

等 別：三等考試

類 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。

- 1 下列何者得以自治條例規範之？
(A)外籍配偶申請歸化之許可要件 (B)外籍配偶得否在我國工作及參加勞工保險之事項
(C)外國配偶申請居留之許可要件 (D)外籍配偶生活扶助事項
- 2 下列何者不是監察院之職權？
(A)彈劾權 (B)糾舉權 (C)罷免權 (D)調查權
- 3 納稅須依法律為之，此稱之為：
(A)租稅法律主義 (B)租稅社會主義 (C)租稅公平主義 (D)租稅自由主義
- 4 關於台北市與台北縣在某事項的權限上發生爭議時，依地方制度法之規定，應如何解決？
(A)由立法院解決 (B)由行政院解決
(C)由台北市議會與台北縣議會共同解決 (D)由總統召集有關人員會商解決
- 5 下列何者在憲法中並無明文規定？
(A)國家應尊重軍人對社會之貢獻 (B)中華民國之外交，應尊重聯合國憲章
(C)國家應促成農業之現代化 (D)國民教育之書籍，應一律由政府免費供給
- 6 下列有關公法上特別權力關係之敘述，何者錯誤？
(A)權力主體，可不循一般法秩序，強制所屬個人服從特定規範
(B)權力主體，可以不依據法律，限制所屬個人的基本人權
(C)在特別權力關係中的權力運作，仍須接受司法審查
(D)在此體系中可以排除法治主義原則，容易形成行政權優越的官僚獨裁體制
- 7 下列有關秘密通訊自由之敘述，何者錯誤？
(A)郵政法規定郵務人員不得開拆他人信件
(B)電信法規定電信事業及專用電信處理之通信，他人不得盜接、盜錄
(C)刑法規定無故開拆他人之封緘信函者，予以處罰
(D)通訊保障及監察法之保障範圍不及於言論與談話
- 8 關於行政執行對人身自由之限制，依司法院大法官釋字第 588 號解釋，下列敘述何者符合比例原則？
(A)經合法通知，無正當理由而不到場者，即得管收之
(B)顯有履行義務之可能，故不履行者，即得拘提之
(C)顯有逃匿之虞者，即得拘提之
(D)於調查執行標的物時對於執行人員拒絕陳述者，即得管收之
- 9 中華民國國民年滿幾歲者，有依法選舉之權？
(A)年滿 18 歲 (B)年滿 20 歲 (C)年滿 16 歲 (D)年滿 23 歲

- 10 外國人是否可以在我國請求國家賠償？
(A)可以，並無限制
(B)不可以
(C)有繳稅即可
(D)我國國民得在該國與該國人享受同等權利者，則可以請求
- 11 依憲法增修條文規定，行政院院長如何產生？
(A)由總統任命之
(B)由立法委員選舉之
(C)由總統提名，國民大會同意後任命之
(D)由總統提名，立法院同意後任命之
- 12 依據憲法第 52 條總統「除犯內亂或外患罪外，非經罷免或解職，不受刑事上之訴究」，此一規定意味著：
(A)總統可免於如交通罰鍰之行政罰
(B)總統於卸任後仍不得受刑事追訴
(C)現職總統競選連任時，即無此特權
(D)總統僅有刑事豁免權，並不包括民事責任之免責
- 13 行政院於會計年度結束後四個月內，應提出決算於何機關審核？
(A)行政院主計處
(B)監察院
(C)立法院財政委員會
(D)立法院預算及決算委員會
- 14 依憲法增修條文之規定，立法院對下列何事項沒有提案權？
(A)領土變更案
(B)總統彈劾案
(C)戒嚴案
(D)憲法修正案
- 15 立法院委員會於審議預算時，司法院秘書長就相關預算是否有到委員會備詢之義務？
(A)無備詢義務
(B)有備詢義務
(C)經司法院院長核可後始有備詢義務
(D)經立法院院長核可後始有備詢義務
- 16 關於現代法律的定義，下列敘述何者為非？
(A)法律是人類社會生活規範之一種
(B)是以正義為其存在基礎
(C)以國家強制力為其實現的手段
(D)與道德為一體兩面
- 17 關於法律與經濟的關係，下列敘述何者為錯誤？
(A)法律與經濟活動無關
(B)法律保障所有權，有助於經濟發展
(C)契約制度保障交易安全
(D)「公平交易法」維持市場交易秩序
- 18 下列何者並非現代民主國家法律之目的？
(A)實現自由
(B)維繫和平
(C)保障個人權利
(D)鞏固專制集權政權
- 19 憲法規定有關中央與地方權限分配，遇有爭議時，由下列何院解決之？
(A)行政院
(B)立法院
(C)司法院
(D)監察院
- 20 依照我國中央法規標準法的規定，立法院通過、總統公布之法律，「不」得定名為：
(A)法
(B)條例
(C)通則
(D)綱要
- 21 下列關於法律制定之敘述，何者錯誤？
(A)應經立法院通過
(B)立法院應經三讀會通過
(C)立法院通過之法律，應由行政院院長公布
(D)立法委員亦得提出法律案
- 22 類推適用的方法，不能運用在下列那一種法律？
(A)民法
(B)刑法
(C)行政法
(D)憲法
- 23 合法行政處分仍得因情事變遷而廢止，但應予補償，係何種依法行政原則之適用？
(A)比例原則
(B)平等原則
(C)公益原則
(D)信賴保護原則

