

103 年公務人員高等考試三級考試試題

類 科：各類科（除公職土木工程技師、公職食品技師、公職醫事檢驗師、公職測量技師、公職藥師、公職護理師、公職臨床心理師、公職營養師、公職防疫醫師外）

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，複選作答者，該題不予計分。

(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 有關我國憲法第 1 條至第 6 條之總綱規定之敘述，下列何者錯誤？
(A)我國國體為民主共和國 (B)中華民國主權屬於國民全體
(C)我國採單一國籍制，不承認雙重國籍 (D)中華民國國旗之樣式為紅地，左上角為青天白日
- 2 下列有關中華民國領土變更案之敘述，何者正確？
(A)中華民國自由地區選舉人於立法院提出領土變更案，經公告 3 個月，應於 3 個月內投票複決
(B)中華民國自由地區選舉人於立法院提出領土變更案，經公告半年，應於 3 個月內投票複決
(C)中華民國自由地區選舉人於立法院提出領土變更案，經公告半年，應於半年內投票複決
(D)中華民國自由地區選舉人於立法院提出領土變更案，經公告 3 個月，應於半年內投票複決
- 3 憲法所稱之司法機關，就其狹義而言，不包含下列何者？
(A)行政法院 (B)臺北地方法院
(C)臺灣臺北地方法院檢察署 (D)公務員懲戒委員會
- 4 修改憲法時，立法院提出憲法修正案的程序為何？
(A)須經立法院立法委員四分之一之提議，三分之二之出席，及出席委員二分之一之決議
(B)須經立法院立法委員四分之一之提議，四分之三之出席，及出席委員四分之三之決議
(C)須經立法院立法委員三分之一之提議，四分之三之出席，及出席委員四分之三之決議
(D)須經立法院立法委員四分之一之提議，四分之三之出席，及出席委員二分之一之決議
- 5 依憲法第 140 條之規定，現役軍人不得兼任文官，故現役軍人不得擔任下列何種職務？
(A)總統府戰略顧問 (B)國防部參謀本部次長 (C)國家安全局局長 (D)國家安全會議秘書長
- 6 根據司法院釋字第 603 號解釋，下列關於資訊隱私權保障內涵之陳述，何者錯誤？
(A)屬人格權之一部分，受憲法第 22 條之保障
(B)人民享有自主控制個人資料是否揭露之決定權
(C)人民享有個人資料記載錯誤之更正權
(D)人民之資訊隱私權係屬憲法保留之基本權，不得以法律限制之
- 7 國家為犯罪偵查目的，而有監察人民秘密通訊之需要時，應向何者聲請核發通訊監察書？
(A)法官 (B)檢察官 (C)司法警察機關 (D)行政執行官
- 8 司法院釋字第 604 號解釋認為，針對違規停車，執法人員得於舉發其違規後，使用民間拖吊車拖吊違規車輛，並收取移置費之規定，係立法者衡量各種維護交通秩序之相關因素後，合理賦予行政機關裁量之事項，不能因有此一規定而推論連續舉發並為處罰之規定，違反憲法上之何項原則？
(A)平等原則 (B)權力分立原則 (C)憲法保留原則 (D)比例原則
- 9 有關總統宣告解散立法院，下列敘述何者錯誤？
(A)限於立法院通過對行政院院長之不信任案後 30 日內為之 (B)應經諮詢立法院院長
(C)總統於戒嚴期間，不得解散立法院 (D)總統於緊急命令生效期間，不得解散立法院
- 10 有關選舉罷免之敘述，下列何者錯誤？
(A)中華民國國民年滿 20 歲者，有依法選舉之權
(B)中華民國憲法所規定各種選舉之候選人，一律公開競選
(C)被選舉人得由原選舉區依法罷免之，但就職未滿 1 年者，不得罷免
(D)全國不分區立法委員當選人，得由原選舉區依法罷免之
- 11 立法院對行政院院長提出不信任案，應於下列何種時程決定之？
(A)不信任案提出 36 小時後，應於 48 小時內以記名投票表決之
(B)不信任案提出 72 小時後，應於 24 小時內以記名投票表決之
(C)不信任案提出 72 小時後，應於 48 小時內以記名投票表決之
(D)不信任案提出 72 小時後，應於 36 小時內以記名投票表決之
- 12 依現行法規定，下列何者之任命不須立法院同意？
(A)考試委員 (B)審計長 (C)國家通訊傳播委員會委員 (D)經濟部部長
- 13 行政院對立法院所議決通過之法律案，如認為有窒礙難行時，可循何種方式處理？
(A)聲請司法院解釋 (B)請總統出面召集二院院長會商解決之
(C)經總統核可，提出覆議 (D)解散立法院

