

114年公務人員高等考試三級考試試題

類 科：各類科（除公職社會工作師、公職獸醫師、公職建築師、公職護理師、公職
食品技師、公職醫事檢驗師、公職藥師外）
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答案。

(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 依據司法院大法官之解釋，關於憲法保障之營業自由，下列敘述何者錯誤？
(A)營業自由為憲法第 15 條工作權及財產權所保障之內涵
(B)其保障範圍及於營業場所之選定
(C)對於營業自由，僅得以立法院制定之法律為限制
(D)政府採購得標廠商員工逾百者應進用一定比例原住民之規定，因進用比例不大，如未進用，亦得繳納代金代替，故對於得標廠商營業自由之限制並未過當
- 2 下列何者並非對人民基本權利之直接限制？
(A)主管機關廢止公園公用 (B)人民團體之會議紀錄須送主管機關核定
(C)集會遊行須經主管機關許可 (D)書籍須送主管機關審查始得出版
- 3 依法行政原則乃是法治國原則的重要內涵之一。關於依法行政原則，下列敘述何者正確？
(A)依據法律優位原則，行政機關依法律授權訂定之法規命令，位階與法律相同
(B)依據法律優位原則，行政機關依法律授權作成之行政處分，位階與法律相同
(C)依據法律保留原則，關於涉及財產權限制之事項，法律得授權行政機關訂定法規命令予以規範
(D)依據法律保留原則，關於涉及秘密通訊自由限制之事項，法律不得授權行政機關訂定法規命令予以規範
- 4 依司法院釋字第 573 號解釋，有關宗教結社自由，下列敘述何者錯誤？
(A)宗教性結社就其內部組織結構、人事及財政管理應享有自主權
(B)宗教性人民團體之內部關係及寺廟財產之管理、處分等事項，均受宗教結社自由之保障
(C)寺廟不動產須呈請該管官署許可後始得處分，是為避免寺產遭不當處分而有害信仰存續，符合比例原則之要求而屬合憲
(D)教會亦有加入其他宗教性人民團體而成為團體會員之自由，此與憲法所保障之宗教信仰自由並無抵觸
- 5 關於法官聲請憲法法庭判決，下列敘述何者錯誤？
(A)所謂法官審理案件之類型包括刑事、行政訴訟、民事及非訟案件
(B)限於最高法院或最高行政法院之法官始得聲請
(C)法院在聲請前，應以裁定停止訴訟程序
(D)聲請法官應依其合理確信，就裁判所適用之法律有牴觸憲法之疑義，說明理由
- 6 關於健康權，下列何者並非大法官解釋所宣示？
(A)為憲法第 22 條所保障的基本權利
(B)健康權在保障人民生理及心理機能的完整性，不受任意侵害
(C)如涉及國家提供資源以提升人民健康之政策目標，應採嚴格標準予以審查
(D)國家對人民的身心健康有最低限度的照顧義務
- 7 有些基本國策規定僅係作為國家施政之依據或參酌之方向，並無強制性之拘束力，也無法作為人民請求之依據。此種規定之性質為：
(A)方針規定 (B)憲法委託 (C)組織及程序保障 (D)制度性保障
- 8 關於行政院設置不當黨產處理委員會所涉及中央行政機關組織基準法之適用問題，下列何者不是大法官解釋所闡述之內容？
(A)中央行政機關組織基準法係依憲法增修條文第 3 條第 3 項規定制定之一般性、框架性立法
(B)政黨及其附隨組織不當取得財產處理條例排除中央行政機關組織基準法之適用，並未牴觸憲法增修條文規定
(C)中央行政機關組織基準法是具有準憲法位階之規範，違反該等規範者，即間接違反憲法增修條文規定
(D)基於民主原則與權力分立原則，立法院得以法律明定或授權以命令訂定行政院所屬各級機關之設置與組織
- 9 下列何者非現代民主國家政府組織之基本原則？
(A)權力分立原則 (B)機關效能原則
(C)中央與地方均權原則 (D)民意政治、責任政治原則

