

113年公務人員特種考試警察人員、一般警察人員、 國家安全局國家安全情報人員及移民行政人員考試試題

考試別：警察人員考試

等別：四等考試

類科組別：水上警察人員輪機組、水上警察人員航海組

科目：中華民國憲法與水上警察專業英文

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。

- 依司法院大法官解釋，有關法官迴避制度，下列敘述何者錯誤？
(A)法官迴避制度屬訴訟權保障之核心內容
(B)智慧財產法院之技術審查官亦有迴避制度之適用
(C)審理相牽涉民事與行政訴訟事件之法官間，是否有迴避制度之適用，屬立法裁量之範圍
(D)辦理智財刑事訴訟之法官，得參與就該訴訟事件相牽涉之智慧財產行政訴訟之審判，無須迴避，違反憲法公平審判之要求
- 司法院釋字第 779 號解釋認為，原土地稅法第 39 條第 2 項僅就依都市計畫法指定之公共設施保留地，免徵其土地增值稅；至非都市土地經編定為交通用地，且依法核定為公共設施用地者，則不予免徵土地增值稅之規定違憲，係違反下列何者？
(A)租稅法定原則 (B)實質課稅原則 (C)平等權 (D)比例原則
- 憲法本文有關國民經濟之規定，下列敘述何者錯誤？
(A)公用事業以公營為原則
(B)合作事業應受國家之獎勵
(C)公私營事業如有妨害國計民生平衡發展，國家得以法律限制之
(D)國民生產事業應受國家之獎勵、指導及保護
- 依司法院大法官解釋意旨，有關人身自由，下列敘述何者錯誤？
(A)依傳染病防治法所為之強制集中隔離措施，屬於憲法第 8 條第 1 項所稱之拘禁。故主管機關於提審法修正施行後，均需告知相對人其有聲請提審之權利
(B)傳染病防治法之強制隔離措施，性質上屬於拘禁措施，應由法院加以決定，主管機關不得單獨、逕行決定之，必待聲請法院同意後為之
(C)違警罰法所規定之拘留及罰役，以及刑事訴訟法原本賦予檢察官之羈押權，性質上均屬拘禁措施，均牴觸憲法第 8 條規定
(D)少年事件處理法之收容及感化教育，以及社會秩序維護法所規定之拘留，性質上均屬拘禁措施，故均應由法院決定之
- 關於司法院釋字第 744 號解釋，下列敘述何者錯誤？
(A)廣告之事前審查乃對言論自由之重大干預，原則上應為違憲
(B)商業言論皆受憲法第 11 條言論自由之同等保障
(C)廣告具商業上意見表達之性質
(D)化妝品廣告的事前審查須以嚴格標準審查
- 依司法院釋字第 756 號解釋意旨，下列敘述何者錯誤？
(A)書信之內容涉及通訊內容之秘密性，屬憲法保障秘密通訊自由之核心內涵
(B)監獄管理人員開拆受刑人信件包裹，檢查內容物之外觀，並不當然影響通訊之秘密性
(C)監獄管理人員閱讀受刑人書信內容，對秘密通訊自由之侵害程度，與書信種類或通訊對象無關
(D)依通訊雙方之身分不同，其秘密通訊自由受憲法保障之程度可能不同
- 有關結社自由，下列敘述何者錯誤？
(A)保障人民得以團體之形式發展個人人格
(B)促使具公民意識之公民組成團體參與經濟、社會及政治事務
(C)保障範圍不包括成立非法人團體
(D)團體之形成、存續、命名等屬結社自由之保障範圍
- 因以現金作為對價之合併而喪失股權之股東，於合併前若未能及時取得合併對公司影響之資訊，應主張其何種憲法權利受到影響？
(A)財產權 (B)工作權 (C)契約自由 (D)資訊自決權

