

112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、公職臨床心理師、公職食品技師、公職醫事檢驗師及公職藥師外）

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 有關憲法解釋及法規範之位階，下列敘述何者錯誤？
(A)法律與憲法有無牴觸發生疑義時，由行政法院解釋之
(B)憲法之解釋，由司法院為之
(C)憲法所稱之法律，謂經立法院通過，總統公布之法律
(D)命令與憲法或法律牴觸者無效
- 2 依憲法本文規定，國家對於邊疆地區各民族之土地使用保障及發展，下列何者並非應特別考量之要素？
(A)土地價格 (B)氣候 (C)土壤性質 (D)人民生活習慣
- 3 關於受羈押被告之權利，下列敘述何者錯誤？
(A)有接見律師權 (B)有受辯護權
(C)有與辯護律師自由溝通權 (D)接見律師時有不受監視權
- 4 訴訟應循之程序及相關要件，下列何機關得衡量訴訟案件之種類、性質、訴訟制度之功能及訴訟外解決紛爭之法定途徑等因素，為正當合理之規定？
(A)立法機關 (B)行政機關 (C)司法機關 (D)監察機關
- 5 財政部函就使用牌照稅法第7條第1項第9款關於交通工具免徵使用牌照稅規定，所稱「每一團體和機構以3輛為限」，明示應以同一法人於同一行政區域內之總分支機構合計3輛為限。其縮減人民依法律享有免徵使用牌照稅優惠，依司法院釋字第798號解釋，係違反下列何項原則？
(A)社會國原則 (B)平等原則 (C)租稅法律原則 (D)比例原則
- 6 依憲法法庭判決意旨，有關憲法第18條保障人民服公職權，下列敘述何者正確？
(A)年終考績丁等者免職係剝奪公務員之身分，該規定違反憲法第18條服公職權之意旨
(B)免職權之性質屬行政權，且為行政機關人事權之固有核心權限
(C)行政懲處權應不包括公務人員考績法中具有實質懲戒性質之免職處分
(D)依憲法第77條規定，必須由法院擔任公務員懲戒及懲處之第一次決定機關
- 7 下列何種集會遊行，應向主管機關申請許可？
(A)媽祖遶境 (B)婚喪喜慶活動 (C)體育路跑活動 (D)選舉造勢
- 8 依憲法增修條文第4條規定，總統、副總統之彈劾案，由下列何者提出？
(A)司法院 (B)檢察總長 (C)立法院 (D)監察院
- 9 下列何者不得向憲法法庭聲請判決？
(A)總統 (B)臺灣新北地方法院家事法庭法官
(C)社團法人臺灣身心障礙兒童權利促進會 (D)屏東縣議會議員現有總額四分之一以上
- 10 關於地方行政機關人員受質詢或備詢之義務，下列敘述何者錯誤？
(A)就中央對地方之補助款預算案，有至立法院受質詢之義務
(B)除法律有明定外，無出席立法院委員會備詢之義務
(C)地方首長與一級單位主管，就其主管業務，有受地方議會質詢之義務
(D)地方議會於業務質詢時，相關地方政府之業務主管應列席備詢

- 11 關於「自由民主憲政秩序」，下列敘述何者錯誤？
(A)屬法治國家的統治秩序
(B)排除任何暴力或獨裁專制
(C)植基於自由、平等以及依據多數意志而作成之人民自我決定上
(D)政黨行為雖危害自由民主憲政秩序，仍應受結社自由之保障
- 12 在公職人員選舉開票結束後，選務人員將票匭封緘。甲認選舉不公，撕去了票匭上的封條，被撕下的封條仍完好如初。甲的行為是否成立犯罪？
(A)甲構成刑法第139條的除去封印罪
(B)甲構成刑法第135條的妨害公務罪
(C)甲構成刑法第140條的侮辱公務員罪
(D)甲不構成犯罪
- 13 甲為A股份有限公司之經理人，下列有關甲之敘述，何者錯誤？
(A)甲在執行A公司業務之範圍內，亦為公司負責人
(B)A公司得於公司章程規定，甲之報酬應由董事會以董事3分之2以上出席，及出席董事過半數同意之決議行之
(C)若甲受破產之宣告，其經理職務應解任之
(D)甲之職權，應以章程規定，不得依契約訂定之
- 14 勞工甲下班回家之後，於晚上11點30分接獲雇主透過通訊軟體發訊，告知有一個緊急文件客戶明天早上9點就要，希望甲可以幫忙加班處理。雖然已經很晚了，但是雇主既然有此需求，甲因此破例熬夜把文件整理完成並且透過通訊軟體回傳給雇主，一共花了3個小時。隔天早上到辦公室之後，甲提出通訊軟體之訊息向雇主請求加班費，但雇主予以拒絕。下列敘述何者正確？
(A)甲不能申請加班費，因為其如果不同意，可以當下拒絕，而既然同意下班後還幫忙，就不算是工作，而是額外的人情，不能申請加班費
(B)甲不能申請加班費，因為加班費要事前申請並且經過雇主同意才有。甲未向雇主申請，因此只能當作私下幫忙，不算是工作
(C)甲能夠申請加班費，只要甲能透過訊息證明自己確實有受到雇主要求工作，以及工作之時數，應給付加班費
(D)甲能夠申請加班費，因為加班無需經過雇主同意，只要是下班時間做的事情，都應該能夠申請加班費
- 15 聯合國消除對婦女一切形式歧視公約並未提及下列何種權利或保障？
(A)保障婦女享有資訊隱私的權利
(B)保障婦女平等受教育的權利
(C)提供婦女有關懷孕、分娩和產後期間的適當服務
(D)消除婦女在經濟生活上的歧視
- 16 下列何者非屬公法上事實行為？
(A)行政機關由其所屬之承辦人員向相對人送達罰鍰處分書
(B)否准政府資訊公開之申請
(C)溢繳稅款匯入義務人帳戶
(D)警察對於犯罪嫌疑人扣上手銬
- 17 甲向公務員乙表示，願以新臺幣10萬元之代價，換取乙將其主辦之工程招標底價洩漏給甲，乙答應後反悔未洩漏底標，將10萬元原封不動退回。依我國刑法之規定，下列敘述何者正確？
(A)乙應論以違背職務行為收受賄賂罪
(B)乙應論以公務員洩漏國防以外秘密罪之共同正犯
(C)甲應論以不違背職務行為行求賄賂罪
(D)甲應論以公務員洩漏國防以外秘密罪之教唆犯
- 18 有關公職人員之選舉，下列敘述何者正確？
(A)經登記為候選人者，得撤回其候選人登記
(B)全國不分區立法委員選舉候選人之保證金，由登記之政黨繳納
(C)政黨推薦參加公職人員選舉之候選人，無須為該政黨黨員
(D)廣播電視事業應無償提供時段供登記之候選人從事競選宣傳