- 10 依司法院大法官解釋及現行規定，關於中央與地方之財政責任分配，下列敘述何者錯誤？
(A)地方自治團體受憲法保障，其財政自主權事項雖適用法律保留原則，但中央不得侵害其核心領域，致其保障虛有化
(B)中央法律規定由地方分擔經費時，倘中央與地方在權限劃分上依法互有協力義務，或分擔經費符合事物之本質者，並不違憲
(C)法律之實施須由地方負擔經費者，於法律制定過程中應使地方政府充分參與，中央並應與地方協商，事前妥為規劃所需財源
(D)憲法條文中使用「國家」一語者，其涵義係專指中央，如憲法第 155 條，國家為謀社會福利，應實施社會保險制度之規定
- 11 公務員甲將選舉結果公告張貼於機關公布欄之前，乙意圖侮辱甲，搶在公告實貼於公布欄前，撕毀該公告。有關乙之刑責，下列敘述何者正確？
(A)乙不構成刑法第 141 條的侵害文告罪
(B)乙構成刑法第 142 條的妨害投票罪
(C)乙不構成刑法第 138 條的毀損公務員職務上掌管之文書罪
(D)乙構成刑法第 139 條的妨害封印或查封標示罪
- 12 性別平等工作法第 14 條有關於生理假之規定，下列何者錯誤？
(A)女性受僱者因生理日致工作有困難者，每年得請生理假 12 日
(B)全年請假日數未逾 3 日，不併入病假計，其餘日數併入病假計算
(C)生理假薪資，減半發給
(D)雇主不得要求女性受僱者，提出醫生證明
- 13 依消費者保護法之規定，企業經營者與消費者分期付款買賣契約應以書面為之。下列何者非契約書應載明事項？
(A)頭期款
(B)違約金
(C)各期價款與其他附加費用合計之總價款與現金交易價格之差額
(D)利率
- 14 關於法規範憲法審查，下列國家機關何者無法聲請？
(A)內政部
(B)國家通訊傳播委員會
(C)考試院
(D)總統
- 15 法律之廢止，其程序為何？
(A)經立法院通過，總統公布
(B)憲法法院裁判
(C)原執行機關公布廢止
(D)人民公投
- 16 依民法之規定，關於公示外觀原則的效力，下列敘述何者正確？
(A)登記具有絕對效力，占有則推定適法有此權利
(B)登記為推定適法有此權利，占有則具有絕對效力
(C)登記具有絕對效力，占有亦具有絕對效力
(D)登記為推定適法有此權利，占有亦推定適法有此權利
- 17 依全民健康保險法第 48 條第 1 項規定，特定保險對象免自行負擔門診、急診及住院費用。下列何者非屬該等特定保險對象？
(A)低收入戶成員
(B)重大傷病
(C)分娩
(D)山地離島地區之就醫
- 18 類推適用係就法律未規定之事項，比附援引與其性質相類似之規定，以為適用。據此，類推適用是基於下列何種原則之理念而來？
(A)比例原則
(B)民主原則
(C)司法自制
(D)平等原則
- 19 關於民法與商法的關係，學說上分成民商合一與民商分立兩種立法例。下列對我國民法與商法採用立法例的說明，何者正確？
(A)我國採取民商合一的立法例，民法中有商法規定
(B)我國在民法規定之外，尚有獨立制定的商法法典
(C)我國雖無獨立的商法典，但未在民法中規範商業行為
(D)我國採取民商分立制度
- 20 入出國及移民法施行細則第 43 條第 2 項規定，「本細則中華民國 112 年 12 月 28 日修正發布條文，除第 13 條及第 22 條自 113 年 3 月 1 日施行外，自 113 年 1 月 1 日施行。」該施行細則應自何時生效？
(A)中華民國 113 年 1 月 1 日
(B)中華民國 112 年 12 月 28 日
(C)中華民國 112 年 12 月 31 日
(D)中華民國 112 年 12 月 30 日

- 21 The baseball of the homerun in the All-Star game was _____ to raise money for charity.
(A) authorized (B) auctioned (C) auditioned (D) mentioned
- 22 To lower the crime rate, the mayor _____ to get rid of guns and drugs in his term.
(A) associated (B) dominated (C) advocated (D) acquired
- 23 Lina had to _____ quality time with her family before she passed the lawyer license examination.
(A) constitute (B) guarantee (C) sacrifice (D) register
- 24 Jay is a busybody; he's always _____ his nose into matters that are no concern of his.
(A) sticking (B) posing (C) posting (D) running
- 25 Even with the restaurant's the-customer-is-always-right policy, the waiter was still _____ by the guests' rude attitudes and languages.
(A) irritated (B) furnished (C) portrayed (D) relieved
- 26 Blown out of the open window by a sudden breeze, the letter _____ to the ground below.
(A) abated (B) elicited (C) fluttered (D) regressed
- 27 You should not listen to other people's private conversations; it is not polite to _____.
(A) boost (B) eavesdrop (C) relapse (D) vitalize
- 28 Some workers dug up the street near our house, which caused frequent _____ inside.
(A) stimulants (B) simulation (C) vigor (D) vibrations
- 29 Refugees were forced to leave their country to find safety in another country because of _____.
(A) persecution (B) recognition (C) adolescence (D) consistency
- 30 A _____ of 7.0 earthquake attacked the northern part of the country so harshly that it caused hundreds of people to lose their lives and properties.
(A) magnitude (B) maintenance (C) majesty (D) manifesto
- 31 The grass turned brown in the summer while the grapes _____ and died on the vine.
(A) sprinkled (B) shriveled (C) scattered (D) shuffled
- 32 International trade allows countries to expand their markets and access goods that may not have been available _____.
(A) domestically (B) analytically (C) colloquially (D) emphatically
- 33 Leo likes nagging at his sons whenever he _____ of their behaviors.
(A) nominates (B) disapproves (C) narrates (D) appreciates
- 34 The payment for the tuition can be made in _____ to be paid partially each month until the full amount is paid.
(A) installment (B) retail (C) wholesale (D) deposit
- 35 To prevent attention deficit disorder related to _____ technology use, one should limit smartphone use.
(A) excessive (B) concrete (C) persuasive (D) rampage
- 36 After the rainstorm, the hiking trail became _____ and slippery, making it difficult to traverse.
(A) smooth (B) straightforward (C) muddy (D) transparent
- 37 Music can improve mood, decrease pain and anxiety; it can _____ you when you are down.
(A) elate (B) amble (C) glean (D) libel
- 38 The _____ in the contract led to disputes between the two parties involved, intensifying misunderstandings.
(A) lucidity (B) precision (C) ambiguity (D) explicitness
- 39 The room was _____ lit, making it difficult to see the details of the painting on the wall.
(A) brightly (B) obviously (C) densely (D) scarcely
- 40 As the story _____, we learned that the boy became an orphan when he was one year old.
(A) allowed (B) called (C) undone (D) unfolded

