114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、移民行政人員考試及 114年特種考試退除役軍人轉任公務人員考試試題 代號:51150 頁次:8-1

考 試 別:警察人員考試

等 别:三等考試

類科組別:水上警察人員

科 目:中華民國憲法與水上警察專業英文

考試時間:2小時 座號:______

※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。

□請以藍、黑色鋼筆或原子筆在申論試卷上作答。

- \ Please translate the following paragraph into Chinese. (15 分)

Expertise in marine meteorology constitutes an indispensable asset for the Taiwan Coast Guard Administration (CGA), enabling it to operate proficiently within Taiwan's volatile and multifaceted maritime domain. Precise meteorological forecasting coupled with continuous real-time oceanographic surveillance empowers the CGA to orchestrate patrols with heightened safety and operational efficiency, execute search and rescue missions with optimal timing, and mount rapid responses to meteorological calamities such as typhoons. Comprehensive understanding of hydrodynamic phenomena, such as ocean currents, wave dynamics, and prevailing wind regimes, substantially mitigates operational hazards for personnel and vessels alike. Also, this specialized acumen underpins strategic decision-making in law enforcement and environmental stewardship, thereby augmenting overall mission readiness. In brief, the systematic integration of marine meteorological insights significantly enhances the Coast Guard's capacity to ensure maritime security and safeguard human life.

二、Please translate the following paragraph into English. (10 分)

為提升工作效能,臺灣水上警察可加強科技應用,如引進無人機與先進雷達系統進行海域巡查,以提高監控效率。擴編人力與改善勤務排班可減輕執勤壓力。強化跨部門合作,如整合海巡、移民與地方政府資源,有助提升執法與救援反應速度。定期舉辦專業訓練與實戰演練,對提升應變與執法能力至為重要。與在地漁民、觀光業者建立良好溝通可增進合作與理解,因此建立良好執法環境。最後,更新設備與船艇可確保執勤安全與效率。

乙、測驗題部分:(75分)

代號:5511

- (一)本試題為單一選擇題,請選出一個正確或最適當答案。
- 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 依我國憲法規定人民受逮捕拘禁時,逮捕拘禁機關至遲多久應移送該管法院審問?

(A) 48 小時

(B) 36 小時

(C) 24 小時

(D) 12 小時

2 依憲法及司法院大法官解釋,下列何者並非憲法上之法官?

(A)檢察官

(B)地方法院簡易庭法官

(C)大法官

(D)懲戒法院法官

- 3 依司法院大法官解釋,大陸地區人民於臺灣地區設籍未滿 10 年者,不得擔任公務人員之規 定,並未牴觸憲法,下列敘述何者錯誤?
 - (A) 立法者制定規範時應斟酌事物本質的差異而為合理的區別對待,以實現憲法價值
 - (B)法律得基於原大陸地區人民對自由民主憲政體制的認識與其他臺灣人民可能不同,限制其 任公職之權利
 - C)此類爭議涉及兩岸政治事務,故對於代表民意且充分掌握資訊的立法機關,司法機關應完 全尊重其決定
 - (D)設籍 10 年始得任公職的限制,仍在必要及合理的範圍
- 副總統缺位時,依憲法增修條文規定,應如何遞補?
 - (A)由主要政黨提名候選人,交立法院補選
 - (B)由行政院院長兼任
 - (C)總統應於3個月內提名候選人,由立法院補選
 - (D)重新辦理副總統選舉
- 5 關於憲法法庭,下列敘述何者錯誤?
 - (A)憲法法庭之判決得不經言詞辯論
 - (B)憲法法庭之不受理裁定毋須標示主筆大法官
 - (C)憲法法庭之判決,應經全體大法官三分之二以上同意
 - (D)對於憲法法庭之裁判,不得聲明不服
- 下列何者是國民主權的直接具體表現?
 - (A)立法委員之報酬或待遇,應以法律定之 (B)原住民族之地位與政治參與,應予以保障

(C)行政院院長由總統任命

(D) 立法委員由人民選舉產生

7 依司法院大法官解釋,下列何者並非修憲界限?

