, France, Russia, and Germany to drink during lunch. The German even drink on Sunday mornings known as Fröhshoppen. It is a drinking gathering for family members after their Sunday morning church service. Drinking regulations also diverge in many countries. Rules about where to purchase and consume alcohol as well as the proper drinking age do differ from nation to nation. In Germany as in some countries, it is allowed to drink in public places while in Russia, people can only consume alcohol in bars, restaurants and their homes. In Iceland and other countries, you are unable to buy alcohol from supermarkets and other grocery stores as it is rigorously supervised. Apart from purchasing it in bars and restaurants, people can only obtain it from government-run vinbudin. The so-called “dry” countries in the world are referred to those nations that treat drinking as entirely illegal. It is worthy of note that in countries like the Kingdom of Brunei, Saudi Arabia, and parts of the UAE and India, people can sometimes get punished for drinking alcohol.

- 16 Which of the following is the best title of this passage?
- (A) Drinking Etiquette and Regulations in Europe.
(B) The Beneficial and Harmful Sides of Drinking.
(C) Various Practices of Drinking around the World.
(D) Various Discriminations Led by Drinking.
- 17 In what column is this passage most likely to be found?
- (A) Politics. (B) Business. (C) Medicine. (D) Living.
- 18 Which of the following best describes the tone of the passage?
- (A) Intense. (B) Frustrated. (C) Arrogant. (D) Outspoken.
- 19 According to this passage, why are some nations referred to as “dry” countries?
- (A) Because drinking is considered breaking the law.
(B) Because there is a shortage of water and alcohol.
(C) Because most of those countries have desert lands.
(D) Because those countries regard alcohol as poisonous.
- 20 According to the passage, which of the following is closest in meaning to the word “condemned”?
- (A) Cursed. (B) Loaded. (C) Respected. (D) Regulated.
- 21 依照司法院釋字第 443 號解釋所揭示之「法律保留原則」，下列敘述何者錯誤？
- (A) 給付行政措施受法律規範之密度，可以比限制人民權益之行政措施來得寬鬆。但涉及公共利益之重大事項者，仍應有法律或法律授權之命令做為依據
(B) 關於剝奪人民生命、身體及人身自由之可罰要件，應由國會自行以法律加以規定
(C) 關於如何對人民進行逮捕、拘禁、審問及處罰之法定機關，得交由立法院以法律規定
(D) 若屬執行法律之細節性、技術性次要事項，得由行政機關發布命令為必要之規範
- 22 依憲法及增修條文規定，關於教育、科學、文化經費之編列，下列敘述何者正確？
- (A) 在中央不得少於其預算總額百分之十五
(B) 在直轄市不得少於其預算總額百分之三十五
(C) 在縣（市）不得少於其預算總額百分之三十五
(D) 已無經費編列比例之最低限制，但仍應優先編列

- 23 我國設置軍事審判程序之憲法依據，依司法院大法官解釋，主要為下列何憲法條文？
(A)憲法第 9 條，「人民除現役軍人外，不受軍事審判」
(B)憲法第 77 條，「司法院為國家最高司法機關，掌理民事、刑事、行政訴訟之審判及公務員之懲戒」
(C)憲法第 36 條，「總統統率全國陸海空軍」
(D)憲法第 16 條，「人民有請願、訴願及訴訟之權」
- 24 依司法院大法官解釋意旨，下列何者非屬表現自由之保障範圍？
(A)出版自由 (B)講學自由 (C)集會遊行自由 (D)行動自由
- 25 有關總統解散立法院之敘述，下列何者正確？
(A)不信任案提出後 5 日內，經總統諮詢立法院院長後，得解散立法院
(B)總統欲解散立法院，須先徵詢行政院院長同意並副署後，始得為之
(C)總統於戒嚴或緊急命令生效期間，不得解散立法院
(D)總統得以政策推動受阻為由，解散立法院
- 26 甲原為大陸地區人民，與臺灣地區人民結婚後經許可進入臺灣地區，且依規定正式取得臺灣地區戶籍。甲經公務人員考試及格，卻因臺灣地區與大陸地區人民關係條例第 21 條第 1 項前段有關設有戶籍未滿 10 年者不得擔任公務人員之規定，而無從擔任公務人員，甲認為系爭規定違反憲法。依司法院大法官解釋之意旨，甲之主張是否有理由？
(A)有理由，其他外籍配偶均無此種限制，明顯違反平等原則
(B)無理由，外籍人士之應考試服公職本不受我國憲法保障
(C)有理由，禁止期間定為 10 年並無確切根據，有違比例原則之要求
(D)無理由，此屬立法者有鑒於國家情勢所為之特別規定，目的正當且手段適當
- 27 地方立法機關議決之自治事項，若經監督機關認與法律牴觸而函告無效，於憲法訴訟法實施後，應如何提起憲法訴訟？
(A)地方自治團體就自治事項與法律有無牴觸發生疑義，聲請憲法法庭解釋
(B)地方自治團體就法律是否違憲，聲請法規範憲法審查
(C)地方自治團體於窮盡行政救濟程序後，就不利確定終局裁判，聲請宣告違憲之判決
(D)地方自治團體並無任何管道可提起憲法訴訟
- 28 依憲法訴訟法規定，人民就所受不利確定終局裁判，聲請憲法法庭判決時，所得主張之違憲理由不包括下列何者？
(A)地方自治規則違反法律保留原則 (B)確定判決的法律解釋未援引學說見解
(C)中央行政命令違反授權明確性原則 (D)地方自治條例違反比例原則
- 29 憲法第 24 條規定「凡公務員違法侵害人民之自由或權利者，除依法律受懲戒外，應負刑事及民事責任。被害人民就其所受損害，並得依法律向國家請求賠償。」依上開憲法及相關法律規定，下列敘述何者正確？
(A)未規定公務員須以故意過失為要件，故屬於無過失責任
(B)只要行為人具備公務員身分而違法即構成國家賠償，不以執行公務為必要
(C)國家對於公務員違法侵害人民權利，不論是作為或不作為，均應負賠償責任
(D)國家本身應負最後責任，故不得向公務員求償
- 30 雇主與女性受僱人約定結婚即應辭職，違背男女平等而無效，此為基本權利之何種功能？
(A)第三人效力 (B)制度性保障 (C)程序保障 (D)國家保護義務