請依下文回答第 41 題至第 45 題：

In today's rapidly evolving society, a growing concern regarding some young adults has been raised. They do not 41 the same level of work ethic as their parents did in previous generations. This shift can be attributed to various factors, including technological improvements, changing cultural values, and differing economic landscapes. Their parents often had to 42 their leisure time and work long hours in physically demanding jobs. In contrast, today's youth are more likely to seek careers that offer better work-life 43 and personal fulfillment. First, opportunities for remote work and passive income have been created by the 44 of digital technology, which can sometimes lead to a perception of reduced effort. Additionally, the cultural emphasis on self-care and mental health has reshaped priorities, with many young adults valuing basic, 45 well-being over relentless, never-ending hard work. However, it's necessary to recognize that these changes reflect broader societal transformations and the adaptation to new economic realities rather than a mere lack of diligence or ambition.

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| 41 (A) cease | (B) ignore | (C) exhibit | (D) abandon |
| 42 (A) launch | (B) sacrifice | (C) increase | (D) strengthen |
| 43 (A) balance | (B) inequality | (C) extension | (D) impression |
| 44 (A) objection | (B) ignorance | (C) advancements | (D) postponements |
| 45 (A) essential | (B) luxurious | (C) dependent | (D) occasional |

請依下文回答第 46 題至第 50 題：

Geriatric medicine is a growing medical specialty that focuses on the care and treatment of older people. Older age involves a distinct set of challenges. Many older people are living with multiple long-term conditions and are much more vulnerable to a range of problems. Your reactions to medication also change in older age. A geriatrician is a specialist when it comes to how different conditions interact with one another, how various medications will affect you, and how to spot the signs of potential problems such as vulnerability to falls.

Geriatricians see patients with a wide range of common conditions, most of which are chronic disease such as diabetes, hypertension, coronary heart disease, dementia, and even depression. Geriatricians work alongside different specialties to plan and coordinate patients' care. They can work in many different medical settings, but are mainly based in hospital outpatient wards like GP visits.

One of the key roles a geriatrician plays is in carrying out a comprehensive medical assessment. When you go to the GP (general practitioner), you might have a number of complaints, not all of which can necessarily be addressed fully. A geriatrician's job is to work out the most important problems you face, including those you haven't identified yourself, and to put together a program of individualized care. A geriatrician's work is a complex balancing act, and listening to your priorities and the things that are most important for you in life is a key part of the role.

Geriatricians are also important when planning your care after an operation or accident. They will work with clinicians as well as social care staff to plan your care and help you maintain your independence. Geriatricians are also trained to talk to patients towards the end of their life and help them make appropriate plans. This can include setting out treatment preferences in advance and planning care at the very end of life.

- 46 What is the main idea of this passage?
- (A) The revolution in medicine to lengthen lives.
(B) The introduction of a medical specialty.
(C) The new perspective on modern medicine.
(D) The importance of preventive health care.
- 47 Which of the following can best describe the tone of the passage?
- (A) Sarcastic. (B) Factual. (C) Pessimistic. (D) Hilarious.
- 48 According to the passage, which of the following is NOT a geriatrician's treatment?
- (A) Taking care of a wide range of chronic diseases for the elderly.
(B) Making comprehensive evaluations about the patient's life.
(C) Providing psychological consults to patients who may or will die.
(D) Performing operations for the elderly people who fall.
- 49 According to the passage, which of the following statements about a geriatrician is NOT true?
- (A) A geriatrician usually works alone in a clinic.
(B) A geriatrician should be a good adviser and listener.
(C) A geriatrician needs integration ability to treat his patients.
(D) A geriatrician will deal with problems according to the priority.
- 50 Which of the following can we infer from the passage?
- (A) Geriatric medicine is not necessary in those countries with fewer elderly people.
(B) Geriatric medicine may play a very important role in aging societies.
(C) Geriatricians are not specialists; they are caregivers to the elderly.
(D) Geriatricians focus on the treatment of elderly physical health.