- 14 有關憲法解釋，下列何者正確？
(A)我國係採司法院獨占解釋原則
(B)一般法院於審理案件所適用之法律有違憲疑義時，可逕行解釋憲法，對其他法院發生拘束力
(C)人民認為法律違憲時，可立即聲請司法院大法官解釋憲法
(D)司法院大法官對憲法所為之解釋，僅有個案拘束力
- 15 我國現行立法委員選舉之方式，採單一選區兩票制，所謂兩票所指為何？
(A)政黨與人民團體 (B)政黨與僑居國外國民 (C)政黨與區域 (D)區域與人民團體
- 16 衛生福利部依食品衛生管理法之授權，擬規範食品添加物使用範圍及限量暨規格，應以下列何種法規訂定之？
(A)法律 (B)法規命令 (C)解釋性行政規則 (D)裁量基準
- 17 地方制度法第 2 條將「上級政府或主管機關，對於下級政府或機關所陳報之事項，加以審查，並作成決定，以完成該事項之法定效力」稱為：
(A)特許 (B)核定 (C)準用 (D)報備
- 18 依司法院大法官解釋，下列何者違反法律明確性原則？
(A)教師法以「行為不檢有損師道，經有關機關查證屬實」作為解聘、停聘或不續聘之要件
(B)貨物稅條例規定貨物稅之稅率為稀釋天然果蔬汁從價徵收 8%，其他飲料品從價徵收 15%
(C)社會秩序維護法處罰無正當理由，且經勸阻後仍繼續跟追之行為
(D)檢肅流氓條例關於欺壓善良、品行惡劣、遊蕩無賴之規定
- 19 下列何者非民法第 1 條習慣的成立要件？
(A)社會一般人確信其有法之效力 (B)必須通行全國
(C)須為多年慣行之事實 (D)成文法所未規定的事項
- 20 關於居間契約之敘述，下列何者正確？
(A)居間人所支出之費用，均得向當事人請求 (B)居間人因媒介所得之報酬，原則上由契約當事人平均負擔
(C)居間人得為當事人受領給付 (D)婚姻居間約定報酬者，居間契約無效
- 21 下列何者為中央法規標準法第 2 條與第 4 條所指之「法律」？
(A)全民健康保險醫事服務機構特約及管理辦法 (B)公司法
(C)家事事件書狀規則 (D)醫療機構設置標準
- 22 下列關於對向犯之敘述，何者錯誤？
(A)對向犯係指參與犯罪者，彼此間具有一對向關係之犯罪型態
(B)對向犯係一種必要之參與犯（共同犯罪）
(C)重婚罪即為一種對向犯之類型
(D)對向犯之法律效果，適用共同正犯之規定
- 23 有關司法院大法官統一解釋法律及命令之敘述，下列何者錯誤？
(A)應有大法官現有總額過半數之出席，及出席過半數之同意，方得通過
(B)聲請統一解釋機關有上級機關，其聲請應經上級機關層轉
(C)高等行政法院與最高行政法院，適用同一法律或命令時所已表示之見解有異者，得聲請統一解釋
(D)釋字第 334 號解釋有關中央政府建設公債發行條例所定公債之解釋，屬於統一解釋案件
- 24 依民法規定，夫妻家庭生活費用應如何負擔？
(A)由夫獨自負擔 (B)由有工作的夫或妻一方負擔
(C)由夫妻依採用之夫妻財產制所規定內容負擔 (D)由夫妻各依其經濟能力或家事勞動或其他情事負擔
- 25 以抵押權擔保之債權，其請求權已因時效而消滅，如抵押權人於消滅時效完成後，最遲幾年不實行其抵押權者，其抵押權消滅？
(A)1 年 (B)2 年 (C)5 年 (D)15 年
- 26 甲死亡時未立遺囑而僅留下一棟房子，親人剩下叔父與同住的岳母。請問甲名下的房子應由誰取得？
(A)甲之叔父為三親等之旁系血親，可優先繼承甲之房屋
(B)甲之岳母為同住之直系姻親，而可優先繼承甲之房屋
(C)甲之叔父與岳母無法繼承甲之房屋，該屋應歸屬國庫
(D)甲之叔父與岳母為甲之血親與姻親，可共同繼承甲之房屋
- 27 對於全民健康保險投保金額的訂定，下列敘述何者錯誤？
(A)無固定所得者，以基本工資為投保金額 (B)專門職業及技術人員自行執業者，以執行業務所得為投保金額
(C)雇主以其營利所得為投保金額 (D)受僱者以其薪資所得為投保金額
- 28 刑法第 134 條規定「公務員假借職務上之權力、機會或方法，以故意犯本章以外各罪者，加重其刑至二分之一。但因公務員之身分已特別規定其刑者，不在此限。」下列有關本條之敘述，何者正確？
(A)公務員假借職務上之權力，失手打傷嫌犯，應適用本條規定加重其刑
(B)公務員包庇走私，構成懲治走私條例之犯罪，應適用本條規定加重其刑
(C)公務員縱放職務上依法逮捕拘禁之人，應適用本條規定加重其刑
(D)公務員假借職務上之權力，拘禁他人之行動自由，應適用本條規定加重其刑
- 29 A 公開發行公司之董事甲，選任董事當時所持有之公司普通股為 50 萬股，惟其近期因投資需求，將其中 45 萬股向銀行設定質權借款。之後，當 A 公司召開股東會時，甲得行使表決權之股數有多少？
(A)5 萬股 (B)20 萬股 (C)25 萬股 (D)30 萬股

