

## 96 年公務人員高等考試三級考試試題

類 科：各類科

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。

- 下列何者不是地方自治團體？  
(A)區 (B)縣 (C)鄉 (D)直轄市
- 下列有關憲法第 13 條保障人民信仰宗教自由之敘述，何者為非？  
(A)人民有信仰與不信仰任何宗教之自由  
(B)人民有參與或不參與宗教活動之自由  
(C)國家不得對特定之宗教加以獎勵或禁制  
(D)國家不得限制宗教營利行為及宗教結社之各種活動
- 下列何項在分類上不屬經濟自由？  
(A)居住遷徙自由 (B)職業選擇自由 (C)宗教自由 (D)營業自由
- 新聞自由並未涵蓋下列何項？  
(A)投資經營媒體者，應保障其有權決定報導內容 (B)記者有權拒絕經營管理階層干涉介入報導內容  
(C)國家權力不得禁止記者採訪權的正當行使 (D)應保障國民有合法利用接近媒體的權利
- 依憲法增修條文規定，有關總統與行政院之關係，下列敘述何者正確？  
(A)總統宣布戒嚴須先經行政院會議之決議  
(B)立法院通過之法律，經總統公布，不須經行政院院長之副署  
(C)副總統辭職或因故缺位由行政院院長代行職權  
(D)行政院院長由總統提名，經立法院通過後任命
- 立法院所通過之下列何種議案，行政院認為窒礙難行時，得移請立法院覆議？  
(A)戒嚴案 (B)大赦案 (C)預算案 (D)對緊急命令之追認
- 下列何者不屬於表現自由之範疇？  
(A)人身自由 (B)集會自由 (C)言論自由 (D)出版自由
- 國家科學委員會隸屬於何機關？  
(A)總統府 (B)行政院 (C)中央研究院 (D)教育部
- 立法院會期每年兩次，如何召集？  
(A)自行集會 (B)由總統召集 (C)由立法院院長召集 (D)由行政院院長咨請
- 當司法院正、副院長同時出缺時，應由何人代理院長？  
(A)大法官互選一人 (B)大法官中最資深者  
(C)司法院秘書長 (D)總統就大法官中指定一人
- 行政院院長辭職或出缺時，在總統未任命行政院院長前，應如何處理？  
(A)由副總統暫行代理 (B)由行政院副院長暫行代理  
(C)由總統暫行代理 (D)由立法院院長暫時代理
- 立法院審議總預算案時，下列何者並無義務列席報告施政計畫及歲入、歲出預算編製經過？  
(A)行政院院長 (B)主計長 (C)財政部部長 (D)審計長
- 刑事被告詰問證人之權利，係受憲法何種基本權利之保障？  
(A)工作權 (B)訴訟權 (C)請願權 (D)生存權

- 14 行政院向立法院提出覆議案，若經全體立法委員二分之一以上決議維持原案，依憲法增修條文規定，行政院院長應如何處理？  
(A)接受該決議 (B)辭職 (C)向總統請求解散立法院 (D)再提出覆議案
- 15 總統於立法院解散後發布緊急命令，憲法增修條文規定立法院應如何處置？  
(A)立法院無庸自行集會  
(B)立法院應自行於五日內集會，並於開議七日內追認之  
(C)立法院應自行於三日內集會，並於開議七日內追認之  
(D)增修條文並未規定
- 16 中央法規標準法第 5 條規定，關於人民之權利、義務事項，應以法律定之，學理上稱爲：  
(A)法律位階 (B)法律保留 (C)法律優位 (D)正當法律程序
- 17 有關特別法的敘述，下列何者爲正確？  
(A)票據法是民法的特別法 (B)民事訴訟法是民法的特別法  
(C)訴願法是行政訴訟法的特別法 (D)行政訴訟法是行政程序法的特別法
- 18 關於法律生效日期的一般規定見諸下列何者？  
(A)行政院組織法 (B)立法院組織法 (C)中央法規標準法 (D)憲法
- 19 對於人民基本權利的限制，下列何者是正確的？  
(A)絕對不得限制 (B)得任意限制  
(C)得由行政機關決定是否限制 (D)僅得依據憲法第 23 條規定，加以限制
- 20 下列何種授益之行政處分，會產生信賴利益補償問題？  
(A)因情事變更，不廢止行政處分對公益將有危害者 (B)附負擔之行政處分，受益人未履行該負擔者  
(C)附保留行政處分之廢止權者 (D)法規准許廢止者
- 21 下列何者爲擬制血親？  
(A)繼父母與繼子女 (B)養父母與養子女 (C)父母與婚生子女 (D)父母與非婚生子女
- 22 甲有 A 車，因車禍交乙修繕，費用 10 萬元。乙在甲清償前，可以對 A 車主張何種權利？  
(A)質權 (B)留置權 (C)典權 (D)地上權
- 23 無權利人就權利標的物所爲之處分，效力如何？  
(A)無效 (B)有效 (C)得撤銷 (D)效力未定
- 24 甲從美國寄一盒有毒的巧克力給住在台北的乙，乙出國，回國後，將已發霉的巧克力丟掉。甲的行爲是：  
(A)既了未遂 (B)未了未遂 (C)中止未遂 (D)不能未遂
- 25 公務員因執行職務知有犯罪嫌疑者，應爲下列何項行爲？  
(A)告發 (B)告訴 (C)自訴 (D)自首
- 26 外勞的管理主要規定於：  
(A)勞動基準法 (B)國籍法 (C)就業服務法 (D)涉外民事法律適用法
- 27 下列何種保險，仍未經立法院之立法規範？  
(A)農民健康保險 (B)公教保險 (C)學生平安保險 (D)就業保險
- 28 下列何種公司得成爲公開發行公司，並於日後上櫃或上市？  
(A)無限公司 (B)兩合公司 (C)有限公司 (D)股份有限公司
- 29 下列何者非屬現行民法所定之夫妻財產制？  
(A)法定財產制 (B)統一財產制 (C)共同財產制 (D)分別財產制
- 30 習慣能成爲法源，但有幾項要件，下列何者不包括在這些要件之列？  
(A)社會上必須有反覆實施的行爲 (B)必須是法律已經規定的事項  
(C)必須有法的確信 (D)必須不違背善良風俗