- 19 依憲法訴訟法規定，關於法院聲請法規範憲法審查，下列敘述何者錯誤？
(A)應以獨任法官或合議庭名義提出聲請
(B)聲請標的限於裁判所應適用之法律位階法規範
(C)聲請書應敘明客觀上形成確信法規範違憲之法律見解
(D)原因案得以聲請憲法審查為由，裁定停止程序，如有急迫情形，並得為必要之處分
- 20 於違章建築之買賣，出賣人交付該違章建築，買受人占有之，買受人取得該違章建築之何種權利？
(A)地上權 (B)法律上處分權 (C)事實上處分權 (D)占有權
- 21 The government plans to _____ a new tax on luxury goods in order to generate additional revenue for social welfare programs.
(A)impose (B)impair (C)imprison (D)immerse
- 22 Everyone was impressed with their dignity and _____ while they were in vigil for their late mother.
(A)hypothesis (B>wilderness (C)composure (D)registration
- 23 Inadequacy of security measures is hard to be tackled, because community policing is expensive and, in an era of budget cuts, increasingly _____.
(A)lush (B)rare (C)afar (D)fond
- 24 To protect the environment, the company has made progress in reducing its carbon _____.
(A)emissions (B)omissions (C)permissions (D)missions
- 25 The willingness of readers to _____ on the content of the stories rather than to accumulate knowledge of concepts or terms will make the reading easier and more pleasant.
(A)reflate (B)reflect (C)refine (D)refresh
- 26 The charity was established to offer essential assistance to _____ children who lack access to basic education and healthcare.
(A)overpassing (B)underdeveloped (C)underprivileged (D)overwhelming
- 27 The industry is being _____ by high interest rates and inflation; investors and economists are seriously worried about the current situation.
(A)dispensed (B)prevailed (C)glittered (D)crippled
- 28 The founder's donation left a lasting _____, funding scholarships for generations of deserving students to come.
(A)legacy (B)estimate (C)innovation (D)modernity
- 29 As the captain of the ship, he appointed the first mate as his _____ to take over in case of emergencies.
(A)deputy (B)poacher (C)hypocrite (D)contestant
- 30 Despite the chaos and commotion around him, the wise old man remained _____ and continued to meditate in peace.
(A)intrusive (B)devastated (C)horrified (D)tranquil
- 31 With the plague severity decreasing over time, there is little or no _____ for people to get vaccinated now.
(A)deterrent (B)turn-off (C)resentment (D)incentive
- 32 My art teacher always says that using the non-dominant hand could lift the spirits, free the imagination, and, most importantly, _____ creativity.
(A)lease (B)unleash (C)unload (D)lessen
- 33 Plastic bags are not _____, that is, decades after they are buried in a landfill, they become nothing but still plastic bags.
(A)combustible (B)reusable (C)biodegradable (D)transferable
- 34 Two companies have agreed to close a division of their business as a(n) _____ move to avoid public criticism.
(A)synthetic (B)illiterate (C)invasive (D)tactical
- 35 The European Commission _____ TikTok from most of its employees' phones, citing security concerns.
(A)banned (B)comprehended (C)recommended (D)stunned
- 36 The project deadline happens to _____ with my vacation plans, so I need to ensure that all work will be completed before I leave.
(A)cooperate (B)coincide (C)compete (D)confer
- 37 The poachers killed the elephants so they could make a fortune by _____ the ivories overseas.
(A)struggling (B)smuggling (C)strangling (D)smearing
- 38 Dana visits her parents in New York at regular _____, usually every three months.
(A)intervals (B)spirals (C)terminals (D)utensils
- 39 The red carpet was filled with excited fans and flashing cameras as the _____ couple made their grand entrance to the movie premiere.
(A)acquaintance (B)celebrity (C)informant (D)delinquent
- 40 The artist's tireless dedication to his craft resulted in a(n) _____ of work that was both beautiful and thought-provoking.
(A)blunder (B)debris (C)eclipse (D)opus