(A)國民主權原則 (B)基本權保障

(C)權力分立原則 (D)租稅法定原則

- 8 關於憲法國民經濟之規定,下列敘述何者錯誤?
 - (A) 金融機構,應依法受國家之管理
 - (B)國家應普設平民金融機構,以救濟失業
 - (C)有獨佔性之企業,應以法律禁止之
 - (D) 國民生產事業及對外貿易,應受國家之獎勵、指導及保護
- 下列何者是憲法與憲法增修條文中,對於原住民族有保障,對於邊疆地區民族卻沒有明文保 隨的事項?

(A)教育

(B)文化

(C)交通

(D)語言

- 10 有關憲法第7條規定之平等權,下列敘述何者錯誤?
 - (A)本條雖稱中華民國人民,在法律上一律平等,並不表示外國人不得享有平等權
 - (B)對於婦女當選名額之保障,不違反憲法第7條平等權之精神
 - (C)憲法第7條所定男女、宗教、種族、階級、黨派之分類事由,係採列舉方式
 - (D)憲法第7條適用範圍包括立法、行政及司法機關的公權力行為

11 依司法院大法官解釋,軍事審判具有下列何種國家權力之性質?

(A)司法權

(B)監察權

(C)行政院之軍事統帥權

(D)總統之軍事統帥權

- 12 如果法令規定:「民眾登山,須辦理入山證」,這是對何種基本權之干預?
 - (A)居住自由
- (B)一般行為自由
- (C)人身自由

(D)隱私權

依司法院釋字第 689 號解釋,憲法保障新聞自由之目的,不包括下列何者? 13

(A)完成自我實現

(B)促進資訊流通

(C)滿足知的權利

(D)形成公共意見

- 14 關於教育領域之宗教中立原則,下列敘述何者錯誤?
 - (A) 主管教育行政機關不得強迫教師參加特定宗教團體舉辦之宗教活動
 - (B)主管教育行政機關不得強迫學生參加特定宗教團體舉辦之宗教活動
 - (C)主管教育行政機關不得強迫學校行政人員參加特定宗教團體舉辦之宗教活動
 - (D)公立大學得要求學生在畢業前須參加至少一次宗教活動,否則不具畢業資格
- 依司法院大法官解釋,關於憲法結社自由,下列敘述何者錯誤? 15
 - (A)人民團體法亦為我國人民結社之法律依據
 - (B)結社自由之保障範圍不包含組織內部之安排,主管機關依人民團體法得予以介入
 - (C)大法官解釋曾宣告人民團體法限制人民團體不得主張共產主義之規定違憲
 - D結社自由包含社團組成之發起自由、名稱使用及更改名稱之自由
- 16 依司法院釋字第 790 號解釋,有關毒品危害防制條例第 12 條第 2 項所定栽種大麻罪之法定 刑,下列敘述何者錯誤?
 - (A)情輕法重,違反憲法罪刑相當原則
 - (B)立法者就何種犯罪及何種情狀得否減輕其刑,屬立法形成自由之範疇
 - (C) 5 年以上最低法定刑部分,對人身自由之限制,違反比例原則
 - (D)毒品危害防制條例第 17 條第 2 項減輕其刑規定,未包括犯同條例第 12 條第 2 項栽種大麻 之罪,違反憲法第7條保障平等權之意旨
- 依司法院釋字第 400 號解釋,既成道路成立公用地役關係之三個要件,不包括下列何者? 17
 - (A) 須為不特定之公眾通行所必要,而非僅為通行之便利或省時
 - (B)於公眾通行之初,土地所有權人並無阻止之情事
 - (C)須經歷之年代久遠而未曾中斷
 - (D) 須有建築法或民法等之相關規定作為依據
- 18 土地稅法第39條第2項關於免徵土地增值稅規定,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。依司法院釋字第779號解釋,於此範圍內,係違反下列何項原則?
 - (A) 比例原則
- (B)平等原則
- (C)法律明確性原則 (D)依法行政原則

