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MINUTES OF THE 66th MEETING OF THE TWELFTH ANGUILLA EXECUTIVE COUNCIL HELD ON THURSDAY 11th NOVEMBER 2021 AT 9.00 AM

PRESENT: Her Excellency the Governor, Ms Dileeni Daniel-Selvaratnam

The Honourable Premier and Minister for Finance and Health,

Dr Ellis Webster

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Minister for Home Affairs, Immigration, Labour, Human Rights, Constitutional Affairs, Information and Broadcasting,

Lands and Physical Planning, Mr Kenneth Hodge

The Honourable Minister for Infrastructure, Communications,

Utilities, Housing and Tourism, Mr Haydn Hughes

The Honourable Minister for Economic Development, Commerce,

Information Technology, Environment and Natural Resources,

Mr Kyle Hodge

The Honourable Attorney General, Mr Dwight Horsford

Clerk to Executive Council, Mrs Angela Hughes

IN ATTENDANCE: Financial Specialist, Mr Stephen Turnbull

Hon Special Ministerial Assistant to the Hon Minister for Social

Development/Education, Mr Merrick Richardson

ABSENT: Hon Parliamentary Secretary for Economic Development,

Mrs Quincia Gumbs-Marie

The Honourable Minister for Social Development, Cultural Affairs, Youth Affairs, Gender Affairs, Education and Library Services,

Ms Dee-Ann Kentish-Rogers

EX MIN 21/354 **CONFIRMATION OF THE MINUTES**

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council confirmed the Minutes of the 65th Meeting of Executive Council held on Thursday 4th November, 2021.

MATTERS ARISING FROM THE MINUTES

EX MIN 21/355 COVID-19 UPDATE

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The following persons joined:

PS, Health, Mr Foster Rogers Chief Medical Officer, Dr Aisha Andrewin Health Planner, Ms Rochelle Rogers

Epidemiology

Global overview

According to the WHO's most current epidemiological report of November 9, the global number of new cases increased slightly compared to the previous week, with just over 3.1 million cases reported for the period November 1-7. This is largely attributed to increasing case numbers in the European Region, with all other regions reporting declines or stable figures. The number of deaths decreased slightly (4%) as compared to previous weeks, with just over 48,000 new deaths. However, new deaths increased in the European Region.

The regions with the highest weekly incidence rates of cases and deaths per 100,000 population are the regions of the Americas and Europe. The US is the country with the highest number of reported cases in the last week, there were 510,968 new cases, which is a 3% decrease. As of November 7, there were over 249 million confirmed cases and over 5 million deaths have been recorded since the start of the pandemic.

Three major developments on the global scene are as follows:

From November 8, travelers from any country may enter the United States as long as they are fully vaccinated.

The UK will widen the country's approved list of COVID vaccines for inbound travel to include, China's Sinovac and Sinopharm and India's Covaxin vaccines.

On November 5, Britain's Medicines and Healthcare products Regulatory Agency (MHRA) recommended the drug, molnupiravir, for use in people with mild to moderate COVID-19 and at least one risk factor for developing severe illness, such as obesity, older age diabetes and heart disease. It is said that when given early in the illness, the drug may potentially halve the chances of dying or being hospitalized for those most at risk of developing severe COVID-19.

Caribbean Region

The total number of confirmed cases is 2,104,978 in 35 countries/territories (including the 26 CARPHA Member States) and 419,183 in CARICOM Member States. The new total represents a 1% increase in the number of confirmed cases. Some Member States continue to experience increasing positive case numbers. Cluster outbreaks through to community transmission of the virus, with increasing hospitalizations and deaths continues.

Anguilla

As of November 10, 2021, the total number of confirmed cases since the beginning of the pandemic in early 2020 is 1109 with 1023 recoveries, 3 deaths and 83 active cases. All three deaths recorded were in unvaccinated persons. Four persons, all males aged 47 to 71, are currently admitted to hospital due to COVID-19 symptoms. Two are fully vaccinated, one is unvaccinated and the status of one is unknown.

 A decrease in the test positivity rate was seen for the second epidemiological week, for the last epidemiological week (October 31 – November 6) it was 5.97%.

