

109年公務人員特種考試關務人員、身心障礙人員考試及
109年國軍上校以上軍官轉任公務人員考試試題

考試別：國軍上校以上軍官轉任公務人員考試

等別：中將轉任考試

類科：一般行政

科目：中華民國憲法與英文

考試時間：2小時

座號：_____

※注意：禁止使用電子計算器。

甲、申論題部分：(50分)

(一)不必抄題，作答時請將試題題號及答案依照順序寫在申論試卷上，於本試題上作答者，不予計分。

(二)請以藍、黑色鋼筆或原子筆在申論試卷上作答。

(三)本科目除專門名詞或數理公式外，應使用本國文字作答。

一、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。」請問此一規定係「方針規定」或「憲法委託」？又本條係採國家「自己責任論」或「代位責任論」？請依司法院大法官的解釋說明。(25分)

二、憲法規定，針對立法院所通過的何種議案，行政院若認為窒礙難行，可以提起覆議？覆議程序為何？請說明之。(25分)

乙、測驗題部分：(50分)

代號：2601

(一)本測驗試題為單一選擇題，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)共25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。

- Cigarette filters can take up to 12 years to _____ and are harmful to marine life.
(A) decree (B) degrade (C) delete (D) deplore
- The complicated reality is hopelessly unknowable, especially in this age in which the superabundance of information at our _____ is the very enemy of clarity.
(A) approval (B) disposal (C) exposure (D) posture
- It is estimated that Britain will likely send more troops to join the US-led surge to _____ the Afghanistan regime against a new Taliban onslaught.
(A) shy from (B) show off (C) shoot at (D) shore up
- Having spent most of his 30-year career fighting terrorism and _____, Veteran Richard Kemp considered Iran the greatest threat to world peace.
(A) insecurity (B) insurgency (C) inclusion (D) inundation

- 5 David longed for his father's _____ his career as a cook, but his father had always expected David to follow in his footsteps as a medical doctor.
- (A) approval of (B) doing away with (C) opposition to (D) taking over
- 6 There is a(n) _____ between the capacity of the airport and the large number of people wanting to fly from it.
- (A) accumulation (B) implication (C) mismatch (D) counterpart
- 7 He's so clear and reasonable when he answers questions in interviews. I wish I could be that _____.
- (A) disposable (B) compatible (C) presumptuous (D) coherent
- 8 Each party is simply reinforcing the supporters' _____ to the party during the election campaign.
- (A) loyalty (B) capability (C) assessment (D) ambivalence
- 9 Malnutrition in the region is _____ -- affecting up to 78 percent of children under the age of five.
- (A) straightforward (B) widespread (C) concurrent (D) contagious
- 10 So far there is no conclusive information as to the group responsible for the recent _____ attacks, seriously damaging five oil vessels in the Persian Gulf.
- (A) prophecy (B) rummage (C) sabotage (D) vandalism

請依下文回答第 11 題至第 15 題

Criminal offenders make choices based on their perceptions of opportunities. Understanding how offenders see things is important to preventing crimes 11 almost all crime prevention involves changing offenders' perceptions of crime opportunities. Some prevention programs work directly on offenders' perceptions, as when police inform offenders that they are being closely 12 . But most prevention schemes work through one or more 13 steps before the ultimate goal is achieved, as in property marking schemes, for example, where supportive residents apply window stickers showing 14 . Changes in the environment change offender perceptions. These perceptions influence offenders' behaviors that, 15 , alter crime patterns.

- 11 (A) because (B) from (C) therefore (D) although
- 12 (A) watched (B) protected (C) yelled (D) connected
- 13 (A) intermediate (B) straightforward (C) risky (D) oppressive
- 14 (A) participation (B) ambivalence (C) vandalism (D) apathy
- 15 (A) in turn (B) at most (C) against law (D) on duty

請依下文回答第 16 題至第 20 題

A German World War I hand grenade was found among a 16 of French potatoes imported for a Hong Kong potato chip factory. Police detonated it on site with a police video showing bomb disposal officers packing the grenade in a drainage channel at the factory before 17. The grenade is believed to 18 in a trench during World War I and 19 gathered up with potatoes planted a century later in the former battlefield. Hong Kong police 20 dealing with old munitions, though more usually US bombs dropped on the territory after it fell to the Japanese during World War II.

