



Gold held its value for millennia. So why can't you spend it today?

The answer starts with why it disappeared.

Ronald Leung

THE REGULATORY ARCHITECT

Solicitor · CPA · Founder&CEO, Esperanza

SWIPE



It was a pain to use.
Heavy. Hard to split, carry,
store.

THEN

So we switched to paper,
then digits.
The gold went into a vault.

Ronald Leung

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BUT

**Its value never leaves.
But you can't quite spend
with it.**

Two thousand years ago, an ounce of gold bought a Roman a fine toga.
Today, it sits in your vault, unusable.

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TODAY

Tokenised gold makes it usable again.

Held digitally. Moved instantly. Spent on the spot.

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However, not every “tokenised gold” is the same.

One has metal underneath. The other is only a contract.

**Where’s the difference?
Let’s open the statute.**

Sources: Cap. 615 ss.53ZTZ, 53ZU(1)(c) (precious-asset-backed instrument); Cap. 571 Sch.1 Pt.1 s.1A(1)(a)(i) (structured product).

A reading of the statutory categories, not legal advice on any product.

Disclosure: Esperanza operates a fund- and asset-tokenisation business.

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“Tokenised gold” is not a legal category: Four gold arrangements, two regulators

● Hong Kong Customs (dealers in precious metals and stones) ● Hong Kong SFC (Securities and Futures Commission)

	HONG KONG CUSTOMS		HONG KONG SFC	
				
	Bars physical	Instalment plan redemption right	Gold ETFs gold funds	Paper gold price-linked
What sits underneath	Metal you hold directly	Identified metal, paid for in instalments	Gold held by a fund; you hold units	No identified metal; a price reference
Redeemable for metal?	You already hold it	Yes, on completion of the plan	Not for retail (only dealers, in creation baskets)	No – cash settlement only
Legal category	Precious metal (a commodity)	Precious-asset-backed instrument	Securities (interest in a CIS)	Structured product (as usually drafted)
Statutory basis	Cap. 615 s.53ZTZ	Cap. 615 ss.53ZTZ, 53ZU(1)(c)	Cap. 571 Sch.1 Pt.1 s.1(d)	Cap. 571 Sch.1 Pt.1 s.1A(1)(a)(i)
What you actually get	Ownership of metal	Instalment payment proof (for a gold bar)	Fund units, not gold	Price exposure, not gold
After tokenisation	Unchanged	Unchanged	Unchanged	Unchanged

- ↓ Bars, instalment plans, gold ETFs and paper gold **can all be tokenised**.
- ↓ Tokenisation digitises **one layer**. It changes how a right moves, not what it is.
- ↓ The law reads **what sits underneath**: metal, or a payment referenced to its price.
- ↓ So one phrase can sit with **Customs**, or with the SFC.
- ↓ The question is not which chain. It is **who owes you what on redemption day**.

Sources: Cap. 615 ss.53ZTZ, 53ZU(1)(c); Cap. 571 Sch.1 Pt.1 ss.1(d), 1A(1)(a)(i).
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I read the
regulations,
so you don't have to.

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