109年公務人員特種考試警察人員、 一般警察人員考試及109年特種考試 交通事業鐵路人員考試試題 代號:50610

考 試 別:警察人員考試

等 别:三等考試

類 科 別:消防警察人員

科 目:中華民國憲法與消防警察專業英文

考試時間:2小時

※注意:禁止使用電子計算器。

甲、申論題部分:(25分)

(一)不必抄題,作答時請將試題題號及答案依照順序寫在申論試卷上,於本試題上作答者,不予計分。

(二)請以藍、黑色鋼筆或原子筆在申論試卷上作答。

一、中譯英: (10分)

臺北市消防局指出當錢櫃火苗噴發時,防火警報器和自動灑水系統均 早已被關掉。這起火災事件應被視為一起嚴重人為疏失的案件。

二、英文作文: (15分)

今年所爆發的新冠肺炎造成世界許多國家與地區紛紛採取必要的封 城措施。如果這種情形發生在臺灣,請依你的消防專業,說明臺灣警 消人員在封城後,可以投入的工作事項。作文中除了敘明相關任務和 可支援的工作,並請清楚交待執行任務的方法和步驟及人力的布署與 配置。

乙、測驗題部分:(75分)

代號:1506

座號:

- (一)本測驗試題為單一選擇題,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。
- 二共60題,每題1.25分,須用2B鉛筆在試卡上依題號清楚劃記,於本試題或申論試卷上作答者,不予計分。
- 1 下列基本權,何者受憲法絕對保障,不容國家以任何理由加以侵犯?

(A)生命權

(B)人身自由

(C)思想自由

(D)傳教自由

2 依憲法增修條文規定,國家肯定多元文化,應積極維護發展下列何者之語言及文化?

(B)邊疆地區各民族

(C)少數族群

(D)原住民族

3 依司法院大法官解釋,關於人格權,下列敘述何者錯誤?

(A)人格權受憲法之保障

(B)性行為自由無涉人格權之保護

(C)姓名權為人格權之一種

(D)刑事羈押涉及人格權之侵害

4 依司法院大法官解釋,國家吊銷人民之駕駛執照,係侵害其何種基本權?

(A)憲法第8條所保障之人身自由

图憲法第 10 條所保障之遷徙自由

(C)憲法第 22 條所保障之一般行為自由 (D)憲法第 22 條所保障之人格權

5 依司法院大法官解釋,以判決命誹謗之加害人登報向被害人道歉,涉及當事人間何種基本權 利之衝突?

(A)人身自由與人格權 (B)不表意自由與名譽權(C)言論自由與訴訟權 (D)行為自由與人格權

- 6 依司法院大法官解釋,下列何者並非憲法保障隱私權之目的?
 - (A)維護人性尊嚴 (B)尊重人格自由發展 (C)個人主體性之維護 (D)個人身體自由之維護
- 7 依照憲法增修條文規定,副總統缺位時,應如何處理?
 - (A)總統應提名候選人,由公民補選
- (B)由總統逕行任命新的副總統
- (C)立法院應推舉副總統人選,由公民補選 (D)總統應提名候選人,由立法院補選
- 依憲法及增修條文規定,下列何者非由總統提名?
 - (A)司法院院長
- (B)考試院院長
- (C)審計長
- (D)外交部部長
- 9 依憲法及增修條文規定,下列何者應經行政院院長副署?
 - (A)總統發布行政院院長之任免命令
 - (B)總統發布依憲法經立法院同意任命人員之任免命令
 - (C)總統發布解散立法院之命令
 - (D)總統依法公布法律
- 10 下列何者之任期,未因憲法增修條文而變更?
 - (A) 下、副總統
- (B)司法院大法官 (C)監察委員
- (D) 立法委員
- 11 依司法院釋字第 541 號解釋意旨及現行釋憲實務,就涉及總統職權之憲法爭議,總統府或其 秘書長得否聲請司法院解釋?
 - (A)可以,總統府為總統行使職權之機關,得聲請司法院解釋
 - (B)不可以,總統府非最高行政機關,應層轉行政院向司法院聲請解釋
 - (C)不可以,總統府秘書長為總統幕僚長,不得以自己名義聲請司法院解釋
 - (D)可以,總統府秘書長為機關首長,得聲請司法院解釋
- 12 依據憲法及增修條文規定,立法委員之同意權,下列敘述何者錯誤?
 - (A)立法委員同意權之行使對象不包括行政院各部會首長
 - (B) 立法委員同意權之行使對象不包括審計長
 - (C)立法委員行使同意權係憲法機關忠誠履行憲法賦予之權責
 - (D)立法委員同意權之行使係基於權力分立與制衡之考量所為之設計
- 關於審計長之敘述,下列何者錯誤? 13
 - (A)審計長完成決算審核後應向總統提出報告
 - (B)審計長由總統提名,立法院同意任命之
 - (C) 審計長應於行政院提出決算後3個月內依法完成審核
 - (D)審計長應獨立行使職權
- 依憲法規定,關於行政院會議,下列敘述何者正確? 14
 - (A)組織成員僅限於行政院院長、副院長及各部會首長
 - (B) 只有行政院院長有權將應行提出於立法院之法律案提出於行政院會議議決之
 - (C)以行政院院長為主席
 - (D)會議方式以法律定之
- 15 依憲法增修條文及司法院釋字第 443 號解釋,下列有關法律保留原則之敘述,何者錯誤?
 - (A)國家機關之職權與設立程序,應以法律為明確規定
 - (B)涉及人民生命之剝奪者,應以法律為具體明確之規定
 - (C)限制人民身體自由者,不得授權主管機關發布命令為補充規定
 - (D)給付行政措施涉及公共利益之重大事項者,應以法律或法律授權之命令為依據