- The United States, Sint Maarten and the Dominican Republic (the top three countries), together account for around 77% of the imported cases.
- Focusing on the cases of local transmission occurring between August 8 and November 10, with regard to patterns of transmission, the most salient changes over the previous week include the following:
 - The rate of cases with unknown sources increased from 25% to around 29%.
 - Transmission in schools still accounted for around 5% of cases, however, high school transmission has been seen for the first time with 4 students from the Albena Lake Hodge Comprehensive School testing positive. 35/44 (77%) of cases involved children aged 10 years or younger.
 - Two cases were confirmed in fully vaccinated persons from one private home.
- Vaccination status of local cases:
 - 413 (47%) are vaccinated while 467 (53%) are unvaccinated.
 - 242 are unvaccinated minors representing 28% of cases and 52% of cases among the unvaccinated.
 - 484 (55%) females and 396 (45%) males of which 231
 out of 353 (65%) adult females and 182 out of 285 (64%)
 adult males are vaccinated.

Vaccination Deployment Update

Distribution

On Monday 8th November, the administration of the Pfizer BioNTech vaccine begun with the first 3 children aged 12-17 years old who registered in August 2021 and the first booster was administered. Since Wednesday in total over 304 doses have been administered representing:

- 203 first doses
- 100 boosters

Distribution will continue at the mass vaccination site for the upcoming week to focus on providing first doses and boosters to eligible persons.

Vaccine Uptake

As of November 10, 9761 persons had received their first dose representing 77% of the initial target population figure of 12,600 persons. Thus far, 9160 persons (72% of target) have received their second dose and 100 boosters have been administered. In a population estimate of 15,500 total persons, this would represent 63% of the population having received the first dose and 59% of the population having received two doses. The breakdown of first doses by age is as follows

- 188 persons age 12 17
- 2965 persons age 18 34
- 2845 persons age 35 49
- 2454 persons age 50 64
- 1300 persons age 65+

COVID-19 Response Measures

The Ministry will interview individuals shortly to assist with telephone communication, reporting results and the issuing of quarantine letters.

The drive-in testing strategy is working well. It is very efficient and facilitates the smooth transition of clients through the testing process.

The two consultants from the UK Health Security Agency (formerly Public Health England) who visited Anguilla last week were quite pleased with Anguilla's approach to the pandemic and with the status of the response. The Ministry continues to work with them in areas that need improvement.

Council:

- 1) thanked the health team for their continued hard work;
- noted the intention to drive the vaccination of 12 to 17 year olds, noting the recent small number of high school cases;
- approved the health teams strategy to expand the priority groups for booster vaccinations, to include personnel in managed care facilities/institutions such as the prison and senior citizen care homes;
- agreed to add Sinovac/Sinopharm to the list of approved vaccines for Anguilla, the date for acceptance shall align with when the UK accepts the vaccine for inbound travel;
- 5) noted that the amended protocol for St Martin/Sint Maarten day trips contained in the Protocol for the Movement of Vessel Operators and Day-trips in relation to the outbreak of COVID-19, could be brought into effect for day trips to Dutch Sint Maarten, subject to engagement with the Dutch authorities. Engagement with the French authorities is ongoing; and
- further confirmed that COVID-19 health insurance is a requirement for entry into Anguilla and this shall be clearly stated in all communication.

Council authorized the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HLTH; PS, FIN; PS, EDCITENR; BD; ACC, GEN; HON, DG; HON, AG; MINS OF GOV'T

EX MIN 21/356

EX MEM 21/215 APPROVAL OF AMENDMENT TO THE EASTERN CARIBBEAN ASSET MANAGEMENT CORPORATION AGREEMENT

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Premier briefed Council. The Eastern Caribbean Asset Management Corporation Agreement Act gives legal effect to the agreement establishing the Eastern Caribbean Asset Management Corporation (ECAMC) and for matters connected therewith. This made Agreement was between the participating ECCU Governments in response to the increase in non-performing loans (NPLs) in the commercial banking sector. Section 9(1) of the Eastern Caribbean Asset Management Corporation Act, 2015 provides that where an amendment to the Agreement becomes effective, in accordance with Article 102 of the Agreement, the Minister may amend the Schedule by Order.

- 1) authorized the Minister of Finance to sign the following documents:
 - (a) Eastern Caribbean Asset Management Corporation (Amendment of Schedule) Order, 2019, and
 - (b) Eastern Caribbean Asset Management Corporation (Amendment of Schedule) Order, 2020;
- 2) agreed that in relation to the Eastern Caribbean Asset Management Corporation (Amendment of Schedule) Order, 2018, the Attorney General's Chambers shall consider any wider implications of executing this document. The Order provides a broad approval for the ECAMC to issue Government of Anguilla guaranteed bonds following approval of the Monetary Council. Any loan or bond guarantee would be classified as Public Debt in accordance with the Framework for Fiscal Responsibility and Development and create a contingent liability, which requires the provision of an Act or Resolution by the House of Assembly following prior approval by the UKG.