- 9 下列憲法規定，何者與生存權之保障無涉？
(A)憲法第 142 條規定，國民經濟應以民生主義為基本原則
(B)憲法第 157 條規定，國家為增進民族健康，應普遍推行衛生保健事業及公醫制度
(C)增修條文第 10 條第 6 項規定，國家應維護婦女人格尊嚴，保障婦女人身安全
(D)憲法第 161 條規定，各級政府應廣設獎學金名額，扶助學行俱優無力升學之學生
- 10 菸害防制法第 14 條規定：「營業場所不得為促銷或營利目的免費供應菸品、指定菸品必要之組合元件。」本條規定限制人民之執行職業自由，在審查其是否符合比例原則時，下列敘述何者正確？
(A)本條規定對人民之執行職業自由僅造成輕度限制，故無須審查其是否符合比例原則
(B)本條規定之限制目的若係追求一般公共利益，即符合比例原則，無須再檢驗限制手段與目的之關聯性
(C)本條規定之限制目的若係追求一般公共利益，且手段與目的之間具備合理關聯性，即符合比例原則
(D)本條規定之限制目的須為追求特別重要之公共利益，且手段與目的間須具備直接絕對必要關聯，始符合比例原則
- 11 下列何者非屬訴訟權之主體？
(A)瀕臨絕種之生物 (B)法人 (C)外國人 (D)受刑人
- 12 下列何者非屬憲法明定之人民義務？
(A)納稅之義務 (B)受國民教育之義務 (C)遵守法律之義務 (D)服兵役之義務
- 13 關於憲法第 22 條規定，下列敘述何者正確？
(A)本於一般行為自由得決定是否揭露個人資料 (B)隱私權僅指資訊隱私權
(C)資訊隱私權保障個人得向政府請求資訊公開 (D)保障一般行為自由的法理是人格自由發展
- 14 依司法院大法官解釋意旨，立法者享有較大形成空間之基本權利，不包括下列何者？
(A)公務人員依法銓敘取得官等俸給之服公職權 (B)人民於其權利受侵害時，得訴請救濟之訴訟權
(C)有關人民投票方法及程序之選舉權 (D)地方自治團體對於轄境內事務之自治權
- 15 依我國現行法制，下列何者為「不待許可，得隨時返回本國」之權利主體？
(A)有中華民國國籍且在臺灣地區設有住所而有戶籍之人
(B)有中華民國國籍且在臺灣地區未設住所而無戶籍之人
(C)有中華人民共和國國籍且在臺灣地區未設住所而無戶籍之人
(D)有中華人民共和國國籍且在大陸地區設有住所而有戶籍之人
- 16 下列何者並非限制結婚自由之規定？
(A)司法院釋字第 748 號解釋施行法第 2 條規定：「相同性別之二人，得為經營共同生活之目的，成立具有親密性及排他性之永久結合關係。」
(B)民法第 985 條第 1 項規定：「有配偶者，不得重婚。」
(C)民法第 980 條規定：「男女未滿 18 歲者，不得結婚。」
(D)民法第 982 條規定：「結婚應以書面為之，有 2 人以上證人之簽名，並應由雙方當事人向戶政機關為結婚之登記。」
- 17 關於行政院覆議案，下列敘述何者正確？
(A)覆議對象為立法院議決之法律案、預算案之全部或一部，以及移請變更重要政策之決議
(B)行政院移請立法院覆議前，須經總統核可，並應於立法院決議案送達行政院 15 日內為之
(C)立法院休會期間行政院移請覆議時，立法院院長應召開臨時會，並於開議 7 日內作成決議
(D)覆議時，贊成維持原決議者如未達全體立法委員二分之一，原決議即不予維持
- 18 下列由總統所發布之命令，何者須經行政院院長之副署？
(A)行政院院長之任免命令 (B)司法院大法官之任免命令
(C)總統府副秘書長之任免命令 (D)解散立法院之命令
- 19 依憲法增修條文第 4 條規定，立法院提出領土變更案之程序為何？
(A)經全體立法委員四分之一之提議，全體立法委員過半數出席，及出席委員三分之二之決議
(B)經全體立法委員過半數之提議，全體立法委員三分之二之出席，及出席委員四分之三之決議
(C)經全體立法委員四分之一之提議，全體立法委員三分之二之出席，及出席委員三分之二之決議
(D)經全體立法委員四分之一之提議，全體立法委員四分之三之出席，及出席委員四分之三之決議
- 20 關於立法院，下列敘述何者正確？
(A)對於偵查中之案件，立法院有權向檢察機關調閱相關卷證
(B)人民得罷免全國不分區立法委員
(C)依司法院大法官解釋，立法院有文件調閱權
(D)立法院通過行政院院長不信任案後 10 日內，總統應解散立法院

