

111年公務人員高等考試三級考試試題

類 科：各類科（除公職護理師、公職諮商心理師、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的答案。

(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 依現行規定，有關立法委員之選舉，下列敘述何者正確？
(A)一人一票，票票等值，故當選人之得票數必須相同才能當選
(B)政黨必須獲得百分之三以上之選票才能分配不分區席次
(C)原住民僅以山地原住民為限
(D)不論縣市人口多少，至少應選一人
- 2 依憲法規定及司法院大法官解釋意旨，下列何者逾越立法院職權行使之界線？
(A)就公務員退休金制度進行修法
(B)議決非核家園之能源政策
(C)調閱偵查終結起訴案件之卷證
(D)組成調查委員會，瞭解司法院執行預算之情形
- 3 依據憲法增修條文第 10 條第 4 項規定，國家對公營金融機構之管理應本下列何項原則？
(A)節制資本原則
(B)社會國原則
(C)民生主義原則
(D)企業化經營原則
- 4 依據憲法學理與實務見解，下列何種行為最不可能構成對言論自由的限制？
(A)社會秩序維護法處罰人民散布謠言的規定
(B)道路交通管理處罰條例處罰人民未依道路標誌、標線、號誌行進的規定
(C)菸害防制法要求菸品容器標示尼古丁及焦油含量的規定
(D)政治獻金法禁止宗教團體捐贈政治獻金的規定
- 5 下列何者不涉及國家對憲法宗教信仰自由之限制？
(A)法律規定宗教團體必須定期公告其財務收支報表
(B)公務員於新進人員人事資料表上必須填寫其宗教信仰
(C)私人公司禁止員工參與媽祖繞境活動
(D)寺廟之不動產，如未經主管機關核准，不得處分
- 6 依司法院釋字第 728 號解釋意旨，有關既存祭祀公業派下員認定規約，下列何者並非較平等權更需保護之權益？
(A)結社自由
(B)財產權
(C)信賴利益
(D)私法自治
- 7 有關吊扣執業登記證及廢止執業登記，係限制計程車駕駛人何種憲法權利？
(A)工作權
(B)財產權
(C)人格權
(D)人身自由
- 8 依司法院大法官解釋，有關受刑人所得主張之基本權利，下列敘述何者正確？
(A)因與其他受刑人一同於監獄內服刑，並同受監督，不得主張隱私權
(B)因受刑人之人身自由受到限制，從而不得主張財產權、秘密通訊自由等基本權利
(C)受刑人之表現自由應受如何之保障，與其人格發展自由無關
(D)要求受刑人投稿須題意正確，涉及言論之事前檢查
- 9 依憲法及司法院大法官解釋，下列何者權利不涉及請求國家給付之實體保障？
(A)請願權
(B)生存權
(C)健康權
(D)受國民教育權
- 10 立法院提出總統、副總統彈劾案，經下列何者判決成立時，被彈劾人應即解職？
(A)最高法院
(B)最高行政法院
(C)懲戒法院
(D)憲法法庭
- 11 依司法院釋字第 419 號解釋意旨，對於行政院院長非憲法上義務之辭職，總統之處理屬學理上所稱之下列何者？
(A)行政行為
(B)統治行為
(C)政策決定
(D)行政命令
- 12 下列敘述，何者牴觸我國關於預算案的現行憲法規範及憲法實踐？
(A)預算案僅得由行政院提出
(B)立法院對於行政院所提預算案，不得為增加支出之提議
(C)行政院不得針對立法院決議之預算案提出覆議
(D)立法院於審議預算時，不得移動或增減預算項目
- 13 下列何者與審判獨立無關？
(A)法官須依據法律從事審判，不受干涉
(B)法官應超出黨派，不受政黨政治力之影響
(C)對於法官之職務監督不得影響法官所持之法律見解
(D)法官參與研討會並發表評論裁判之報告
- 14 下列何者非屬司法院大法官得實質審查之標的？
(A)抽象法規範是否違憲
(B)機關權限爭議
(C)政治問題爭議
(D)政黨違憲解散