- 關於服兵役,下列敘述何者正確?
 - (A)為憲法所未明文列舉之義務
 - (B)若需降低服兵役之年齡,應修改憲法
 - (C)若需納入女性為服兵役義務主體,應修改憲法
 - (D)人民如何履行服兵役之義務,應以法律定之
- 人民受教育之權利分為「受國民教育之權利」及「受國民教育以外教育之權利」,依司法院 20 大法官解釋之意旨,下列敘述何者正確?
 - (A)憲法明定, 受國民教育與受國民教育以外教育, 均為人民之權利與義務
 - (B)分別受憲法不同條文所保障
 - (C)國家對提供國民教育與國民教育以外之教育,均負有義務
 - (D)二者皆不得訂定特定之入學資格,排除資格不符之考生入學就讀

- 21 依相關司法院大法官解釋,有關契約自由,下列敘述何者錯誤?
 - (A) 跨國婚姻媒合不得期約報酬,係對契約自由之限制
 - (B)契約自由為司法院大法官解釋肯認之非明文憲法權利
 - (C)契約自由為個人自主發展與實現自我之重要機制
 - (D)公法上契約與私法上契約享有同樣的契約自由
- 22 有關健康權之敘述,下列何者錯誤?
 - (A) 為司法院大法官解釋肯認之非明文憲法權利
 - (B)有關藥害救濟制度之設置,屬社會福利措施,尚無涉憲法保障之健康權
 - (C)有關消防人員勤務休息規定,涉及健康權之保障
 - (D)萊克多巴胺容許標準之訂定,涉及國家對於人民健康權之保障
- 23 依司法院釋字第 803 號解釋,原住民可基於生命權、身體權、原住民狩獵文化權,主張享有 持安全獵槍進行狩獵的自由。下列何者最適合描述此處生命權、身體權、原住民狩獵文化權 的關係?
 - (A)基本權衝突
 - (B)基本權競合
- (C)基本權涵攝
- (D)基本權位階
- 24 比較憲法第43條關於緊急命令與憲法增修條文第2條第3項關於緊急命令之要件與程序, 下列敘述何者錯誤?
 - (A)發布事由中之「國家遇有天然災害、癘疫」,改成「為避免國家或人民遭受緊急危難」
 - (B)發布依據從必須「依緊急命令法發布緊急命令」,改成得不必依緊急命令法就可以發布
 - (C)追認時間從「發布命令後 1 個月內提交立法院追認」,改成「發布命令後 10 日內提交立法院追認」
 - (D)從原本之「立法院休會期間,經行政院會議決議,得發布緊急命令」,改成無論是否在立 法院休會期間,均無須經行政院會議決議,總統即可發布緊急命令
- 25 依據權力分立原則並參照憲法增修條文相關規定,行政院應受立法院之監督,下列敘述何者 錯誤?
 - (A)行政院必須向立法院提出施政方針及施政報告
 - (B)總統提名行政院院長後必須經立法院同意
 - (C)立法院得經全體立法委員 3 分之 1 以上連署,對行政院院長提出不信任案
 - (D)行政院移請立法院覆議案,經全體立法委員 2 分之 1 以上決議維持原案者,行政院院長應接受該決議
- 26 關於議會議員之地位及職權,下列敘述何者最為正確?
 - (A)現代代議民主國家多採自由委任制,即代議士為選區選民所派遣,受到選區選民指令的 拘束
 - (B)以區域選舉產生之各級民意代表得為原選舉區選民所罷免,故非純粹的自由委任制
 - (C) 憲法明文規定立法委員及地方議員均享有言論免責權
 - (D)立法委員於會期中及休會期間,皆享有不受逮捕拘禁之特權;而地方議員之此項特權,僅 限於會期內
- 27 依憲法與增修條文之現行規定,有關公務人員選拔,下列敘述何者正確?
 - (A)公務人員之選拔,應以實作方式考選,以確保任用優秀人才
 - (B)公務人員之選拔,應按省(直轄市)分定名額,分區考試
 - (C)公務人員之選拔,應經公開考試,方得任用
 - (D)公務人員之選拔,應依年齡分布,任用一定比例之青年