- 21 關於行政院會議之組成，下列敘述何者正確？
(A)行政院會議之主席為總統
(B)行政院會議由行政院正、副院長、各部會首長及不管部會之政務委員組織之
(C)行政院會議之組成員與國家安全會議相同
(D)行政院會議由行政院正、副院長、各部會首長、不管部會之政務委員、行政院秘書長組織之
- 22 關於監察院之調查權，下列敘述何者正確？
(A)為獨立權力，不以行使監察權為前提
(B)調查對象僅限於行政院及其各部會
(C)得調查檢察官偵查中之相關卷證，但以影本為限
(D)不須經院會決議，即得調查文件原本
- 23 依憲法訴訟法之規定，關於聲請釋憲的程序，下列敘述何者正確？
(A)聲請釋憲須有代理人
(B)聲請釋憲須繳納裁判費
(C)聲請釋憲須提出聲請書狀
(D)聲請書狀須以郵寄方式傳送至司法院憲法法庭
- 24 下列何者不得以自己名義向憲法法庭聲請判決？
(A)臺灣自來水公司
(B)法務部
(C)公務員
(D)財團法人法律扶助基金會
- 25 依憲法相關規定及憲法法庭 111 年憲判字第 6 號判決意旨，下列何者並非判斷中央就食品之動物用藥殘留標準，有否專屬立法權的考量因素？
(A)科學風險的專業評估
(B)違反國際法義務的風險
(C)違反因地制宜原則的精神
(D)造成憲法規定的事實障礙
- 26 Under the Ocean Affairs Council are three _____ agencies: the Coast Guard Administration, the Ocean Conservation Administration, and the National Academy of Marine Research.
(A) substitute (B) subordinate (C) surrounded (D) superior
- 27 According to Article 5 of *The Police Personnel Regulations*, police officers are divided into superintendents, inspectors, and _____.
(A) surveys (B) surgeries (C) suspects (D) sergeants
- 28 Which of the following is NOT part of the duties of water police by law?
(A) Maintenance of maritime traffic order
(B) Marine salvage and sea disaster rescue
(C) Patrol and protection of fishing zones
(D) Help fishing and display fireworks
- 29 A woman may only be searched by a female member of the Coast Guard. However, if no such a female member is available, the entire _____ of the body search shall be video recorded as evidence.
(A) problems (B) pollution (C) proceedings (D) pirate
- 30 To perform their duties, the Coast Guard shall be equipped with warships, aircrafts, vehicles, weapons, _____, high-tech monitoring systems and any other requisite instruments for the Coast Guard to carry out their tasks.
(A) gloves (B) sunglasses (C) swimming trunks (D) ammunition
- 31 The vessel sailed with a _____ of 38,000 t of coal from Newcastle, Australia to Keelung, Taiwan.
(A) spares (B) cargo (C) passenger (D) machine
- 32 The captain, controller, owner, or manager of a vessel shall not avoid, obstruct, or refuse the _____ conducted by the personnel of the Coast Guard. Violators shall be punished with a fine between NT\$30,000 and NT\$ 150,000.
(A) inspection (B) collision (C) dispute (D) pollution
- 33 The right of hot pursuit _____ as soon as the ship pursued enters the territorial sea of its own State or of a third State.
(A) proceeds (B) ceases (C) confiscates (D) escorts
- 34 CO₂ _____ can be used on electrical fires. Using a wrong type for a different kind of fire can be life-threatening.
(A) accomplishes (B) extinction (C) distinguishing (D) extinguishers
- 35 Distress flares signal that you are in trouble and provide an exact location for searching vessels. The use of them indicates that there is grave and _____ danger to life or a vessel.
(A) commemorative (B) delegated (C) imminent (D) manufacturing
- 36 The _____ is a ship's highest officer, acting on behalf of the ship's owner.
(A) captain (B) manager (C) chief cook (D) chairman
- 37 Gross _____ is calculated by measuring a ship's volume and applying a mathematical formula.
(A) density (B) weight (C) draft (D) tonnage
- 38 If the work involves the use of oil, precautions for preventing _____ accidents are necessary.
(A) fire (B) sinking (C) falling (D) flooding