- 16 依憲法增修條文規定,有關憲法之修改,下列敘述何者正確?
 - (A)公民得經連署向立法院提出憲法修正案,經立法院三分之二同意後通過
 - (B)立法院得提出憲法修正案,公告半年後,再經公民複決後通過
 - (C)公民得經連署向中央選舉委員會提出憲法修正案,經全體公民過半數同意後通過
 - (D)總統得向立法院提出憲法修正案,經立法院四分之三之決議後通過
- 17 有關基本國策之規定,下列敘述何者正確?
 - (A)國家維護發展原住民族語言文化,有違實質平等原則
 - (B)對於離島與外島地區人民提供經濟土地與社會福利事業之保障,有違平等保護
 - (C)促進兩性實質平等,女性應同樣有服兵役之義務
 - (D)國家應尊重軍人對社會貢獻,對於其退役後之就學與就業,應予以保障
- 18 憲法增修條文明文規定國家應提供特別保護的對象,不包括下列何者?
 - (A)身心障礙者
- (B) 退休教師
- (C) 银役軍人
- (D)原住民族
- 19 依司法院大法官解釋,關於憲法第9條現役軍人受軍事審判之規定,下列敘述何者錯誤?
 - (A)基於憲法第 140 條文武分治原則,軍事審判之設置不受憲法第 80 條司法權建置之原則拘束
 - (B)曾在平時(非戰時)經終審軍事審判機關宣告有期徒刑以上之案件,被告應可直接向普通法 院以判決違背法令為理由,請求救濟
 - (C)現役軍人若因軍事審判遭受冤獄,亦應得依冤獄賠償法向國家行使賠償請求權
 - (D)軍事審判官應享有優於一般軍官之法定身分保障
- 20 依司法院大法官解釋,關於居住與遷徙自由,下列敘述何者正確?
 - (A)受刑人在監禁期間亦附帶造成其居住與遷徙自由受到限制且無法主張該權利
 - (B)居住與遷徙自由屬憲法第 22 條所保障之基本權利
 - (C)居住與遷徙自由乃保障人民依其自由意志設定住居所、移居、遷徙、旅行之權利,但不當然 及於入出國之自由
 - (D)憲法第20條規定,人民有依法律服兵役之義務,故得以法律明定,一概限制役男不得出境
- 21 依司法院大法官解釋,有關憲法保障之學術自由及大學自治,下列敘述何者錯誤?
 - (A)憲法第 11 條關於講學自由之規定,係對學術自由之制度性保障
 - (B)大學為考核學生學業與品行訂定有關章則,使成績未符一定標準或品行有重大偏差之學生 予以退學處分,亦屬大學自治之範疇
 - (C)大學就研究生入學資格訂定之碩士班入學考試招生簡章,為法規命令,不得違反憲法第 23 條法律保留原則
 - (D)學術自由應包含研究自由、教學自由及學習自由
- 22 依司法院大法官解釋,關於憲法第8條限制人身自由之正當法律程序,下列敘述何者錯誤?
 - (A)凡限制人民身體自由之處置,不問其是否屬刑事被告之身分,均須踐行正當法律程序
 - (B)非由司法或警察機關依法定程序不得逮捕拘禁,此司法機關包含檢察機關
 - (C)人民被逮捕拘禁後,24 小時內必須移送法院審問,所稱法院僅指刑事法院
 - (D)非由司法或警察機關依法定程序不得逮捕拘禁,此警察機關包含行政執行處
- 23 依司法院大法官解釋意旨,有關人民集會遊行之限制,下列何者違憲?
 - (A)要求所有室外集會遊行應於兩日前申請許可
 - (B)禁止於行政院門口舉行集會
 - (C)因同一時間、處所、路線已有他人申請並經許可,而不許可集會之申請
 - (D)對於不遵從解散命令之集會負責人,依法處以罰鍰