- 16 (A) vehicle (B) workload (C) landfill (D) shipment
17 (A) blowing it up (B) blowing it off (C) carrying it away (D) carrying it out
18 (A) have been left (B) have left (C) be left (D) leave
19 (A) intentionally (B) relatively (C) consistently (D) accidentally
20 (A) used to (B) are used to (C) have used to (D) use to

請依下文回答第 21 題至第 25 題

Mercantilism is the term commonly used to describe the body of opinion that prevailed in economic thought from the sixteenth through to the mid-eighteenth centuries. The mercantilists believed that the affluence of a nation depended on its ability to achieve and maintain a positive trade surplus, and it was seen as of vital importance that a nation kept down the price of its exports. At the time when the mercantilists wrote, labor was the chief input into production and hence also the major cost of production. Consequently, there was a keen focus on the level of wages. It was argued that wages should be kept as low as possible not just to minimize direct labor costs and hence also export prices, but also to maximize the supply of labor.

The mercantilists believed that low wages were necessary to ensure that workers worked on a regular and continuous basis. The above ideas formed the basis of the so-called “utility of poverty” thesis: the argument that the wealth of the nation was greatest where those who labored were poor. The paradox in mercantilist labor doctrine was that, while the laborer was seen to provide the source of the nation’s wealth, he or she was argued to have no right to any greater share of economic wealth than was necessary to meet his or her most basic material needs.

Many opinions informed the case put forward by the mercantilists in support of low wages. First, the view was taken that the English laborer was innately opposed to work. In the absence of poverty, workers would be certain to remain idle and higher wages were to be avoided as a means of enforcing a regular pattern of work that was required to increase national wealth. Alongside low wages, the workhouse was to act as a “school of industry” to instill in the poor the habit of regular and diligent work. Second, workers were claimed to have very low material horizons, and would be unresponsive to wage incentives. High wages were seen to result in increased idleness with a negligible effect on consumption levels, and low wages and high prices were recommended as a means to coerce the workforce into working long hours. Third, workers in England were **condemned** for drinking excessive amounts of alcohol and for leading debauched lives. It was argued that if wages were allowed to rise, then workers were sure to indulge their passion for “vice.” Fourth, there was a fear that a rise in the living standards of the laborer would lead to disorder and sedition in society.

- 21 What is the passage mainly about?
- (A) Impoverishment of workers between the 16th century and mid-18th century.
 - (B) The mercantilist doctrine to labor force between the 16th century and mid-18th century.
 - (C) Social-economic factors for economic growth of countries between the 16th century and mid-18th century.
 - (D) Effects of low wages on laborers’ antisocial personality between the 16th century and mid-18th century.
- 22 According to the passage, which of the following can be inferred about the economic thought of mercantilism?
- (A) Suppressing wage growth was the key to prosperity of a country.
 - (B) Economic hardship of workers led to poverty of a country.
 - (C) There were a great many opposing opinions about mercantilism.
 - (D) Adverse trade balance of a nation was the theme of mercantilism.
- 23 Which rationale is NOT suggested in the last paragraph for keeping wages low?
- (A) The lazy human nature of laborers.
 - (B) The lavish lifestyle laborers may have.
 - (C) The likely boost in consumption levels.
 - (D) The potential incitement of civil rebellion.
- 24 Which of the following words is closest in meaning to “condemned” in the passage?
- (A) sentenced
 - (B) denounced
 - (C) commended
 - (D) degenerated
- 25 What is the paradox in mercantilist labor doctrine?
- (A) The paradox between increasing trade surplus and economic inflation.
 - (B) The paradox between a more productive workforce and low-quality products.
 - (C) The paradox between poor income of laborers and growing wealth of their countries.
 - (D) The paradox between rising export prices and decreasing cost of production.