- 30 公民與政治權利國際公約及經濟社會文化權利國際公約，我國於簽署後，尚須經過何種程序，始具有國內法之效力？
(A)由臺北市之立法機關通過並公告 (B)由外交部發布，並刊登於行政院公報
(C)由立法院審議通過，並經總統公布 (D)由聯合國發布，行政院公告其中譯文
- 31 When presenting information, good presenters try to be as ____ as possible. They usually speak effectively and get their point across.
(A)adjacent (B)rampant (C)stormy (D)succinct
- 32 The approval of film reviewers can be ____ to a film's success and can actually determine its future at the box office.
(A)critical (B)flexible (C)potential (D)striking
- 33 Steven was not able to finish his assignment on time, and, instead of being honest about it, he ____ an excuse in order to gain more time to complete it.
(A)contemplated (B)dedicated (C)fabricated (D)stipulated
- 34 Kevin never liked cats before taking care of his sister's cat Lily. The kitten just ____ Kevin, and he actually enjoyed her company.
(A)advocated (B)enchanted (C)patronized (D)retrieved
- 35 When small businesses start to grow, they move into bigger ____ and take on extra staff.
(A)assemblies (B)liabilities (C)overheads (D)premises
- 36 I insisted upon confidentiality and the "right to ____"—people were free not to participate if they felt uncomfortable about any particular investigation.
(A)perceptibility (B)reticence (C)senility (D)unanimity
- 37 Vertical gardens are cropping up all over cities these days, transforming drab urban ____ into vibrant jungles of color.
(A)facades (B)interiors (C)peasants (D)securities
- 38 When the singer started to sing, all her fans were ____ by her beautiful voice.
(A)camouflaged (B)demolished (C)mesmerized (D)perpetuated
- 39 An addiction is anything that has more power over you than you do.
(A)Being addicted to something makes you weak.
(B)The power of any addiction excels your will to control it.
(C)Addiction is something strong, but you can always control it.
(D)You always know whether you get addicted to something or not.
- 40 It is not the strongest of the species that survives, nor the most intelligent, but the one most responsive to change.
(A)The species that respond are not only the most intelligent but also the strongest.
(B)The species that survive are not the strongest, nor the cleverest, but the most adaptable.
(C)The strongest are the species that are the most intelligent and most responsive to survival.
(D)The most intelligent are the species that are the most responsive to strong change and survive.

第 41 至第 43 題為題組

To a great extent, we owe our current high standard of living to biological advances in food production. Plant and animal breeders have developed organisms that provide better sources of food than the original varieties. Corn is a grass that produces its seeds on a cob. The original corn plant had very small ears that were perhaps only three or four centimeters long. Through selective breeding, varieties of corn with much larger ears and more seeds per cob plant have been adapted to produce other kinds of corn, such as sweet corn and popcorn.

Animal breeders also have had much success. The pig, chicken, and cow of today are much different animals from those available even 100 years ago. Chickens lay more eggs, dairy cows give more milk, and beef cattle grow faster. All of these improvements raise our standard of living. One interesting example is the change in the kind of hogs that are raised. At one time, farmers wanted pigs that were fatty. The fat could be made into lard, soap, and various other products. As the demand for fat products of pigs declined, animal breeders developed pigs that gave a high yield of meat and relatively little fat. Today, plant and animal breeders can produce plants and animals almost to specifications.