- 39 It is necessary to wear the _____ mask when entering an empty oil tank to perform works.
 (A) protective (B) visible (C) audible (D) heavy
- 40 The vessel M.V. Keelung sailed from Seattle, U.S. on April 14th, 2024, bound _____ Osaka, Japan.
 (A) for (B) into (C) between (D) during

請依下文回答第 41 題至第 45 題

In 2024, the Kinmen offshore speedboat 41 accident, also known as the Kinmen 214 Incident, was referred to by mainland China as the February 14 vicious 42 incident, which occurred at 1:00 PM on February 14, 2024. An unnamed and unregistered speedboat from the Chinese mainland entered the restricted waters near the Kinmen Islands for fishing. It was inspected by the 9th Marine Patrol of the Coast Guard Administration of the Maritime Affairs Commission of the Republic of China and fled after refusing inspection. During the 43, the two ships collided and four crew members fell into the sea, two of whom died after 44 the hospital.

45, the incident sparked controversy, including inconsistencies between the survivors' statements and the Coast Guard's statements, and disputes over the boundary between restricted and prohibited waters.

- 41 (A) capsizing (B) pollution (C) smuggling (D) trafficking
 42 (A) discharge (B) exhibition (C) evaluation (D) collision
 43 (A) penalty (B) pursuit (C) prohibiting (D) possession
 44 (A) taking to (B) taken to (C) being taken to (D) took to
 45 (A) On the contrary (B) Unlikely (C) Meanwhile (D) Similarly

請依下文回答第 46 題至第 50 題

In May, 2021, the task force including officers of TCGA and NPA tracked down an oil **smuggling group**. They accidentally discovered that NorthUnion Gang members were using oil **barrels** as cover to transport drugs across the country. The case was indicted by the Taipei District Prosecutor, and the Taipei District court made the verdict in March, 2022. The eight defendants were sentenced to 3~7 years for attempted second-degree drug smuggling. The task force officers stated that the gangsters were suspected of trafficking drugs by the same M.O. for a long time. As such, officers analyzed the gangsters' transportation pattern and found another batch of 40 kilograms drug in an abandoned vehicle in the Taipei Mountain area, and a total of 85 kilograms of the second-class drug methamphetamine was seized. Based on the content of the suspects' communications and drug packaging materials, the officers believed that these drugs did not come from the traditional Golden Triangle region. In order to trace the source of the drugs, TCGA requested the DEA Taipei Office for identification. The DEA confirmed that the drug was manufactured in Middle-East. The DEA also cross-referenced the suspects' communication data with its database and found that Pakistan criminals were involved in the **syndicate**. Officers believed that the drug came to Taiwan via Pakistan and its neighboring countries. This is the first time Taiwan seized drug made in the Middle East region. The task force believes that Taiwanese drug cartels have broken the traditional drug production and transportation routes and begun to cooperate with Middle East drug **cartels**. In response to this **brand new** drug industry chain, the Taipei District Prosecutor's Office has made a case report, asking the national drug enforcement agencies to take strict precautions.

- 46 Which of the following serves as the best title for the passage?
 (A) NPA and DEA solve crime case. (B) TCGA cracks down drug smuggling organization.
 (C) Drug value hits record high. (D) Smuggling vehicle has been changed.
- 47 Based on the passage, which word or phrase in the following is different from the others in meaning?
 (A) barrels (B) smuggling group (C) syndicate (D) cartel
- 48 Which of the following is NOT a correct reference of the abbreviations in the passage?
 (A) TCGA: Taiwan Coast Guard Administration
 (B) NPA: National Police Agency
 (C) M.O.: modus operandi
 (D) DEA: DNA Examination Association in the United States
- 49 Which of the following is a clue for TCGA to find out that the drug did not come from the traditional Golden Triangle region?
 (A) The suspects' appearance and accent
 (B) The suspects' communication and the drug packing materials
 (C) The suspects' identification and the trafficking route
 (D) The suspects' criminal patterns and the drug's value
- 50 At the end of the passage, why is the drug industry chain considered "brand new"?
 (A) The volume of drugs broke records. (B) The drugs came from a new region.
 (C) The gangsters used oil barrels as cover. (D) The communication data was unavailable.