- 31 One of our great \_\_\_\_\_ is how we need to talk more freely and openly about sex.  
(A) achievements (B) quotations (C) challenges (D) ambitions
- 32 A short trip to another country is an opportunity to sample other cultures. But having to live away from home as an \_\_\_\_\_ can make you feel sad.  
(A) archery (B) expatriate (C) insulator (D) ottoman
- 33 After being lost in the sea for six days, John began to \_\_\_\_\_. He saw things that weren't really there.  
(A) hallucinate (B) fascinate (C) intervene (D) reincarnate
- 34 Eddie has been the best player on the basketball team since last year, but he used to \_\_\_\_\_ Nick.  
(A) get a load of (B) have the edge over (C) hit it off with (D) play second fiddle to
- 35 When I saw my roommate with my girlfriend, I felt worried, angry, and \_\_\_\_\_.  
(A) embarrass (B) embarrassed (C) embarrassing (D) embarrassment
- 36 Jean usually goes to the dentist \_\_\_\_\_ six months.  
(A) all (B) each (C) every (D) any
- 37 The train runs \_\_\_\_\_ than 120 km per hour.  
(A) no faster (B) not fast (C) not faster (D) no fast
- 38 As opposed to the extrovert, who craves excitement and takes chances, the introvert \_\_\_\_\_.  
(A) is good at mathematics (B) seldom loses his or her temper  
(C) likes a well-ordered mode of life (D) learns more slowly but remembers more
- 39 You don't need to steal from others! I would have given you the money \_\_\_\_\_ you told me earlier about your financial problem.  
(A) if not (B) if only (C) what if (D) as if
- 40 He's by far the best player on the school team; there is no question about it.  
(A) His being the best player on the school team is far from being true.  
(B) It is certain that he is the best player on the school team.  
(C) That he is the best player on the school team is open to question.  
(D) It is likely that he is the most qualified for the school team.

The development of information technology—computers and electronic communication devices—is another factor currently influencing organizational structures. Automatic data-processing systems have been widely 41 in a range of settings. Anyone who draws money out of a bank, or buys an airline ticket, depends on a computer-based communication system. Since data can be processed 42 in any part of the world linked to such a system, there is no need for physical proximity between those involved. However, a fully-fledged “electronic office,” in which the bulk of the work is carried out by machines rather than humans, is still 43 , and there are many problems in the way of its realization. 44 , there is a strong trend towards the transplant of many office activities to electronic machinery. Word-processors, computer networks, teleprinter links, and other electronic systems have already 45 the nature of much office work. In some leading American banks, the trust department, where stock transfers are made, has been completely automated.

- 41 (A) introduced (B) intruded (C) invited (D) invaded  
42 (A) imperiously (B) instinctively (C) instantaneously (D) interchangeably

- 43 (A) a way of life (B) a way out (C) the right way up (D) a long way off  
44 (A) Therefore (B) Unfortunately (C) Frankly (D) Nevertheless  
45 (A) altered (B) mystified (C) diluted (D) offered

Gene therapy may be in its infancy, but great hopes for its potential to treat everything from cancer to Alzheimer's to heart disease are forcing it to grow up fast. After two decades of lab research, gene treatments are increasingly making their way into human clinical trials. The bulk of research so far has focused on getting a gene to its destination and coaxing it to turn on once inside a cell. On their own, genes can't pass through cell membranes, and much effort has been spent to trick cells into accepting foreign genes. The most efficient couriers are so-called viral vectors: viruses whose genomes have been swapped out for therapeutic genes. Like Trojan horses, they slip genes into target cells undetected. But as scientists are learning, there is no safe way to hijack a virus. The vectors sometimes trigger immune reactions. And once the genes are inside a cell, there is no way to be sure they will function as intended. Case in point: a Paris gene therapy trial to treat SCIDs, or the "bubble boy disease," restored immune function in nine of 10 patients. But it was later revealed that two of them had developed leukemia.

- 46 What is the main idea of the passage?  
(A) After two decades of lab research, gene therapy in humans has been successful in treating everything from cancer to Alzheimer's to heart disease.  
(B) A lot of research in gene therapy has focused on getting a gene to its destination and coaxing it to turn on once inside a cell.  
(C) Although research has been done on how gene therapy can help treat serious diseases, such a treatment may cause irreversible side effects and unknown consequences.  
(D) Viral vectors like Trojan horses slip genes into target cells undetected.
- 47 "Viral vectors" are \_\_\_\_\_.  
(A) ways with which viruses genomes are changed  
(B) viruses used for carrying genetic material into cells  
(C) the paths through which viruses move  
(D) immune reactions triggered by viral infection
- 48 What does the word "trigger" mean in the passage?  
(A) Activate (B) Shoot (C) Turn off (D) Plug
- 49 According to the passage, which of the following statements is NOT correct?  
(A) Genes are unable to move across cell membranes on their own.  
(B) Gene therapy is still in its early stages.  
(C) Scientists have made significant progress in taking control of viruses that carry therapeutic genes.  
(D) Much effort in gene therapy has been spent to deceive cells into accepting foreign genes.
- 50 "Leukemia" is a kind of \_\_\_\_\_.  
(A) cell (B) virus (C) disease (D) horse