Action: PS, FIN; HON, PREM

EX MIN 21/357

EX MEM 21/216 APPROVAL OF THE BANKING ACT (ABANDONED PROPERTY) REGULATIONS, 2021

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Premier briefed Council. The Banking Act 2015 was drafted within the context of developing a single banking space in the ECCU. The Eastern Caribbean Central Bank (ECCB) is the licensing authority for the banking sector. Part XII of the Banking Act considers abandoned property, certain items held by a licensed financial institution for fifteen (15) years or safety deposit boxes that are held for five (5) years, shall be presumed to be abandoned. All financial institutions holding such items must submit these items to the ECCB in accordance with the Act. Beneficiaries can claim these funds by making a claim through the financial institution to the ECCB. Under Section 182 of the Banking Act, the Minister of Finance may make Regulations on the recommendation of the ECCB.

The Banking Act (Abandoned Property) Regulations, 2021 provide a framework for the treatment of abandoned property. The draft Regulations cover custody, sale, and disposal of abandoned property, as well as deduction of expenses related to same.

These Regulations will update and replace previous Regulations in respect of abandoned property.

Council:

- 1) approved the Banking Act (Abandoned Property) Regulations, 2021; and
- 2) instructed the Attorney General's Chambers to prepare the Regulations for execution.

Action: PS, FIN; HON, PREM

EX MIN 21/358

EX MEM 21/217 AMENDMENTS TO THE BILL FOR THE LICENSING OF BUSINESSES ACT 2021

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

In Ex Min 21/253 Executive Council approved the Bill for the Licensing of Businesses Act 2021, subject to the Attorney General's Chambers undertaking further work. Due to the further review undertaken, amendments were made to the Bill, which is presented for Council's approval.

Council:

- 1) approved the amendments to the Bill for the Licensing of Businesses Act, 2021; and
- 2) instructed the Attorney General's Chambers to prepare the Bill for tabling at the next session of the House of Assembly.

Action: PS, EDCITENR; HON, MIN EDCITENR

EX MIN 21/361

EX MEM 21/220 APPLICATION TO HOST A RAFFLE AND EXEMPTION FROM PUBLIC LOTTERIES TAX

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

The Hon Premier briefed Council. Speed and Comfort Club is an organisation formed to support the needs of traditional sail boating in Anguilla. The organisation has reported that they are in need of a new sail and mast in order to participate in the 2022 upcoming sail boating season. In efforts to support same the organisation intends to hold a raffle on December 20, 2021 in honour of separation day. The applicant has reported that they intend to sell 2000 tickets at US\$2 each.

- noted that in respect of every lottery ticket sold there is a duty charged at the rate of 10% of the price of the ticket. Raffle tickets are defined as lottery tickets;
- 2) noted that the grant of the requested tax exemption may result in tax loss of up to EC\$1072; and
- 3) approved the application by Irad Gumbs of Speed and Comfort Club to host a raffle in aid of traditional sail boating and the remission of the Public Lotteries Tax associated with the raffle to a maximum of EC\$1000 in accordance with section 16 of the Financial Administration and Audit Act.

Action: PS, FIN; HON, PREM

EX MIN 21/362 EX MEM 21/221 APPLICATION FOR DUTY AND TAX EXEMPTION FOR KREATIVE HANDS

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

- agreed that duty and tax exemptions should be granted to Mr Leonard Connor (Kreative Hands) on the importation of items to outfit his furniture shop;
- 2) agreed that the administrative fee under the Customs Administrative Cost Recovery Act should apply;
- 3) noted that the estimated duty and tax loss to the Government is EC\$21,324.78 and this is to be applied from June 1, 2021 to May 31, 2023;
- 4) noted that the Ministry of Finance in collaboration with the Department of Youth and Culture have previously identified EC\$593,795 in expenditure savings from the cancellation of the Anguilla Summer Festival, which had an allocation of EC\$890K; and
- 5) instructed the Ministry of Finance to prepare the required Resolutions of the House of Assembly, pursuant to section

77(1) of the Customs Act, R.S.A. c. C 169 and section 6A of the Interim Goods Tax Act, 2019.