- 24 依司法院大法官解釋,關於憲法第7條之平等保障,下列敘述何者錯誤?
 - (A)立法者僅課予菸商標示之義務,卻未針對其他對人體健康亦有負面影響之產品,為相同之 規定,尚與平等原則無洗
 - (B)平等原則僅拘束立法及行政權,司法權並不受其拘束,以藉此確保其獨立性
 - ©憲法第7條規定之「男女、宗教、種族、階級、黨派」5種禁止歧視事由,僅屬例示,並 不以此為限
 - (D)未使相同性別二人成立具有親密性及排他性之永久結合關係,與憲法第7條保障平等權之 意旨不符
- 25 依司法院大法官解釋,下列何者非屬憲法財產權之保障範圍?
 - (A) 徵收補償 (B) 繼承遺產
- (C)藥物廣告
- (D)考領職業駕照

- 26 有關訴願權及訴訟權之敘述,下列何者錯誤?
 - (A)人民權利受侵害,非經訴願不得提起行政訴訟
 - (B) 訴願為人民對行政機關之違法或不當行政處分不服之權利救濟途徑
 - (C)依現行制度, 訴願程序為特定類型行政訴訟之前置程序
 - (D) 新願程序作為行使訴訟權之要件,係屬對人民訴訟權之限制
- 公務員服務法第 14 條第 1 項規定「公務員除法令所規定外,不得兼任他項公職或業務。」 27 此一規定所限制之基本權利,不包括下列何者?
 - (A)結社自由
- (B)行動自由
- (C)服公職權
- (D)工作權
- 28 依司法院大法官解釋,原所得稅法規定,不許薪資所得者於該年度之必要費用超過法定扣除 額時,以列舉或其他方式扣除之,違反下列何項憲法原則?
 - (A)比例原則
- (B)明確性原則 (C)平等原則 (D)合目的性原則
- 依司法院大法官解釋,有關人民之納稅義務,下列法律規定何者違憲?
 - (A)逾期繳納稅捐加徵滯納金 (C)就滯納金部分加徵利息
- (B)滯納金不得列為費用或損失自所得額扣減

- D就應納稅款部分加徵利息
- 依司法院釋字第748號解釋,下列有關同性婚姻之敘述,何者錯誤? 30
 - (A)民法未使相同性別二人得成立永久結合關係,違憲
 - (B)立法院必須修改民法使相同性別之兩人可以結婚
 - (C) 立法院如未於解釋所定期限內完成修法,相同性別二人得依民法規定,持二人以上證人簽 名之書面,向戶政機關辦理結婚登記
 - (D)以性傾向為分類所為之差別待遇,應接受較為嚴格之審查
- 31 依憲法增修條文規定,下列何者不屬於考試院之職權?
 - (A)公務人員考試之執行事項

(B)公務人員任免之執行事項

(C)公務人員銓敘之執行事項

- (D)公務人員退休之執行事項
- 依司法院大法官解釋,下列有關商業性言論之管制,何者違憲? 32
 - (A) 化妝品廣告之刊播,應事前申請許可
 - (B)對以電腦網路散布、刊登足以引誘兒童為性交易之訊息者,得科處刑罰
 - (C)強制於菸品容器標示尼古丁含量
 - (D)藥物廣告之刊播,應事前申請核准
- 依現行制度,下列何者不能直接聲請大法官解釋?