- 28 關於審計長,下列敘述何者正確?
 - (A)由總統逕自任命之
 - (B)不受任期保障
 - (C)應於行政院提出決算後於期限內完成審核,並提出審核報告於立法院
 - (D) 立法院委員會審議決算報告時,有至立法院備詢之義務
- 29 依憲法訴訟法規定,有關法庭之友之敘述,下列何者正確?
 - (A)法庭之友制度,乃沿用司法院大法官審理案件法中已存之制度
 - (B)案件之關聯性,應包含情感上的關聯性
 - (C)依裁定許可提出專業意見或資料時,無需揭露與當事人間之關係
 - (D)人民向憲法法庭聲請擔任法庭之友時,應委任代理人
- 30 關於訴訟權的限制,下列敘述何者錯誤?
 - (A)不得以經濟利益,限制上訴
- (B)不得以身分,限制訴訟權之行使

(C)得設再審不變期間之限制

- (D)得設上訴期間之限制
- 31 依憲法及相關法律規定,關於國家賠償,下列敘述何者正確?
 - (A)國家賠償乃是基於填補人民之特別犧牲而生的責任
 - (B)國家補償係針對國家無過失造成的損害,國家賠償則僅限於國家有過失所造成之損害
 - (C)憲法第 24 條關於公務員違法導致損害應負賠償責任,未規定以故意過失為要件,故屬於無過失責任
 - (D)國家對公務員之求償,限於具故意或重大過失之情形
- 32 特別公課是指國家為一定政策目標之需要,對於有特定關係之國民所課徵之公法上負擔,將 課徵所得之金錢,以建立特別基金,專供特定目標達成,有專款專用之意旨。依上述說明, 下列何者屬於特別公課?
 - (A)空氣污染防制費 (B)貨物稅
- (C)全民健康保險費
 - (D)國家考試報名費

- 33 有關一般行為自由之保障範圍,不包括下列何者?
 - (A)與非配偶從事性行為之性自主權
 - (B)人民隨時任意前往他方或停留一定處所之行動自由
 - (C)一般人民駕駛汽車之自由
 - (D)人民依其意志作為或不作為
- 34 依憲法增修條文規定,關於總統解散立法院,下列敘述何者正確?
 - (A)總統上任後,如所屬政黨在國會席次未過半,可藉由主動解散立法院改選立委,尋求最新 民意的支持
 - (B)立法院解散後應於 60 日內舉行立法委員選舉,並於選舉結果確認後 10 日內自行集會
 - (C)為即時因應政治困局,縱使於戒嚴或緊急命令生效期間,總統亦可解散立法院
 - (D)總統宣告解散立法院前應向司法院院長進行諮詢,以確保此一解散決定的合憲性
- 35 依司法院釋字第 613 號解釋,有關獨立機關,下列敘述何者錯誤?
 - (A)憲法規定行政院為國家最高行政機關,基於行政一體原則,須為包括獨立機關在內之所有 行政院所屬機關之整體施政表現負責
 - (B)獨立機關可以依據法律,排除上級機關於層級式行政體制下,對具體個案決定之指揮與監督,不受政治干擾、可專業自主決定
 - (C)基於責任政治以及行政一體原則,行政院院長遇有更迭時,獨立機關之委員也應該與行政 院院長一同辭職,以符合民主正當性
 - (D)獨立機關之人選與其施政良窳有密切關係,故行政院應擁有對獨立機關重要人事一定之決 定權限,以落實行政一體及責任政治

