

# 97 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。

- 依憲法第 107 條規定，下列何者為中央立法並執行之事項？  
(A)全國戶口調查 (B)公共衛生 (C)國際貿易政策 (D)公用徵收
- 下列對於憲法基本國策中土地政策之敘述，何者錯誤？  
(A)承認土地私有制度 (B)承認土地所有權之絕對性  
(C)主張土地非施以勞力資本之漲價，應歸人民共享 (D)承認國家得照價收買
- 下列有關正當法律程序之敘述，何者正確？  
(A)審判不應公開 (B)被告無緘默權  
(C)傳喚被告須有傳票 (D)被告無選任辯護人之權利
- 依司法院大法官之解釋，選擇職業的自由，屬於下列那一權利之保障內容？  
(A)生存權 (B)財產權 (C)工作權 (D)結社自由
- 依司法院大法官釋字第 535 號解釋，警察人員執行臨檢勤務，應遵守下列何種憲法原則？  
(A)民主原則 (B)法安定性原則 (C)比例原則 (D)權力分立原則
- 我國請求國家賠償之程序係採：  
(A)協議先行原則 (B)直接訴訟原則 (C)訴願前置原則 (D)強制保險原則
- 依憲法增修條文規定，緊急命令發布之程序為何？  
(A)經行政院會議決議後，由總統發布，並提交立法院追認  
(B)經立法院決議後，由總統發布  
(C)經立法院決議後，由總統發布，並提交公民複決  
(D)經國家安全會議決議後，由總統發布
- 副署制度源自下列何者？  
(A)美國總統制 (B)英國內閣制 (C)法國雙首長制 (D)瑞士委員制
- 依憲法規定，總統有大赦、特赦、減刑及復權之權，其中何者兼具消滅「罪」與「刑」之作用？  
(A)大赦 (B)特赦 (C)減刑 (D)復權
- 依憲法增修條文規定，立法院得對行政院院長提出不信任案，其實施程序為：  
(A)僅對行政院院長提出，其他部會首長不受不信任案之影響  
(B)不信任案須有二分之一以上立法委員連署提出  
(C)對行政院院長的不信任，不但是對人，也是對政策的不同意，故以秘密投票表決  
(D)須經全體立法委員二分之一以上贊成，始得通過不信任案
- 下列對於行政院會議之說明何者正確？  
(A)出席人員為行政院院長、副院長、各部會首長及不管部會政務委員  
(B)總統為主席  
(C)提出於監察院之各種法案均須經行政院會議議決  
(D)不得議決各部會共同關係之事項
- 行政院院長具有下列何種職權？  
(A)閣員任命權 (B)行政院會議擔任主席 (C)立法院解散權 (D)院際爭執調和權
- 下列何者無法表現立法院對於行政的監督機制？  
(A)質詢權 (B)預算審查與議決權 (C)總統彈劾提案權 (D)憲法修正案提案權
- 依司法院大法官解釋，法官審理案件不受行政機關有關法規所為釋示之拘束，係屬何種憲法原則？  
(A)人權保障原則 (B)審判獨立原則 (C)民主原則 (D)依法行政原則
- 司法院大法官釋字第 262 號解釋，監察院對軍人提出彈劾案時，應移送何機關審議？  
(A)國防部 (B)行政院 (C)各軍種司令部 (D)公務員懲戒委員會