(A)行政院

- (B)屏東縣議會
- (C)檢察總長
- (D)考試院
- 34 依憲法增修條文規定,關於立法委員選舉制度,下列敘述何者錯誤?
 - (A)直轄市、縣市立法委員之選舉採單一選舉區制
 - (B)平地原住民及山地原住民立法委員之選舉採單一選舉區制
 - (C)全國不分區及僑居國外國民代表之選舉採比例代表制
 - (D)區域立委選票與政黨名單選票互不影響,稱為並立式兩票制

35	依憲法增修條文規	見定及司法院大法官解釋	星,下列敘述何者正確	?			
	(A)司法院設大法官	至 17 人	(B)司法院大法官為	憲法上法官			
	(C)司法院大法官任	E期9年	(D)並為院長、副院	長之大法官,亦受任期之保障			
36	依司法院大法官解釋,直轄市政府辦理自治事項違背憲法時,依法應如何處理?						
	(A)中央各該主管機關得停止其執行						
	(B)中央各該主管機關得報行政院予以停止其執行						
	(C)由行政院逕行下命停止其執行						
	(D)中央各該主管機關應即聲請司法院大法官解釋						
37	下列何者非地方自治權之核心?						
	(A)地方審計權	(B)地方組織權	(C)地方立法權	(D)地方財政權			
38	依司法院釋字第738號解釋,各地方自治團體得依其自治條例之規定,限定電子遊戲場業之						
	營業場所,與國中、小學、高中職學校、醫院等間,應有之距離。上述解釋,與下列何項憲						
	法原則無關?						
	(A)信賴保護原則		(B)中央與地方之權	限劃分原則			
	(C)法律保留原則		(D)比例原則				
39	憲法增修條文第	10 條第 8 項規定,國家	對於社會救助和國民黨	尤業等救濟性支出應優先編列			
	預算。依司法院大法官解釋意旨,下列敘述何者正確?						
	(A)本條規定使用國家一詞,係要求應由中央優先編列相關支出之預算						
	(B)中央與地方應協力實施社會救助制度,並由中央政府負擔財政支出						
	(c)關於預算之數額、所占比例、編列方式等,並無立法形成自由						
	(D)中央得立法規定地方應分擔相關經費,但不得侵害地方財政自主權						
40	關於憲法第 24 條之規定,下列敘述何者錯誤?						
	(A)係國家賠償之憲法依據						
	(B)國家賠償責任與公務員之行政責任並存						
	©憲法第 24 條之規定,具有補充基本權保障之性質						
		(D)得逕依憲法第 24 條規定作為國家賠償的法律基礎					
41				en we focus on a task, the big			
	Fire scenes are and can change in the blink of an eye. When we focus on a task, the big picture at a fire scene can blur.						
	(A) static	(B) exclusive	(C) expansive	(D) dynamic			
42			1	n, and a fuel are combined,			
	producing fire.						
	(A) Hydration	(B) Thermal burn	(C) Combustion	(D) Arson			
43	•			use for the residents depending			
	upon the fire's location, behavior, winds, terrain, etc.						
	(A) evacuated	(B) dispatching		(D) suspending			
44	People can help firefighters by keeping roads clear of, enabling them to move in and out of						
	the area, and thereby doing their job.						
	(A) corporation	(B) congestion	(C) conclusion	(D) coordination			
45	-	_		nsure that you have taken the			
	necessary precautions to manage fire hazards within your organization.						
		(B) incidents					

46	There are many types of	of fuel, and one of them is	solid materials th	at are not metals, including			
	wood, plastic, trash, cloth, etc.						
	(A) flammable	(B) responsible	(C) irreducible	(D) permissible			
47	State and federal authorities are struggling to the massive blazes, even with firefighting						
	assistance from other countries.						
	(A) contain	(B) declare	(C) persist	(D) scorch			
48	The structural frame was extensively damaged by the fire because the building had no, smoke						
	detection or fire alarm.						
	(A) cripple	(B) sprinkler	(C) measure	(D) volume			
49	The police have charged at least 5 people with starting bushfires, and have taken legal action						
	against 10 people for fire-related offenses.						
	(A) exceptionally	(B) hydraulically	(C) consequently	(D) deliberately			
50	Entire towns have been in flames, and residents across several cities have lost their homes.						
	(A) quenched	(B) engulfed	(C) recruited	(D) witnessed			
51	Protective hoods are fabric coverings that protect your ears, neck, and face from exposure						
	to heat, embers, and debris.						
	(A) self-contained	(B) fire-resistant	(C) open-circuit	(D) air-inflated			
52	Many departments each firefighter an individual facepiece that is not shared with other						
	firefighters.						
	(A) issue	(B) deliver	(C) transfer	(D) deposit			
53	Breathing air that has been heated to flame temperatures normally found during a structure fire can						
	seriously damage the						
	(A) escape route	(B) air cylinder	(C) dust explosion	(D) respiratory tract			
54	The thermal environment will heat the exterior of the PPE (personal protection equipment) resulting						
	in that can cause contact burns.						
	(A) air drop	(B) air pack	(C) thermal circulation	(D) thermal saturation			
55	If ventilation and fire attack are, venting over the fire provides the most efficient flow of hot						
	smoke, fire gases, and air.						
	(A) coordinated	(B) compartmentalized	(C) conjectured	(D) collapsed			
請依	下文回答第56題至第	;60題:					
	~ 1 111						

