

考 試 科 目	社會議題分析	系 所 別	法律科際整合研究所	考 試 時 間	2 月 9 日(三) 第三節
---------	--------	-------	-----------	---------	----------------

一、請閱讀以下報導後，回答以下問題。您的意見必須有所論理或論證。

(一)您是否贊同公營事業具正式編制的運動員可為商業代言？(35%)

(二)若是公務員不是運動員，但有特殊專長而獲世界級大獎時，您是否贊同可比照新聞所述運動員可商業代言的新規定？(35%)

### 《國民體育法》第 22 條修正通過 「麟洋配」將可接受商業代言

資料來源：中時新聞網 2021/12/15 文/林志成

東京奧運男子羽球雙打金牌「麟洋配」，因具有台灣土地銀行球員的公務員身分而無法代言商業廣告，引發爭議。立法院教育及文化委員會今天修正通過《國民體育法》第 22 條，曾任國家代表隊之運動選手，若具公務員身分，得經其任職機構同意後接受商業代言。

「麟洋配」獲東京奧運男子羽球雙打金牌後，台灣啤酒等企業有意找兩人代言，卻因為他們所屬的台灣土地銀行是公營事業，受《公務員服務法》「不得兼職與經營商業」之限制而難如願。

對此，包括民眾黨團、立委林奕華等 18 人、委員林宜瑾等 24 人及委員鄭正鈴 28 人均提出《國民體育法》第 22 條的修正版本，雖然各自文字有所不同，但精神卻一致，要讓像「麟洋配」這樣的頂尖手，即使具有公務員身分，也可以接受商業代言。

林奕華表示，我國公營事業包括台灣土地銀行、台灣電力公司等，長期扮演支持、栽培體育選手的重要角色，不僅投入資金培育基層選手，更為了提供職業運動員職業保障將其納入正式編制，然而因此限制了運動員從事廣告代言活動，不利於運動員協助運動行銷。

林宜瑾指出，台灣土地銀行是公營事業，將優秀體育選手納為正式人力，是出於協助發展國內運動的決心。為了讓優秀選手有更大發展空間，他們主張，國內外競賽有優異表現的運動選手，經過其任職機構的同意，可以接受商業代言。

教育部次長林騰蛟回覆，教育部主張先進行《公務員服務法》修法（考試院主政），鬆綁對優秀運動員的代言規定；其次，再看是否要修改《國民體育法》，納入曾任國家代表隊的運動選手，若具公務員身分，得經其任職機構同意後接受商業代言。

不過朝野立委均認為，《公務員服務法》修法最快也是下個會期才會進行，因此主張先行修改《國民體育法》，讓具公務員身分的優秀運動選手，可以盡快接受商業代言。

考 試 科 目	社會議題分析	系 所 別	法律科際整合研究所	考 試 時 間	2 月 9 日(三) 第三節
---------	--------	-------	-----------	---------	----------------

經過朝野熱烈討論後，立法院教文會今天通過《國民體育法》第 22 條修正案，增訂「曾任國家代表隊的運動選手，若具公務員身分，得經其任職機關（構）同意後接受商業代言，不受《公務員服務法》有關經營商業及兼職規定之限制；其商業代言之範圍、限制、程序等相關事項之辦法，由各該主管機關（構）定之」。

二、Read an excerpt of an article below and give your analysis and comment. (本題得選擇以中文或英文作答) (30%)

### Why modern boards need to invest in ESG for companies to thrive

Fortune

By Dan Reilly

December 11, 2021

With the COVID-19 pandemic and increased focus on climate and social justice issues, companies' efforts in the areas of environmental, social, and corporate governance have become a highly discussed—and highly debated—topic. But what role can a board of directors play in advancing ESG work while remaining mindful of their corporations' prosperity and stakeholders' interests?

This complex topic was front and center at the latest Fortune virtual roundtable, with directors and executives from an array of industries joining to share their experiences with and predictions for ESG. While their opinions varied, the consensus among the participants is that there's plenty of room for growth in this important area, and that its success can be a massive differentiator between a company and its competitors.

According to Christa Quarles, the CEO of Canadian software company Corel, discussion of ESG dates back to before the pandemic, most likely emerging around 2017 with the Time's Up movement before including social justice and climate in the ensuing years.

"It's not like we can let up on any of them. So I think it's the biggest challenge that I've seen," she said. "How do we make sure that we're getting the right experts in each of the fields we're leaning in? And from the leadership perspective, how are we rolling compensation into the mix? Should we compensate our leaders for zero-carbon emissions? We certainly are beginning to compensate our leaders for diversity. Watching how we put in different rules and regulations from a governance standpoint has stepped up all the requirements that we need as board members and leaders."

Anne Sweeney, president of BUA Ventures and formerly of Disney and Lego, believes that the key to

考 試 科 目	社 會 議 題 分 析	系 所 別	法 律 科 際 整 合 研 究 所	考 試 時 間	2 月 9 日(三) 第三節
<p>improving ESG is knowing your audience, both consumers and employees. She pointed out that millennials are much more likely to take a job based on ESG metrics when compared with boomers, and that Lego reduced its plastic packaging owing to younger fans' demands.</p> <p>"Having a fulsome conversation about this at every board meeting and not isolating it as a separate issue—it really needs to be in the mix, and it needs to be in the mix all the time," she said, later adding that "if it doesn't start at the top, I think the board has a responsibility to surface it."</p> <p>The makeup of a board is also extremely important, several panelists agreed. In order to truly advance ESG, the composition of shareholder representatives can't be the stereotypical bunch of older, white golfing buddies. While Sweeney said that she hoped companies would evolve to the point where the board didn't need to play such a big role in driving these changes because leadership would take care of it, Quarles disagreed.</p> <p>"I hope, in some ways, that the role of the board doesn't change at all. And by board, in this case, I'm talking about a forward-leaning, diverse, highly functional, communicating group of individuals who, by virtue of their diversity, are giving perspective and point of view to a leader whose job it is to move that organization forward," Quarles said. "It's the boards that are doing that today that I think will be the ones that, hopefully, survive."</p> <p>Of course, stakeholders still want to see the numbers behind ESG, whether that's in profits or how a company is lessening its environmental impact. In the latter area, that often comes from consumers, who don't want to buy products from a company they see as wasteful. Beyond Meat chairman Seth Goldman believes that boards should pay special attention here to ensure their companies are quantifying results and proving they are not just paying lip service to the issue.</p>					
備 註	<p>一、作答於試題上者，不予計分。</p> <p>二、試題請隨卷繳交。</p>				