

代號：80120-80520
80720
頁次：3-1

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：上校轉任考試

類科：各類科

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、人民對他人造成侵權行為時，應負損害賠償責任。若侵害他人名譽權，並可要求侵權行為人公開道歉。請問要求侵權行為人公開道歉本身是否涉及基本權的問題，此種要求公開道歉有何憲法上的限制？(25分)

二、憲法賦予司法院有審查法律是否違憲的權限，請問由司法機關審查法律是否違憲，是否有違民主原則？司法院大法官針對何種法律規定，應用何種審查標準，以判定法律是否違憲？(25分)

乙、測驗題部分：(50分)

代號：2801

(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。

- We have to evacuate immediately because this nuclear power plant has been _____ by radioactivity.
(A) confused (B) complimented (C) compressed (D) contaminated
- John always tries to outdo others; he works day and night in order to stay _____ top and be competitive.
(A) in (B) on (C) for (D) over
- Staying hydrated in hot weather is key to cooling down. Water is ideal for effectively _____ fluids lost due to sweating.
(A) receiving (B) repeating (C) refunding (D) replacing
- Dust and smoke can _____ breathing difficulties for people who have asthma.
(A) adopt (B) secure (C) trigger (D) portray
- Any foreign national with a valid passport and an outbound airline ticket is _____ to apply for the visitor visa in Taiwan.
(A) apparent (B) eligible (C) mutual (D) vulgar

請依下文回答第 6 題至第 10 題

A new study found that the feeling of being drained after work inhibits our self-control and makes us more likely to watch TV or play video games rather than completing other goals. “When we come home from work, people tend to be in a state where it is difficult to control desires.” The study 6 through an online survey analyzing data from 471 respondents, 7 on a popular German gaming Web site. The requirements were that participants had worked the day before and then used entertainment media when they came home, with 262 of them playing video games and 209 watching TV. Respondents were asked to rate 8 how depleted they felt after work and to what extent they used media as a form of procrastination. They were then asked to rate their feelings of guilt about using media and their sense of enjoyment or vitality after. The study found that people who felt most 9 at the end of the workday were most likely to 10 other tasks in favor of the TV or video games, but got less benefit from them because they felt guilty about procrastinating.

- 6 (A) conduct (B) was conducted (C) conducting (D) had conducted
7 (A) recruiting (B) recruited (C) recruit (D) who recruited
8 (A) as a rule (B) along the line (C) below the standard (D) on a certain scale
9 (A) energetic (B) gullible (C) drained (D) cheerful
10 (A) put off (B) get on (C) carry out (D) turn to

請依下文回答第 11 題至第 15 題

A stark look of contemplation is etched across Nelson Mandela’s face. Holding up a simple, chaste hand mirror, the virtuous former South African president gazes quietly at his reflection. A gentle but indomitable power 11 from Mandela in what would become one of his final photos, captured by internationally-celebrated photographer Adrian Steirn. This is just one of the hauntingly beautiful yet innately complex 12 currently on display as part of the 21 ICONS series at the Museum of African Design in Johannesburg. Through photographs and short films, 21 ICONS project offers a poignant insight into the lives of 21 celebrated South African personalities—from Mandela to Desmond Tutu. Intended to 13 20 years of democracy in the country, the project has taken Steirn and his team a grueling seven years to complete. But the result is an impassioned visual production which inspires future generations of 14 can be achieved by a single individual.

Steirn notes “Mandela was simply an independent thinker. He convinced the collective that perhaps there is another way.” To honor 15 an auspicious personality, Steirn captured the former leader in a way that he’d never been shot before. “The mirror was just literally this physical metaphor for reflection—reflection on him, reflection on his life, reflection on what we’ve all accomplished,” he explains.

- 11 (A) emanates (B) dissipates (C) distinguishes (D) emaciates
12 (A) diplomas (B) prescriptions (C) portraits (D) descriptors
13 (A) indoctrinate (B) commemorate (C) intoxicate (D) confiscate
14 (A) why (B) what (C) how (D) when
15 (A) as (B) thus (C) so (D) such

請依下文回答第 16 題至第 20 題

In the UK, the government protects its population from risk in a number of areas. It makes it 16 to wear a seatbelt or helmet while on the roads, and manages risk of disease by taxing or prohibiting unhealthy foods or cigarettes. It prevents the spread of disease by investing in 17 programmes and health education. Workers are protected from harm through government-implemented health and safety regulations and companies and managers are 18 employee death or injury. This has resulted in 800 fewer deaths per year in the British workplace. 19 financial protection, the UK government gives those in poverty access to healthcare, food and shelter. It also tries to prevent 20 and other financial crime, while encouraging economic prudence through methods such as saving.

- 16 (A) complete (B) contemporary (C) combustible (D) compulsory
17 (A) vacancy (B) vocation (C) vaccination (D) variation
18 (A) liable for (B) liberal with (C) interested in (D) indifferent to
19 (A) On behalf of (B) On the verge of (C) In terms of (D) In accordance with
20 (A) fright (B) fringe (C) frame (D) fraud

請依下文回答第 21 題至第 25 題

Everyone has his or her own story. Below is a memoir of a flight attendant's life in the skies, and a behind-the-scenes look at the social 21 on the plane.

There is often the misconception that a flight attendant's job environment is a brainless one, a lifestyle 22 with gossip, complaining, afternoon tea, shopping, and eating lots and lots of good food....

Yet, from the countless passengers she has served over her flying 23, Vivian Lee has learned valuable lessons that were never taught in school.

Lee 24 her experiences and the many fascinating things she observed on the plane above 35,000 feet. The stories, the lives, human nature, from takeoff to landing, each passenger she has served, the people she has come across, and the places she has traveled to have all 25 her life and her understanding of the world. Her stories offer us a glimpse of this private world up in the skies.

- 21 (A) aggression (B) dynamics (C) ethics (D) manipulation
22 (A) assisted (B) entitled (C) filled (D) labeled
23 (A) career (B) distance (C) mileage (D) formation
24 (A) details (B) devises (C) distorts (D) originates
25 (A) enriched (B) prevailed (C) propelled (D) estimated