36	依憲法增修條文規定,關於立法院立法委員之選舉,下列敘述何者錯誤? (A)任期4年,連選得連任				
	(B)由地區直轄市、縣市選舉出 73 人,依各其人口比例分配,並按應選名額劃分同額選舉區 選出之				
	(C)全國不分區及僑居國外國民共 34 人,依政黨名單投票選舉之,由獲得 5%以上政黨選舉票 之政黨依得票比率選出之				
	(D)各政黨當選名單中,婦女不得低於三分之一				
37	關於司法權,下列敘述何者錯誤?				
	(A)司法院院長及副院長就預算案之審議,無需赴立法院備詢				
	(B)關於司法院所提出年度司法概算,行政院得加註意見後,編入中央政府總預算,送立法院 審議				
	(C)由大法官組成之憲法法庭,其審理範圍包含法規範憲法審查及裁判憲法審查案件				
	(D)本於司法行政監督權,最高司法機關就審理事項所發布之規則,涉及審判上之法律見解者,				
	法官於審判案件時,受其拘束				
38	依憲法第 63 條規定,關於立法院之職權,不包括下列何者?				
	(A)宣戰案 (B)戒嚴案 (C)特赦案 (D)大赦案				
39	依司法院釋字第 738 號解釋,下列敘述何者錯誤?				
	(A)自治法規除不得違反中央與地方權限劃分外,若涉人民基本權之限制,仍應符合憲法第 23				
	條之法律保留原則				
	(B)地方就其自治事項,或依法律及上級法規之授權,於合理範圍內以自治條例限制居民基本				
權,不違法律保留原則					
	(C)轄區內電子遊戲場業營業場所距離之限制,係屬地方自治之範疇,地方自得訂定比中央法				
	律規定更為嚴格之要求				
	(D)轄區內電子遊戲場業營業場所之距離限制屬自治事項,不受法律拘束				
40	關於地方自治或中央與地方權限之規定,下列敘述何者錯誤?				
	(A)屬於縣之立法權,由縣議會行之				
	(B)憲法並未明文規定直轄市有何自治事項				
	(C)中央法律宜留給地方,就其自治事項,有一定之立法或執行空間				
	(D)為貫徹地方自治,憲法較偏好地方分權,俾利因地制宜妥善處理				
41	A sea turtle was found in a fixed fishing net area, and it was immediately rescued and				
	transferred to the R.O.C. Coast Guard Security Inspection Station for subsequent placement and				
	release into the wild.				
	(A) occupied (B) secured (C) requested (D) trapped				
42	After one fisherman reported that two boats at sea, the Coast Guard Administration				
	dispatched a rescue operation immediately.				
	(A) collided (B) combined (C) corresponded (D) costumed				
43	The investigation of criminal acts shall be based on the principles of territorial, nationality,				
	the principle of nationality of the victim, and the principle of protection.				
	(A) fumigation (B) jurisdiction (C) obligation (D) separation				
44	The R.O.C. Coast Guard is the security inspection of vessels or other water transport				
vehicles entering and leaving the port and personnel at trading ports.					
	(A) in case of (B) in charge of (C) in consequence of (D) in place of				

45	In 2018, the Coast Gua	ard Administration was ch	anged to be to	the Ocean Affairs Council		
	to continue to perform maritime and coastal patrol law enforcement work.					
	(A) affiliated	(B) deviated	(C) suspended	(D) reversed		
46	The effectiveness of co	oast guards in th	e impact of natural disas	sters, by reducing damage		
	and saving lives, is vital for protecting coastal communities.					
	(A) dodging	(B) escalating	(C) mitigating	(D) banishing		
47	The Coast Guard intercepted a vessel of smuggling drugs off the southern shore					
	because its erratic course and heavy cargo raised red flags.					
	(A) suspected	(B) alleged	(C) accused	(D) guilty		
48	Enforcing documentation	on requirements is a critic	al part of the coast guards	' mission to prevent illegal		
trafficking of goods, such as those that are flammable, corrosive, or poisonous.						
	(A) valuable	(B) commercial	(C) local	(D) hazardous		
49	Maritime police train	ing emphasizes the abil	ity to differentiate bety	veen legitimate maritime		
	practices and illegal ones, enabling them to, or capture and detain, individuals attempting					
	to conduct smuggling of	operations.				
	(A) comprehend	(B) apprehend	(C) reprehend	(D) miscomprehend		
50	To ensure environment	tal protection, maritime p	oolice employ various	methods, including		
remote sensing technology like aerial patrols and underwater sonar, to monitor maritime ac						
	and detect illegal dump	oing or fishing.				
	(A) surveillance	(B) training	(C) assessment	(D) analysis		
請依	下文回答第 51 題至第	55 題				
	Navigation has never b	been a task that can be ac	ecomplished by one pers	son or one skill alone, but		
rather a multi-disciplinary collaboration that combines wisdom, technology and experience. An excellent						
crew member must be proficient in various marine operation processes, including ship operation, daily						
engir	ne 51 , and emergen	ncy repair of system abnor	rmalities, all of which are	related to the safety of the		
ship itself and the lives of the crew. In addition, navigation planning also needs to take into account tides,						
ocean 52, port restrictions and maritime traffic density to ensure that the voyage is both safe and						
efficient. The construction of the vessel that carries the crew is also important. The stability, wave						
resistance and53 of a ship all depend on the scientific design of its skeleton structure and the use of						
mate	rials. Finally, before lea	wing the port, the ship ne	eds to 54 the latest	t meteorological maps and		
sea condition simulations and make risk predictions based on the climate characteristics of different sea						
areas	s. Therefore, only by full	ly mastering seamanship,	navigation technology, k	nowledge of ship structure		
and the ability to interpret sea conditions can one take the lead in the55 maritime environment and						
ensure the safe arrival of the ship and crew.						
51	(A) inclination	(B) suspension	(C) maintenance	(D) tolerance		
52	(A) cabins	(B) clinics	(C) contents	(D) currents		
53	(A) availability	(B) durability	(C) probability	(D) visibility		
54	(A) analyze	(B) comply	(C) obstruct	(D) transform		
55	(A) ever-changing	(B) ever-green	(C) ever-present	(D) ever-victorious		

