

“Tender Offer”

ประตูสู่การ Takeover



Takeover

คือการที่บุคคลหรือบริษัทหนึ่งเข้าไปครอบครองอีกบริษัทหนึ่ง โดยการซื้อหุ้นจำนวนมากพอจนสามารถควบคุมกิจการได้

แบ่งเป็น 2 ประเภท

1 Friendly Takeover

การครอบงำกิจการอย่างเป็นมิตร คือการเข้าถือหุ้นบริษัทเป้าหมาย แบบที่ผู้ถือหุ้นทั้งสองฝ่ายเห็นชอบ และตกลงกันได้ ผ่านการเจรจา อย่างเป็นมิตร



2 Hostile Takeover

การครอบงำกิจการอย่างไม่เป็นมิตร คือการเข้าถือหุ้นที่บริษัทเป้าหมายไม่ยินยอม ทั้งสองฝ่ายจึงต้องหันไปทำ ข้อเสนอซื้อหุ้นจากผู้ถือหุ้นรายย่อย เพื่อให้ได้อำนาจในการควบคุมกิจการ

ตามกฎหมายหลักทรัพย์

หากบุคคลใดเข้าถือหุ้นของบริษัทจดทะเบียนจนมีสิทธิออกเสียงในสัดส่วน เกิน 25%, 50%, 75% ของสิทธิออกเสียงทั้งหมด จะมีหน้าที่ต้องทำ ข้อเสนอซื้อหลักทรัพย์ทั้งหมด (Mandatory Tender Offer) ต่อผู้ถือหุ้นรายอื่น เพื่อเปิดทางให้ผู้ถือหุ้นเดิมสามารถตัดสินใจได้ว่า จะ “ขาย” หรือ “ถือต่อ” ภายใต้โครงสร้างผู้ถือหุ้นใหม่

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คือการทำข้อเสนอซื้อต่อผู้ถือหุ้นทั้งหมด โดยต้องระบุทั้งจำนวนหุ้น ราคาต่อหน่วย และช่วงเวลาที่กำหนด ไว้ล่วงหน้าอย่างชัดเจน โดยมีวัตถุประสงค์หลักเพื่อเข้ามานับถวายเป็นเจ้าของหรือบริหารกิจการ

แบ่งเป็น 4 ประเภท

1 Mandatory Tender Offer

ต้องทำเมื่อถือหุ้นเกินที่กฎหมายกำหนดก็คือ เกิน 25%, 50% หรือ 75% ของสิทธิออกเสียง

2 Voluntary Tender Offer

เสนอซื้อหุ้นของกิจการโดยสมัครใจ แต่ไม่ถึงระดับที่กฎหมายกำหนด ซึ่งก็คือไม่เกิน 25%

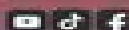
3 Partial Tender Offer

เสนอซื้อหุ้นแค่บางส่วน เช่น เสนอซื้อ 30% จากผู้ถือหุ้น โดยได้รับการยกเว้นไม่ต้องยื่นข้อเสนอ

4 Delisting Tender Offer

เสนอซื้อเพื่อนำบริษัทออกจากตลาดหลักทรัพย์ (Delist) ซึ่งต้องเสนอซื้อหุ้นคืนจากผู้ถือหุ้นทั้งหมด ก่อนออกจากตลาด

*การลงทุนมีความเสี่ยง ผู้ลงทุนควรศึกษาข้อมูลก่อนตัดสินใจลงทุน



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