- 15 對於地方自治之本質，下列敘述何者錯誤？
 (A)地方自治是藉由憲法位階的保障，以避免立法者透過法律架空地方自治，這是屬於制度性保障說
 (B)地方自治保障地方住民得決定地方事務，屬於住民主權說
 (C)地方自治係由憲法明文保障，屬於規範承認說
 (D)地方自治權係基於國家法律承認授權而來，此說法是屬於固有權說
- 16 依現行刑法之規定，下列何者屬褫奪公權之內涵？
 (A)褫奪選舉權 (B)褫奪被選舉權 (C)褫奪罷免權 (D)褫奪公投權
- 17 有關羅馬法的敘述，下列何者錯誤？
 (A)歐陸各國的法律都源於羅馬法大全（corpus juris civilis）
 (B)東羅馬帝國皇帝查士丁尼下令編纂羅馬法大全
 (C)近代歐洲的自然法運動，促成了各國對羅馬法的繼受與研究
 (D)成文法運動結合民族主義，嚴重傷害了羅馬法的統一性
- 18 關於法規範之廢止，下列敘述何者正確？
 (A)法律之廢止，由立法院通過，行政院公布之
 (B)命令之廢止，由總統為之
 (C)同一事項已定有新法規，並公布或發布施行者，係明示之法規廢止原因之一
 (D)廢止之法規，應自公布或發布之日立即失效
- 19 下列何者不是占有人？
 (A)學徒就公司配置其工作所必要的機具 (B)出租人就其交付於承租人的租賃物
 (C)承租人就出租人交付於自己的租賃物 (D)公司配給董事長使用的座車
- 20 行政罰法第 18 條規定，裁處罰鍰，應審酌違反行政法上義務行為應受責難程度、所生影響及因違反行政法上義務所得之利益，並得考量受處罰者之資力。此屬下列何種原則？
 (A)比例原則 (B)平等原則 (C)行政保留原則 (D)誠實信用原則
- 21 下列有關刑法第 135 條妨害公務罪的敘述，何者錯誤？
 (A)本罪以所執行之公務遭妨礙為結果，屬結果犯
 (B)本罪不限定行為主體資格，故為一般犯
 (C)本罪另設有致公務員於死、致重傷之加重結果犯規定
 (D)公務員執行職務時，協助開門鎖的業者，並非本罪所稱的公務員
- 22 下列有關公開播送、公開演出及公開傳輸的概念，何者與我國著作權法規定有違？
 (A)公開播送係指基於公眾直接收聽或收視為目的，以有線電、無線電或其他器材之廣播系統傳送訊息之方法，藉聲音或影像，向公眾傳達著作內容
 (B)由原播送人以外之人，以有線電、無線電或其他器材之廣播系統傳送訊息之方法，將原公開播送之聲音或影像向公眾傳達者，則不屬公開播送規範範圍
 (C)公開演出係指以演技、舞蹈、歌唱、彈奏樂器或其他方法向現場之公眾傳達著作內容
 (D)公開傳輸係指以有線電、無線電之網路或其他通訊方法，藉聲音或影像向公眾提供或傳達著作內容，包括使公眾得於其各自選定之時間或地點，以上述方法接收著作內容
- 23 關於相當因果關係理論，依我國實務見解，下列敘述何者正確？
 (A)相當因果關係，係依經驗法則為判斷 (B)相當因果關係，係依客觀之事中審查而定
 (C)偶然事實亦可認定具有相當因果關係 (D)相當因果關係係以行為人主觀認知而定
- 24 雇主欲依勞動基準法第 84 條之 1 規定，與勞工另行約定工作時間、例假、休假、女性夜間工作，下列敘述何者錯誤？
 (A)應以書面方式為之
 (B)應限於經中央主管機關核定公告之工作者
 (C)約定內容應報請當地主管機關核備
 (D)應經工會同意，如事業單位無工會者，應經勞資會議同意
- 25 下列有關性別工作平等法適用對象之敘述，何者錯誤？
 (A)公務人員與教育人員適用性別工作平等法，惟公務人員與教育人員之申訴、救濟及處理程序，依各該人事法令之規定
 (B)雇主依勞動基準法規定招收之技術生及準用技術生規定者，除適用高級中等學校建教合作實施及建教生權益保障法規定之建教生外，亦適用性別工作平等法
 (C)軍職人員因其工作之特殊性，不適用性別工作平等法之規定
 (D)實習生於實習期間遭受性騷擾時，適用性別工作平等法之規定
- 26 有關憲法第 13 條所保障的宗教信仰自由，下列敘述何者正確？
 (A)依司法院釋字第 490 號解釋，人民得依宗教理由主張免除兵役義務
 (B)教育部對各大學院校所提供的高等教育補助金，其發放對象包含教會興辦的私立大學，已違反國家中立性原則
 (C)相較於內在信仰之自由，宗教行為之自由與宗教結社之自由，僅能受相對之保障
 (D)為保障人民權利，國家得強制要求所有宗教相關團體皆必須法人化