Taking an exercise every day has become a routine for most people nowadays. People who engage themselves constantly to sporting and fitness exercises do it for the purpose of staying sound and 41. Because forming an exercise habit is essential for maintaining our good health, the kind of exercise we take and the likely effects each has on us cannot be 42. Therefore, before involving yourself in any fitness activity, it is always wise to be aware of the 43 between high-impact and low-impact exercises and choose the ones that fit you. The term, impact, denotes the force that might 44 on your bones and joints when you participate in a physical activity. As a result, knowing whether your exercise is low- or high-impact is key to minimizing the possible 45. In addition, this also helps maximize the achieving goals of exercise.

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|--------------------|------------------|-----------------|----------------------|
| 41 (A) feeble | (B) edible | (C) sturdy | (D) tardy |
| 42 (A) attributed | (B) contributed | (C) emphasized | (D) overlooked |
| 43 (A) differences | (B) similarities | (C) obligations | (D) responsibilities |
| 44 (A) harm | (B) weigh | (C) weaken | (D) heighten |
| 45 (A) visibility | (B) feasibility | (C) benefits | (D) injuries |

請依下文回答第46題至第50題：

Is there any immortal creature in the world? Despite only being only three millimeters in diameter on average, adult versions of immortal jellyfish (*Turritopsis dohrnii*) have a huge party trick: they can roll back their biological clock when injured or on the verge of starvation. This means, in theory, they could live forever. Could humans harness their abilities to eradicate ageing completely?

As scientists have known, the reason of human ageing is a process called trans-differentiation. “This is about how a fully formed specialized adult cell can become another type of specialized adult cell. It’s how a cell can adapt,” explains Dr. Maria Pia Miglietta. The exact mechanism behind trans-differentiation is still a mystery to scientists. However, as Miglietta explains, the answer will likely be found in the jellyfish’s genes. “It most certainly has something to do with the DNA,” she says. “It’s the DNA that programs a cell—certain genes being ‘turned on’ or ‘off’ will determine what sort of cell it is. We’re far away from any kind of real-world application,” says Miglietta. “But we hope that studying what happens in these jellyfish can tell us how their genes change cells—and how these changed cells integrate with others. This is the base of understanding cellular regeneration and tissue regeneration.”

However, there are many challenges. These jellyfish have only been studied sporadically since the early 1980s, meaning experts have only a few decades’ worth of data. While an immortal jellyfish can age in reverse, it can also be easily killed by predators including various fish, sharks, turtles and even other jellyfish. “They’re incredibly sensitive, from the water temperature to their plankton and fish egg diet,” says Miglietta. “The real paradox is they’re actually really hard to keep alive!”

- 46 What is the main idea of the passage?
- (A) An endangered species that needs more conservation.
(B) A species that may help on research against ageing.
(C) The concept of human ageing and its solution.
(D) Biological background of jellyfishes reproduction.
- 47 Which of the following tones best describes the passage?
- (A) Cynical. (B) Scientific. (C) Indifferent. (D) Entertaining.
- 48 According to the passage, which of the following factors is NOT the challenge to the research about the jellyfish *Turritopsis dohrnii*?
- (A) The data collected is not enough, and the research is not continuous.
(B) *Turritopsis dohrnii* are under threat of too many predators.
(C) *Turritopsis dohrnii* are very delicate and often don’t live long enough.
(D) *Turritopsis dohrnii* is too large to find the tissues about regeneration.
- 49 According to the passage, which of the following is the main factor how *Turritopsis dohrnii* might help to solve the problem of ageing?
- (A) People consume *Turritopsis dohrnii* to help fight diseases.
(B) Its gene may turn on or off the mechanism of cell trans-differentiation.
(C) *Turritopsis dohrnii* can adapt themselves to different environments.
(D) *Turritopsis dohrnii*’s cells can easily integrate with human’s cells.
- 50 According to the passage, which of the following statements is TRUE?
- (A) The research on the *Turritopsis dohrnii* against human ageing has been broadly applied.
(B) In principle, *Turritopsis dohrnii* can live forever; however, most of them are short-lived.
(C) Jellyfish has a fixed biological clock which helps activate regeneration.
(D) *Turritopsis dohrnii* never die so that they overpopulate in the ocean.