請依下文回答第56題至第60題

At around 10 o'clock this morning, a fishing boat suffered a sudden mechanical failure while sailing in the northeast waters of Taiwan, causing it to lose power, which then caused a fire in the engine room, and the situation was critical. After receiving the report, the Coast Guard Administration immediately dispatched the Wanli ship and speedboat for the rescue and successfully rescued all 8 crew members on board. Two of them were sent to the hospital for treatment due to burns and smoke inhalation.

According to preliminary investigations, the fishing boat was conducting ocean-going operations at the time. The captain reported that the engine suddenly vibrated abnormally and then stalled. Subsequently, a large amount of thick smoke came out of the engine room, and the fire spread rapidly in a short period. The crew tried to put out the fire with a fire extinguisher but failed. The fire could not be controlled. Some people jumped into the sea to escape, while some called for help through the emergency radio.

After receiving the notification at 10:20, the Coast Guard Administration immediately activated the emergency response mechanism, dispatched the Wanli ship and the Northeast Sea Area patrol boat to the incident area, and contacted the Air Force Command for backup. When the coast guard arrived at the scene at 11:10, smoke was still coming out of the fishing boat's engine room. Rescuers immediately used water cannons to help cool down the body while launching a search and rescue operation. After about 40 minutes of emergency operations, the three people who fell into the sea and were floating on the sea were successfully rescued. Another five trapped crew members were found on the boat, and all of them were rescued.

After a preliminary examination, two crew members had obvious burns and continued coughing, suspected of inhaling excessive smoke. They were immediately sent to Keelung Chang Gung Memorial Hospital by helicopter for emergency treatment. The remaining six people were not seriously injured and have been arranged by the Coast Guard to return to shore to rest.

The Coast Guard Administration stated that the detailed cause of the accident still needs to be further clarified. The hull has been secured to prevent further drifting, and special personnel have been arranged to monitor possible subsequent pollution risks. The agency stressed that it will continue to strengthen its emergency response capabilities at sea to ensure maritime safety and efficiency in rescuing lives.

- 56 What is the primary cause of this shipwreck?
 - (A) The bad weather at sea

(B) The problem of the engine

(C) The power of the captain

- (D) The fire from the kitchen
- 57 Which of the following statements is **true** about this accident?
 - (A) All crew members were sent to the hospital.
 - (B) Two crew members were falling into the sea.
 - (C) The detailed cause will be investigated.
 - (D) There is no fire extinguisher on the fishing boat.
- When did the rescue mission end?
 - (A) 10:20
- (B) 11:10
- (C) 11:40
- (D) 11:50
- 59 Which of the following means of transport did not participate in the rescue operation?
 - (A) The fishing boat
- (B) The Wanli ship
- (C) The patrol boat
- (D) The helicopter
- 60 Which paragraph of this article shows the subsequent operations of this accident?
 - (A) The second paragraph

(B) The third paragraph

(C) The fourth paragraph

(D) The fifth paragraph