Action: PS, FIN; PAS, FIN; CIR; HON, PREM

EX MIN 21/363

EX MEM 21/222 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT - REGISTRATION SECTION EAST END, BLOCK 99519 B, PARCEL 105 CONTAINING 0.77 ACRES

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section East End, Block 99519 B, described as Parcel 105 located in Savannah Bay for residential purposes, subject to:

(a) payment of the following Stamp duties:

(i)	under the Stamp Act – 5%	
	of EC\$618.286.00	EC\$ 30.914.30

(ii) under the Aliens Land Holding Regulation Act – 6.25% of EC\$618,286.00

EC\$ 38,642.88

(iii) refundable deposit of 10% of EC\$618,286.00

EC\$ 61,828.60

TOTAL

EC\$131,385.78

(b) the construction of the dwelling house is to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, 50% of the refundable deposit will be forfeited to the Government of Anguilla. The remaining balance of 50% will be forfeited, if the construction is not completed within a further 6 months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla for a period of twenty-four (24) months;

- (c) with the express condition that the land is to be used for residential purposes and that the Licensee must not rent their dwelling house without first notifying the Ministry of Finance; and
- (d) that the Ministry of Lands in separate correspondence shall write to the proprietors of the land situate in Registration Section East End, Block 99519 B, described as Parcel 105, notifying them that their refundable deposit will be forfeited.

Council authorized the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/364

EX MEM 21/223 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT - REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SL KPH BEING 3704 SQ. FT.

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium unit measuring 3,704 sq. ft. forming part of the Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, described as Parcel 201 SL KPH, subject to the following:

- (a) Stamp duties payable are as follows:
 - (i) under the Stamp Act 5% of EC\$8,079,108.75

EC\$403,955.44

(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$8,079,108.75

EXEMPT

TOTAL

EC\$403,955.44

(b) Regulations to be issued for Exemption in accordance with the Fourth Amendment to the Memorandum of Understanding dated 27th August 2019 between the Government and SOF-VIII-HOTEL II Anguilla Holdings LLC.

Council authorized the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/365

EX MEM 21/224 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT - REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 SLI302 BEING 662 SQ. FT.

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council previously approved the grant of an Aliens Land Holding Licence in Executive Council Minute 21/338.

Council agreed to grant an Aliens Land Holding Licence to hold on a freehold basis a luxury condominium being 662 sq. ft. forming part of the Resorts & Residences of Anguilla Home Owners Association Ltd., a Condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL I302, subject to the following:

- (a) Stamp duties payable are as follows:
 - (i) under the Stamp Act 5% of EC\$1,356,936.69

EC\$67,846.84

(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$1,356,936.69

EXEMPT

TOTAL <u>EC\$67,846.84</u>

(b) Regulations to be issued for Exemption in accordance with the Fourth Amendment to the Memorandum of Understanding dated 27th August 2019 between the Government and SOF-VIII-HOTEL II Anguilla Holdings LLC.

Council authorized the issue of the Action Sheet before confirmation of the Minutes.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/366

EX MEM 21/225 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT - REGISTRATION SECTION WEST END, BLOCK 17910 B, DESCRIBED AS PARCEL 255 BEING 0.45 ACRES

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council agreed to issue an Aliens Land Holding Licence to hold property situated in Registration Section West End, Block 17910 B, described as Parcel 255 with a dwelling house thereon located at Meads Bay, Anguilla for residential purposes, subject to the following:

- a) Stamp duties payable are as follows:
 - (i) under the Stamp Act 5% of EC\$1,344,100.00

EC\$67,205.00

(ii) under the Aliens Land Holding Licence Regulation Act – 5% of EC\$1,344,100.00

EC\$67,205.00

TOTAL

EC\$134,410.00

- b) the property must be used for residential purposes; and
- c) with the express condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Economic Development, Investment, Commerce, Information Technology & Natural Resources of their intention to rent the said property.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/367

EX MEM 21/226 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT - REGISTRATION SECTION WEST CENTRAL, BLOCK 28312 B, PARCELS 191, 201, 206, 208, 209, 211, & 212 BEING 2.22 ACRES

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained.

Council previously approved the grant of an Aliens Land Holding Licence in Ex Min 21/329 wherein this matter was first considered.