- 24 甲夫乙妻育有一子丙，若甲、丙同時死亡，則下列何者與乙同為第一順位之法定繼承人？
(A)甲之父母 (B)甲之兄弟 (C)丙之子女 (D)丙之配偶
- 25 中央法規標準法第 5 條規定，關於國家各機關之組織事項，應以法律定之，此乃何種原則之具體化？
(A)平等原則 (B)比例原則 (C)明確性原則 (D)行政組織法定原則
- 26 以自始客觀不能之給付為契約標的者，契約效力如何？
(A)有效 (B)無效 (C)效力未定 (D)得撤銷
- 27 甲以為想替自己拍掉肩上頭皮屑的乙要打自己，將乙推倒，乙受普通傷害，此為：
(A)正當防衛 (B)緊急避難 (C)誤想防衛 (D)偶然防衛
- 28 在路上撿到他人遺失的物品，依法應如何處理？
(A)在原處等一陣子，無人回來找，就取得所有權
(B)送警察機關招領，逾期沒人認領，由拾得人取得所有權
(C)拾得馬上取得所有權，因此若還給遺失人就是拾金不昧，應加以表揚
(D)要送警察機關招領，若逾期無人認領，就由政府取得所有權
- 29 股份有限公司之總經理，係由下列何機關選任？
(A)股東會 (B)監察人 (C)董事會 (D)工會
- 30 以下何者不是勞工保險條例的給付項目？
(A)傷病給付 (B)失業給付 (C)老年給付 (D)殘障給付
- 31 The _____ principles of a country are usually stated in its constitution.
(A) fundamental (B) beneficial (C) passionate (D) deceptive
- 32 The old house with all its beautiful furniture and pictures _____.
(A) have sold (B) have been sold (C) has sold (D) has been sold
- 33 The authorities have chosen a group of smart detectives to set up a _____ to investigate the murders that have caused social insecurity.
(A) commission (B) compendium (C) constitution (D) congress
- 34 _____ Mediterranean tour marketing campaigns targeting Eastern Europe, Poles and Slovaks are flying to Tunisia for cheap doses of sun.
(A) Fortunate to (B) Thanks to (C) With a view to (D) Thanks for
- 35 In Taiwan more and more middle-class families are _____ traveling abroad in their vacations.
(A) going in for (B) cut out for (C) embedded in (D) endowed with
- 36 This young boy, _____ other boys of his age that find theme parks their favorite weekend outing, likes to spend his weekends taking the residents of the nursing home out for a walk.
(A) as much as (B) as well as (C) unlike (D) in spite of
- 37 The millions spent to give schools and universities online access is of little use unless students know how to retrieve useful information from the oceans of sludge on the Web.
(A) Only when students learn to use the Internet critically is the investment for online access worthwhile.
(B) Online access for students is very expensive and students should get as much information out of it as possible.
(C) Money spent on online access for students is wasted if users don't know how to store information.
(D) Millions of people are now surfing on the Net as many students do to get information.

- 38 After 20 years of living in a small village, the old man wanted a more _____ way of life.
 (A) derogatory (B) metropolitan (C) sinuous (D) voluble
- 39 Indonesia is a bird paradise, but hundreds of its 366 protected species are threatened by _____ destruction and illegal activity.
 (A) habitat (B) prohibition (C) residence (D) province
- 40 In a world where standstills have become all too common, constant _____ is the key to business success.
 (A) application (B) evolving (C) initiation (D) offering
- 41 The higher the standard of living and the greater the national wealth, the _____.
 (A) greater the amount of paper used (B) greater used amount of paper is
 (C) amount of paper is used is greater (D) greater is the amount of paper is used

It now seems to me that what matters most in the majority of organization is to have reasonably intelligent, hard-working managers who have a sense of pride and loyalty toward 42 organization; who can get to the root of a problem and are inclined 43 action. It is the *ability to make positive things happen* that most 44 the successful manager from the mediocre or unsuccessful one. It is far better to have dependable managers who can make the right things happen in a timely fashion than to have brilliant, sophisticated, highly educated executives who are excellent at planning and analyzing, but who are not so good at 45. The most cherished manager is the one who says “I can do it,” and then does.

- 42 (A) his (B) their (C) our (D) my
- 43 (A) toward (B) against (C) at (D) about
- 44 (A) finds (B) works (C) distinguishes (D) understands
- 45 (A) implementing (B) complimenting (C) supplementing (D) complementing

When we think of feature-length animation, our thoughts turn immediately to *Shrek* and the like. The animated world is round—created in three dimensions by teams of computer wizards and enlivened by references to American pop culture. It may seem somewhat 46 that the world’s greatest living animation film-maker is Hayao Miyazaki, a Japanese writer and director whose world is flat and handmade. It is not that Mr. Miyazaki, 64, is entirely 47 to technological advances. He has used computer-generated imagery (CGI) in his movies, though he recently instituted a rule that CGI should 48 for no more than 10 percent of the images in any of his pictures. In an interview early this month, just before his latest movie, *Howl’s Moving Castle*, had its New York 49, he spoke about technology with a mixture of resignation and 50. “I’ve told the people on my CGI staff not to be accurate, not to be true. We’re making a mystery here, so make it mysterious.”

- 46 (A) whimsical (B) irrelevant (C) paradoxical (D) pragmatic
- 47 (A) vulnerable (B) unfriendly (C) indifferent (D) appealing
- 48 (A) stand (B) take (C) occupy (D) account
- 49 (A) premiere (B) production (C) showcase (D) broadcast
- 50 (A) resistance (B) acceptance (C) capitulation (D) surrender