- 27 下列何種情形適用我國刑法處罰？
(A)我國人在外國對外國人犯刑法第 320 條之竊盜罪
(B)我國人在外國犯刑法第 237 條之重婚罪
(C)外國人在外國對我國人犯刑法第 325 條之搶奪罪
(D)外國人在外國犯刑法第 296 條之 1 之買賣人口罪
- 28 下列法律行為，何者為附解除條件之情形？
(A)甲向乙借 10 萬元，約定乙每月支付利息 1 千元
(B)父親甲與就讀小學的兒子乙約定，乙如月考有一科考 100 分，甲就給乙 100 元
(C)甲、乙約定於民國 106 年 12 月初，開設自助餐廳
(D)當甲考上公務員高普考時，乙的房屋就不再續租給甲
- 29 稱普通地上權者，謂以在他人土地之上下有建築物或其他工作物為目的而使用其土地之權。關於地上權之敘述，下列何者錯誤？
(A)地上權未定有期限者，當事人得隨時終止之
(B)地上權人應依設定之目的及約定之使用方法，為土地之使用收益
(C)地上權無支付地租之約定者，地上權人得隨時拋棄其權利
(D)地上權不因建築物或其他工作物之滅失而消滅
- 30 依民法規定，下列有關出賣人責任之敘述，何者錯誤？
(A)出賣人應擔保第三人就買賣之標的物，對於買受人不得主張任何權利
(B)買受人於契約成立時，知有權利之瑕疵者，出賣人不負擔保之責
(C)特定物買賣之出賣人，如買賣標的物有瑕疵，應即另行交付無瑕疵之物
(D)債權或其他權利之出賣人，應擔保其權利確係存在
- 31 We saw some irresponsible people do not care _____ dropping litter on the street.
(A) about (B) for (C) with (D) of
- 32 Most parks have picnic tables, park benches, drinking fountains, and playground equipment such as swings, slides and monkey _____.
(A) nuts (B) suits (C) bars (D) puzzles
- 33 Robert used Alice as his alibi when the police came over to question his _____ on the night of the crime.
(A) circumstances (B) neighborhoods (C) surroundings (D) whereabouts
- 34 The ever declining birthrate could have pretty serious _____ for the country's future development.
(A) imperatives (B) impeachment (C) implications (D) imperialism
- 35 The tall handsome left-handed pitcher, who was thought to be a rising star in baseball, has become a _____ to his team since a severe injury in his left shoulder.
(A) frugality (B) liability (C) propensity (D) tenacity
- 36 When Patricia walked out to the beach for a stroll, she could hardly open her eyes because of the _____ sunlight.
(A) ejecting (B) glaring (C) jeering (D) ousting
- 37 Studies have shown that early adversity can have a profound lifelong effect on one's coping with personal development, social relationships, and career _____.
(A) counseling (B) statistics (C) professionals (D) trajectories
- 38 New projects _____ to years of fighting among interest groups and endless political quarrels.
(A) capitalized (B) succumbed (C) interrogated (D) approached
- 39 Many scholars have reported that a recent publication on the gender pay gap is highly _____; they particularly criticize the reach team's sampling procedure.
(A) contentious (B) convincing (C) commendable (D) considerable
- 40 Countless lives are saved each year because _____ of blood make certain surgical procedures possible.
(A) transmutations (B) transfusions (C) transductions (D) transfections

請依下文回答第 41 題至第 45 題

In business or in daily life, when dealing with the things we know, we can plan accordingly and expect them to go as planned. However good business or personal plans may be, they can sometimes 41 because of unexpected events or circumstances, which are often called contingencies. Success sometimes reflects the number of calculated risks we are willing to take, both personally and professionally. That is why contingency planning is so important for it allows active risk management and 42 preparation rather than reactive decisions when faced with an emergency, which can result in failure.