Stop, drop and roll is a simple fire safety technique taught to children, emergency services personnel and industrial workers as a component of health and safety training. Primarily, it is a method to extinguish a fire on a person's clothes or hair without, or in addition to, the use of conventional firefighting equipment. In addition to extinguishing the fire, stop, drop and roll is thought to be an effective psychological tool, providing those in a fire situation, particularly children, with a routine that can be focused on in order to avoid panic.

The technique of stop, drop and roll works for the following reasons:

Stop: Running adds oxygen to the fire, or it can be thought of as fanning the flames. Running does not allow for a "smothering" of the fire. It may also prevent bystanders, who may be willing to provide assistance, from smothering the fire with their jackets or other form of clothing, from dowsing the fire with water, or even using a fire extinguisher they might have available.

Drop: By dropping to the prone position (face down) you immediately reduce your body surface area that can receive oxygen. In this position the person should immediately cover their face from the flames to prevent burn injury and the difficult disfiguring effects of burned skin. With the body against the ground, it smothers the fire, by reducing the oxygen that is available for the fire. Further, fire burns upward, and by dropping to the prone position, you retard the fire's ability to burn upward.

Roll: Because a person's clothing (fuel source) circumferences their entire body, the roll portion of the technique ensures that all clothing that may be on fire is smothered (depriving it from oxygen) against the ground, and not just the front or abdominal surface of the body of the prone position. The person should continue "rolling" back and forth until the fire is fully extinguished.

Although stop, drop, and roll is a useful technique, some people are skeptical about its true effectiveness. It's one thing to be so-called "book-smart" about the dos and don'ts of the stop, drop, and roll technique, but it's another thing to be able to actually perform the technique when your clothes are on fire. You're feeling the pain of the burn, and you enter panic mode. After all, we have all seen YouTube videos of adults catching fire, and then start running around and flapping their arms in the panic of their situation.

With a real and present risk of a child being involved in some type of fire incident, how do we go about trying to teach young children to effectively perform the stop, drop, and roll technique? They may not even really understand what fire is or the danger it presents. They are likely to panic in fear if they catch fire, and their physical capabilities to extinguish themselves may be limited.

- 56 What is NOT true about the technique "stop, drop, and roll"?
 - (A) It is a useful way to put out a fire when a person's clothing catches fire.
 - (B) It is the only method to escape from a fire disaster.
 - (C) Both adults and children can learn and use this technique to put out a fire.
 - (D) This technique can help a person cope with a fire emergency better.
- What is the purpose of the first step of the "stop, drop, and roll" technique?
 - (A) It restricts further addition of oxygen to the fire.
 - (B) It prevents the spread of the fire to those standing close to it.
 - (C) Running from the fire can decrease the chance of being burned.
 - (D) People can stay calm and try to find a fire extinguisher nearby.
- 58 Why should a person put their hands over their face when lowering their body closer to the ground?
 - (A) To smother remaining flames.
 - (B) To make breathing easier.
 - (C) To prevent bad facial burns.
 - (D) To get ready for the next step.
- According to the passage, what does "book-smart" imply?
 - (A) We should put into practice what we've learned from books.
 - (B) We need to learn from our mistakes so that we do not repeat them.
 - (C) What sounds right in theory may not be practical in real life.
 - (D) It is wise not to believe blindly what is said in a book.
- Which of the following statements about the stop, drop, and roll technique may the writer agree with?
 - (A) It is a useful technique but younger children may not be able to actually apply it in case of emergency.
 - (B) Statistics have shown that this technique may lead to worse burns in a state of extreme panic.
 - (C) More research is needed for knowing how we can best perform this technique and whether we should teach it to children.
 - (D) Many people don't realize that this technique is only effective when the fire starts on one's clothing.