- 16 下列何者，主要是指規定權利、義務、責任、效果及其範圍的法律？  
(A)程序法 (B)實體法 (C)特別法 (D)普通法
- 17 台灣地區現行地方自治的法律依據為何？  
(A)根據行憲前尚有效之地方制度之各種法律 (B)省縣自治法及直轄市自治法  
(C)省縣自治通則 (D)地方制度法
- 18 我國現行社會福利相關法制中，下列那一項的發展歷史最久？  
(A)失業保險 (B)國民年金保險 (C)社會救助 (D)全民健康保險
- 19 下列何者不屬於歐美法律制度共通的基礎？  
(A)集體主義 (B)財產私有 (C)契約自由 (D)個人主義
- 20 強調法律乃是國民之間本於歷史、經驗而產生，其效力基於民族之「法的確信」的學派為何？  
(A)自由法學派 (B)利益法學派 (C)目的法學派 (D)歷史法學派
- 21 行政機關對於人民依法規之申請，未有法規規定訂定處理期間者，原則上其處理期間為多久？  
(A)一個月 (B)二個月 (C)三個月 (D)六個月
- 22 下列何種情形有信賴保護之問題？  
(A)甲之違建遭檢舉，主張許多人之違建並未被拆除，而要求要拆大家一起拆  
(B)乙經申請許可之室外集會至下午 5 時結束，直到下午 8 時該集會仍未解散，警察命令解散  
(C)丙申請建照執照獲准，其後行政機關因其基地坐落於禁建區而撤銷該建照執照  
(D)丁依促進產業升級條例享有租稅減免，該條例相關條文施行至民國 88 年底，修正後施行至 98 年底
- 23 道路交通管理處罰條例規定，曾犯故意殺人等罪，經判決罪刑確定者，不准辦理營業小客車駕駛人執業登記。係對人民何種權利之限制？  
(A)職業自由 (B)人身自由 (C)遷徙自由 (D)表現自由
- 24 設甲向乙購買一輛機車已經簽約，約定第二天交車並交付價金，未料當天晚上機車被無名火波及致全毀。下列敘述何者正確？  
(A)甲仍應支付價金給乙 (B)乙仍應交付機車給甲  
(C)若甲已支付價金給乙時，不得請求返還 (D)甲乙皆可免交車及交付價金之義務
- 25 甲乙之地相鄰，甲在其土地上建築房屋，因疏忽逾越乙的土地，乙知悉後並無反對意見。針對本題，下列敘述何者正確？  
(A)乙可請求甲拆屋還地 (B)乙依相鄰關係有容忍之義務  
(C)乙得請求甲購買房屋越界之土地 (D)乙縱有損害，對甲亦無損害賠償請求權
- 26 甲殺乙後，以為乙死了，將乙丟到大海，經法醫檢驗，乙是生前落水，依照我國實務見解，甲成立何罪？  
(A)殺人未遂與過失致死數罪併罰 (B)故意殺人既遂罪  
(C)故意殺人未遂、遺棄屍體未遂及過失致死數罪 (D)殺人既遂罪與遺棄屍體未遂罪
- 27 下列有關著作權之授權，何者符合著作權法之規定？  
(A)非專屬授權之被授權人得任意再授權予第三人  
(B)專屬授權之被授權人不得以自己名義為訴訟上行為，著作財產權人方得為訴訟上行為  
(C)授權契約約定不明之部分，推定為未授權  
(D)著作權之授權須以書面並經公證始生效力
- 28 下列何者不屬於全民健康保險法所規定安全準備的來源？  
(A)政府每年編列預算 (B)保險費滯納金  
(C)菸酒健康福利捐收入之一定比例 (D)社會福利彩券收益之一定比例
- 29 家庭暴力保護令的有效期間為何？  
(A)最長六個月 (B)一年以下 (C)一年到三年 (D)三年以下
- 30 以下何者符合性別工作平等法消除性別歧視、促進性別地位實質平等之精神？  
(A)對於給假應性別平等，所以女性不得因生理期不舒服請假  
(B)男性員工之配偶分娩時，雇主亦應給予陪產假  
(C)休息時間應性別平等，雇主不應特別允許婦女哺乳時間  
(D)雇主對女性不得以育兒為解僱之理由，所以亦不應准許其因育兒留職停薪之請求
- 31 Diving near Green Island, you sure can see a variety of colorful \_\_\_\_\_ life hiding in the reefs.  
(A) domestic (B) marine (C) tame (D) wild
- 32 Since a separate bicycle track offers a slow lane, small children can \_\_\_\_\_ around freely without watching for faster bike traffic.  
(A) goof (B) dim (C) pedal (D) swing

- 33 Depressed people are advised not to use alcohol as a \_\_\_\_\_ for their problems.  
(A) panacea (B) reverie (C) resolution (D) transcript
- 34 According to organization expert Barbara Hemphill, a person who is not well-organized enough will \_\_\_\_\_ 20 to 30 percent of his day looking for lost items.  
(A) dedicate (B) stun (C) squander (D) smash
- 35 George's insatiable hunger for sweets soon made him \_\_\_\_\_.  
(A) adherent (B) compatible (C) obese (D) promiscuous
- 36 Batteries have always been the \_\_\_\_\_ of electric cars; we can make one that is rugged, but it's bound to be too heavy and bulky, and unable to store enough electricity.  
(A) Achilles' heel (B) Midas' touch (C) Minos' labyrinth (D) dues ex machina
- 37 Nobody knew when she was born. She herself had no idea, \_\_\_\_\_ when she came into the world there was no census yet.  
(A) except it (B) that (C) except that (D) except for
- 38 Teresa heard the rock music and woke up like a bullet.  
(A) As soon as Teresa heard the rock music, she flew into a rage.  
(B) As soon as Teresa heard the rock music, she became very upset.  
(C) Teresa stayed up late because she loved to listen to the rock music.  
(D) As soon as Teresa heard the rock music, she jumped up.
- 39 The chances of building a multiracial cosmopolis rooted in a shared civic culture lie in turning away from all the dangerous and, ultimately, self-destructive confrontations.  
(A) Building a multiracial cosmopolis is believed to have a self-destructive confrontation.  
(B) Dangerous confrontations might as well serve as a root for a multiracial cosmopolis.  
(C) The fewer self-destructive confrontations, the more likely a multiracial cosmopolis can be built.  
(D) Both self-destructive confrontations and a shared civic culture may help build a multiracial cosmopolis.
- 40 Anyone accused of a crime has a right to a lawyer.  
(A) Those who are convicted of a crime have a right to a lawyer.  
(B) If someone is charged with a crime, he or she has the right to a lawyer.  
(C) Anyone who is acquitted of a crime has a right to a lawyer.  
(D) Anyone violating a law should be punished.
- 41 Those who want to have something they have never had will have to do well something they have never done before.  
(A) If people dream of getting what they have always wished for, they have to keep trying in different ways.  
(B) If people wish to get what they have never had, they have to work hard to get it.  
(C) Wishing for something they have never had will help people make their dreams come true.  
(D) Trying something they have never tried before will help people get something new.