In business a contingency, either externally or internally, is generally negative, and it may influence the financial health, professional image, or market share of a company. 43, such unexpected development can likewise be a surprising windfall, for example, a giant order. Anything 44 that upsets a company's normal operation can hurt the company regardless of the possibility that the interruption is a direct result of a windfall. It should, therefore, be a normal part of the business planning process to 45 potential threats and opportunities. Seeing to this can ensure that specific contingency plans and resources are well-prepared to deal with them.

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|-------------------------|-------------------|---------------------|-------------------|
| 41 (A) die out | (B) make up | (C) get set | (D) go awry |
| 42 (A) discriminative | (B) formidable | (C) hypothetical | (D) proactive |
| 43 (A) Also | (B) Yet | (C) In case | (D) In practice |
| 44 (A) across the board | (B) in due course | (C) out of the blue | (D) up in the air |
| 45 (A) downsize | (B) embrace | (C) pinpoint | (D) offend |

請依下文回答第 46 題至第 50 題

Before there were alarm clocks, how did people wake up at a specific time they wanted to in the morning? Since the Industrial Revolution began in the 1780s, people had been finding ways to make sure they got to work on time. Back then, a knocker-up, also known as a “knocker-upper,” started as a profession to wake people up by knocking on their doors or windows.

Even though alarm clocks had been invented in 1787 by American inventor, Levi Hutchins, they were not yet available to the general public in Britain or Ireland. It was common for people in these places to hire knocker-ups to wake them up in the morning. Half a century after the invention of alarm clocks, Frenchman Antoine Redier patented an adjustable alarm clock in 1847. Still, mechanical alarm clocks were not cheap or widely available. Well into the 1920s, most workers in Britain would rather hire knocker-ups.

Knocker-ups used a variety of methods to wake up their clients. Some used a baton, or a short, heavy stick, to knock on the client’s door. Some used a long and light stick made of bamboo to reach the client’s window on a higher floor. Still others used a pea-shooter, through which small objects can be blown, to shoot dried peas at their clients’ windows. Their job was to rouse the sleeping clients, and they certainly came up with creative ways to achieve this goal. Knocker-ups would not leave a client’s door or window until they made sure that the client had been awoken.

There were large numbers of people carrying out the job, especially in large industrial towns such as Manchester. Knocker-ups were generally elderly men and women, but sometimes police officers would take on the job to earn extra income by performing the task during early morning patrols. But who woke the knocker-uppers? A tongue-twister from the time goes like this:

**We had a knocker-up, and our knocker-up had a knocker-up
And our knocker-up’s knocker-up didn’t knock our knocker up
So our knocker-up didn’t knock us up
‘Cos he’s not up.**

By the 1950s, knocking up had gradually died out in most places due to the wide spread of electricity and affordable alarm clocks. Today, people merely read about anecdotes regarding how knocker-ups woke up their clients creatively or a fun tongue-twister like the one above.

- 46 What is the main idea of the third paragraph?
 - (A) To make noise on windows, knocker-ups often relied on long, light bamboo sticks.
 - (B) To accomplish their tasks, knocker-ups would not leave until their clients woke up.
 - (C) To wake up their clients, knocker-ups used a tool from which they could shoot dried peas.
 - (D) To ensure a successful job, knocker-ups had adopted several creative knocking-up methods.
- 47 According to the passage, which of the following statements is true?
 - (A) The alarm clock was patented by an American inventor in 1787.
 - (B) People continued to hire knocker-ups even after the alarm clocks were invented.
 - (C) In Britain and Ireland today, knocker-ups are still doing their jobs in industrial towns.
 - (D) During their morning patrols, police officers would watch out for knocker-ups’ safety.
- 48 Which of the following best replaces “anecdotes” in the last paragraph?
 - (A) stories
 - (B) effects
 - (C) problems
 - (D) accidents
- 49 Which of the following best summarizes the tongue-twister mentioned in the passage?
 - (A) Our knocker-up’s knocker-up forgot to wake us up.
 - (B) Our knocker-up’s knocker-up failed to wake him up.
 - (C) We overslept because our knocker-up took the day off.
 - (D) We did not sleep well because our knocker-up was sick.
- 50 Which of the following statements can be inferred from the passage?
 - (A) Knocker-ups preferred to get into the houses of their clients’ to wake them up.
 - (B) Antoine Redier made a fortune by selling mechanical alarm clocks to workers.
 - (C) British workers greatly appreciated Levi Hutchin’s invention of the alarm clock.
 - (D) Police officers during the Industrial Revolution were not paid very well at work.