Council agreed to issue an Aliens Land Holding Licence for lands located in South Hill for short term residential use only, subject to:

(a) payment of the following stamp duties for:

Stamp Duty on Parcel 191 – 0.25ac

(i) Stamp Duty under the Stamp Act 5% of EC\$991,701.88

EC\$49,585.09

(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$991.701.88

EC\$49,585.09

TOTAL

EC\$99,170.18

Stamp Duty on Parcel 242 (formerly 201) - 0.66ac

(i) Stamp Duty under the Stamp Act - 5% of EC\$735,491.52 EC\$36,774.58

(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$735,491.52

EC\$36,774.58

TOTAL EC\$73,549.16

Stamp Duty on Parcel 206 - 0.38ac

(i) Stamp Duty under the Stamp Act
- 5% of EC\$600,872.95 EC\$30,043.65

(ii) under the Aliens Land Holding Regulation Act – 5% of EC\$600,872.95

EC\$30,043.65

TOTAL EC\$60,087.30

Stamp Duty on Parcel 208 - 0.03ac

(i) Stamp Duty under the Stamp Act - 5% of EC\$59,959.68 EC\$2,997.98

(ii) under the Aliens Land Holding Regulation Act – 6.25% of EC\$59,959.68

EC\$3,747.48

TOTAL EC\$6,745.46

Stamp Duty on Parcel 209 - 0.39ac

(i) Stamp Duty under the Stamp Act

- 5% of EC\$1,690,484.94 EC\$84,524.25 (ii) under the Aliens Land Holding Regulation Act – 5% of EC\$1,690,484.94 EC\$84,524.25 **TOTAL** EC\$169,048.50 Stamp Duty on Parcel 211 – 0.18ac (i) Stamp Duty under the Stamp Act - 5% of EC\$720,412.27 EC\$36,020.61 (ii) under the Aliens Land Holding Regulation Act – 6.25% of EC\$720,412.27 EC \$36,020.61 TOTAL EC\$72,041.22 Stamp Duty on Parcel 243 (formerly 212) - 0.14ac (i) Stamp Duty under the Stamp Act - 5% of EC\$720,412.27 EC\$36,050.64 (ii) under the Aliens Land Holding Regulation Act – 5% of EC\$720,412.27 EC\$36,050.64 **TOTAL** EC\$72,101.28 _____

GRAND TOTAL

EC\$552,743.11

- (b) that the Company be granted an exemption from Governments policy that restricts Aliens to the purchase of no more than half an acre of land, on the grounds that the property will be used for short term residential purposes;
- (c) Parcels 208, 209, 211 and 212 shall be amalgamated within

- three (3) months of the grant of the Aliens Land Holding Licence;
- (d) compliance with the Labour (Relations) Act;
- (e) that the property will be rented on a short term basis only;
- (f) that the Aliens Land Holding Licence shall stipulate that the short term tenancy duration will not exceed 180 days for each 365 day period;
- (g) that the rental of the units is to be at prevalent market rates, that are reflected in the tenancy agreements and the rental transactions are to be at arms-length; and
- (h) that rental of the units is limited to the employees of the owner and not to guests.

Action: PS, HA; DLS; HON, MIN HA

EX MIN 21/369

EX MEM 21/228 MEMORANDUM OF UNDERSTANDING WITH THE CARIBBEAN MEDICAL EDUCATION CONSULTING GROUP (CMECG)

Hon Special Ministerial Assistant to the Hon Minister for Social Development/ Education and Financial Specialist remained. The PS EDCITENR, Mrs Chanelle Petty-Barrett and the Trade and Investment Officer, Mr Khari Goddard joined the meeting.

The Caribbean Medical Education Consulting Group (CMECG) proposes to establish a medical school in Anguilla named the American University of Anguilla. Dr Maher Soudah, Founder, President and CEO of the CMECG has established two similar medical schools in Belize. The due diligence conducted in relation to Dr Soudah proved to be satisfactory, he appears to have a sound reputation in the establishment of clinics/wellness centres in the United States and medical schools in Belize. He appears to have the capacity to finance the establishment of a similar school in Anguilla.

It is proposed that the Government enters into an MOU with Dr Soudah for the establishment of a medical school and the proposed MOU is submitted for consideration by Executive Council.

- approved the draft MOU between the Government of Anguilla and the Caribbean Medical Education Consulting Group, which is due to come into effect in November 2021, subject to amendment to remove the provision for student accommodation; and
- agreed that a beachfront property policy needs to be worked up. There is a risk of erosion to existing policy, by considering individual transactions in isolation. Public consultation may be required.

Action: PS, EDCITENR; H	HON, MIN EDCITENR
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