請依下文回答第 42—46 題

I feel that if there is, in this world, one person whom we can touch totally and unabashedly, we will never die of loneliness. One person! I don't say fifty, a hundred, a thousand. It does not matter who that person is, woman to woman, man to man, someone you can go to and who will listen.

The problem is: although most of us can select the joy of intimacy, many people choose not to. Some believe that intimate relationships are risky. They believe that intimacy will hurt, and that it is going to make the greatest demands on you, bring out your deepest feelings, and make you feel miserable sometimes. Moreover, it seems that our modern society does not reinforce intimacy. One out of every four marriages ends in divorce. As George Leonard says, "we can orbit the earth, we can touch the moon, but this society has not devised a way for two people to live together in harmony for seven straight days without wanting to strangle each other." It is said that intimacy is out of date, but I would like to assert that intimacy is absolutely essential or we are all going to go mad. Go ahead and live in isolation, if you can. I believe that you can judge your level of mental health to the degree that you can form meaningful and lasting relationships.

- 42 What does the author urge readers to do?  
(A) To avoid risky relationships  
(B) To touch oneself  
(C) To find a good husband  
(D) To enjoy intimacy

- 43 According to the passage, what is the possible reason for the high divorce rate?  
(A) Modern people are doomed to die of loneliness.  
(B) Modern society does not reinforce intimacy.  
(C) Some believe that intimate relationships are risky.  
(D) A way has been devised for two people to live together in harmony.
- 44 According to the passage, why do many people choose not to have intimate relationships?  
(A) Loneliness brings joy.  
(B) Mental health is very important.  
(C) Intimate relationships sometimes hurt.  
(D) Modern society reinforces independence.
- 45 According to the passage, how can we evaluate a person's mental health?  
(A) Through his/her ability to form intimacy  
(B) Through his/her ability to strangle others  
(C) Through his/her ability to live in isolation  
(D) Through his/her ability to make many friends
- 46 According to the author, which of the following statements is true?  
(A) Intimacy is out of date.  
(B) Intimacy can save us from being insane.  
(C) To avoid loneliness, modern people should get married.  
(D) To avoid loneliness, modern people should have as many friends as possible.

請依下文回答第 47—50 題

Nigerians are the happiest people in the world. The World Values Survey found that almost 70 percent of Nigerians consider themselves very happy. Money certainly is not the reason that made Nigerians happy. Having tons of money is only a limited factor in happiness. 47 Bill Gates, for example, is happy not because of his immense wealth but because everybody wants to be his friend.

Money can certainly buy happiness, but its impact seems to drop once you can afford basic necessities. Of course, inflation makes the problem worse. 48 Even when money does exert an influence, it is not the size of your paycheck that matters. 49 The New York cabbie who has an efficient car may seem happy, but not as happy as the Ethiopian villager who has a more efficient cow than his/her neighbors. When you are living amid wealth and luxury, your desires tend to be greater. 50 It should not be surprising, then, that Nigeria, Mexico, Venezuela and El Salvador rank the highest in happiness among the 65-plus countries surveyed.

- 47 (A) Unfulfilled desires are a major source of unhappiness.  
(B) It is certainly not as significant as having good friends.  
(C) Money just does not buy as much happiness as it used to.  
(D) The survey indicates happiness can flourish in various cultures.
- 48 (A) So we should consider moving to Nigeria.  
(B) It is certainly not as significant as having good friends.  
(C) The survey indicates happiness can flourish in various cultures.  
(D) Money just does not buy as much happiness as it used to.
- 49 (A) It is certainly not as significant as having good friends.  
(B) Unfulfilled desires are a major source of unhappiness.  
(C) It is how you compare with friends, neighbors, and colleagues.  
(D) Money just does not buy as much happiness as it used to.
- 50 (A) Unfulfilled desires are a major source of unhappiness.  
(B) Money just does not buy as much happiness as it used to.  
(C) It is how you compare with friends, neighbors, and colleagues.  
(D) So we should consider moving to Nigeria.