- 41 Which of the following statements about corn is NOT true?
(A)The original corn ears were three or four centimeters long.
(B)We have corn with large ears because of selective breeding.
(C)Biological advances help produce varieties of corn.
(D)Corn can hardly adapt itself.
- 42 According to the passage, which of the following statements is true?
(A)Farmers have nothing to do with raising our standard of living.
(B)Thanks to selective breeding, animal breeders raise more fatty chickens.
(C)Biological advances in food production give us a higher standard of living.
(D)Sweet corn and popcorn add variety to our lifestyle.
- 43 According to the passage, what is the new trend in raising pigs?
(A)To raise pigs for a high yield of meat and a high yield of fat.
(B)To raise pigs for a low yield of meat and a high yield of fat.
(C)To raise pigs for a high yield of meat and a low yield of fat.
(D)To raise pigs for producing more piglets.

第 44 題至第 46 題為題組

Horror movies are more than a genre produced for commercial and entertaining reasons. There are good and bad horror movies, and a good horror movie is easily distinguished from a bad one. A good horror movie, first of all, has both male and female victims. Both sexes suffer terrible fates at the hands of monsters and maniacs. Therefore, everyone in the audience has a chance to identify with the victim. Bad horror movies, on the other hand, tend to concentrate on women, especially half-dressed ones. These movies are obviously prejudiced against half the human race. Second, a good horror movie inspires compassion for its characters. For example, the audience will feel sympathy for the Wolfman's victims and also for the Wolfman, who is shown to be a sad victim of fate. In contrast, a bad horror movie encourages feelings of aggression and violence in viewers. For instance, in the Halloween films, the murder scenes use the murderer's point of view. The effect is that the audience stalks the victims along with the killer and feels the same thrill he does. Finally, every good horror movie has a sense of humor. In *Dracula*, the Count says meaningfully at dinner, "I don't drink wine," as he stares at a young woman's juicy neck. Humor provides relief from the horror and makes the characters more human. A bad horror movie, though, is humorless and boring. One murder is piled on top of another, and the characters are just cardboard figures. Bad horror movies may provide cheap thrills, but the good ones touch our emotions and live forever.

- 44 What is this passage mainly about?
 (A) The history of horror movies (B) The production of a good horror movie
 (C) The experience of watching horror movies (D) The distinction between good and bad horror movies
- 45 How would the audience feel when watching a good horror movie?
 (A) The audience will be thrilled all the time.
 (B) The audience will sympathize with the victims.
 (C) The audience will follow the murderer's point of view.
 (D) The audience will have a prejudice against female victims.
- 46 According to this passage, who tends to be the victims in a bad horror movie?
 (A) Men (B) Women (C) Both men and women (D) Monsters and maniacs

第 47 題至第 50 題為篇章結構，各題請依文意，從四個選項中選出最合適者，各題答案內容不重複

The lesson of comparative advantage is that while anything we do is worth doing well, not everything we do well is worth doing. A CEO who is a great cook still orders take-out, even take-out that is not as good as what the CEO can make. The cost of cooking is not just the grocery bill. 47

Consider Jane Galt, the pseudonym of an accomplished journalist who blogs on economics and policy. 48 She recently blogged on the best kitchen gadgets. Her descriptions made us want to buy all of them—Jane writes very well and her passion for cool stuff is contagious. A visitor to the site commented, perhaps tongue-in-cheek, that the failure of Jane to be hired as a copywriter for a kitchenware catalog was proof that markets do not work well. 49 Jane remains a journalist precisely because markets do work well—as good as she is at writing catalog copy, she is even better at journalism. For Jane to become a copywriter for a catalog would be very costly even though she is very good at it. I presume the kitchenware makers cannot pay her enough to bid her away from her day job as a journalist.

50 Just because America could make fabulous televisions does not mean we should have a television industry. The cost of producing televisions means less of something else. It might be better to make that something else and trade with foreigners for televisions. Letting people outside the United States sell us televisions and cars and watches and steel and shoes frees up resources that allow us to make more of other things we value.

- 47 (A) However, the most productive use of one's time depends on the skills that others can provide.
 (B) What is even more valuable is the time taken away from managing the company.
 (C) The existence of prices and wages makes it possible to answer these questions.
 (D) The same lesson applies to a country.
- 48 (A) Evidently, she loves to cook.
 (B) However, the most productive use of one's time depends on the skills that others can provide.
 (C) The same lesson applies to a country.
 (D) But of course, just the opposite is true.
- 49 (A) What is even more valuable is the time taken away from managing the company.
 (B) However, the most productive use of one's time depends on the skills that others can provide.
 (C) The existence of prices and wages makes it possible to answer these questions.
 (D) But of course, just the opposite is true.
- 50 (A) The same lesson applies to a country.
 (B) But of course, just the opposite is true.
 (C) What is even more valuable is the time taken away from managing the company.
 (D) The existence of prices and wages makes it possible to answer these questions.